

Right-wing Polish government revives effort to extradite Roman Polanski

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Zbigniew Ziobro, minister of justice in the ultra-right Polish government of Prime Minister Beata Szydło, announced last week that he would file an appeal to revisit a US government extradition request of film director Roman Polanski (*Rosemary's Baby*, *Chinatown*, *The Pianist*).

That request was denied in October 2015 by Polish regional court judge Dariusz Mazur, who ruled that returning Polanski to the United States would be “obviously unlawful,” citing the 82-year-old director’s age and expressing concerns for his physical welfare.

Last year’s attempt to extradite Polanski to the US from Poland coincided with the director shooting a movie there based on the Dreyfus affair.

Justice Minister Ziobro stated in last week’s appeal announcement that “the accused should be handed over to the United States” and claimed that only Polanski’s celebrity status had allowed him to enjoy special treatment from the lower court.

Polanski’s nearly 40-year legal quagmire dates back to his arrest in 1977 in Los Angeles and his subsequent guilty plea to having consensual sex with an underage girl. Under the terms of his plea agreement, Polanski was to undergo a 90-day psychiatric evaluation at Chino State Prison. It was assumed by the parties, based upon Polanski’s lack of record and the facts of the case, that the evaluators would find him amenable to a probationary sentence that Judge Lawrence Rittenband agreed he would then impose.

The evaluators needed only 42 days to make this determination, and Polanski was released pending his return to court for sentencing. While awaiting sentencing, Polanski was allowed to travel to Europe to complete work on a film.

Polanski came back to the US, but right before the sentencing took place, Judge Rittenband privately

discussed his intention to renege on the agreement and send Polanski to prison.

In a panic over the possibility of this far harsher than agreed-upon sentence, Polanski fled the US on February 1, 1978, the very day he would have appeared for his sentencing. He went to Paris, where as a French citizen he was shielded from extradition.

Because of Polanski’s failure to appear for sentencing, a warrant for his arrest was issued, which is now the basis for his extradition.

Judge Rittenband, who died in 1993, has emerged as a highly controversial figure. In the 2008 documentary *Roman Polanski: Wanted and Desired*, David Wells, a Los Angeles deputy district attorney who was not directly involved in the case but who had access to Rittenband, claimed he had privately encouraged Rittenband to repudiate Polanski’s plea agreement. Wells explained that he had personally shown the judge newspaper photos of Polanski in Munich supposedly partying with “bimbos.”

In 2009, in response to this documentary, Polanski’s lawyers moved to have the matter dismissed on the grounds of prosecutorial and judicial misconduct.

Los Angeles Superior Court Judge Peter Espinoza denied the request by Polanski’s lawyers to dismiss the charge, but left the door open to reconsider. The judge said in effect that he was denying the request without considering its merit because Polanski was not present.

During the hearing, however, Espinoza acknowledged problems with the way Polanski’s case was handled years ago, mentioning the documentary film that portrays backroom deals between prosecutors and a media-obsessed judge who was worried his public image would suffer if he didn’t send Polanski to prison. “It’s hard to contest some of the behavior in the documentary was not misconduct,” Espinoza said.

Polanski's attorneys appealed, maintaining Espinoza could consider making that ruling without Polanski being present. The California Appeals Court however, ultimately denied Polanski's petition to dismiss the case on those grounds, although the panel noted they were also "deeply concerned" about possible misconduct on Rittenband's part.

By the courts insisting that Polanski had to appear to have his case presumably dismissed because of judicial misconduct, the authorities were asserting their need to maintain authority over their "subjects," even when the defendant's absence was the direct result of official wrongdoing.

Polanski's lawyers argued that based on the record of the case, Polanski was justified in not trusting the judicial system and therefore his non-appearance was reasonable and, in any event, unnecessary to complete the proceedings. Moreover, the prosecution's insistence that Polanski personally appear was belied by the fact that during the previous 32 years the District Attorney's Office had never attempted to extradite Polanski, and had not done so precisely to avoid having to respond to misconduct allegations.

In response to this allegation, the Los Angeles District Attorney's Office for the first time initiated extradition proceedings against Polanski that culminated in his arrest in September 2009 in Switzerland.

Polanski was jailed for two months and then put under house arrest at his home in Switzerland while awaiting a decision on appeals fighting his extradition. In July 2010, the Swiss court rejected the United States request, declared Polanski a "free man" and released him from custody.

In a further demonstration that the Polanski case is a political issue and not a legal one, Samantha Geimer, the victim of his sexual misconduct, has for many years defended the director and repeatedly requested that the court and the district attorney dismiss the charges.

In 2002, when Polanski was nominated for an Academy Award for *The Pianist*, Geimer wrote an op-ed in the *Los Angeles Times* in which she observed, "I have to imagine he would rather not be a fugitive and be able to travel freely. Personally, I would like to see that happen. He never should have been put in the position that led him to flee. He should have received a sentence of time served 25 years ago, just as we all

agreed. At that time, my lawyer, Lawrence Silver, wrote to the judge that the plea agreement should be accepted and that that guilty plea would be sufficient contrition to satisfy us. I have not changed my mind."

In response to the Polish court's October 2015 rejection of this latest extradition request, Geimer told NBC News, "I believe they did the right thing and made the right decision given all the facts. Since I'm well aware of how long this has been going on, I'm very pleased and happy."

Geimer is also mindful of how the case has impacted Polanski and his loved ones, even if she doesn't feel she knows him "personally" so many years later.

"I'm sure he's a nice man and I know he has a family and I think he deserves closure and to be allowed to put this behind him. He said he did it, he pled guilty, he went to jail. I don't know what people want from him."

The decision to continue to "legally" torture Polanski is not simply aimed at the film director. Ziobro's action, backed by Washington, is a transparent and reactionary political act, intended both to whip up the most backward layers of the population and to intimidate and suppress emerging political opposition.



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