

Request to extradite Roman Polanski to US rejected by Polish Supreme Court

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“The game’s over, at least in Poland,” commented Jan Olszewski, one of Roman Polanski’s defense attorneys, last Tuesday when Poland’s Supreme Court issued its final ruling rejecting the effort by Minister of Justice Zbigniew Ziobro to have Polanski extradited to the US.

The veteran film director (*Rosemary’s Baby*, *Chinatown*, *The Pianist*), now 83, pleaded guilty in 1977 in California to having unlawful sexual intercourse with a minor. He fled the US in February 1978 after the judge in the case threatened to renege on a plea agreement and sentence him to 50 years in jail.

In 2014 the US authorities requested that Polanski, a dual Polish and French citizen, who spends part of his time in Poland, be extradited to America. The request was rejected in October 2015 by the Regional Court in Krakow, which was highly critical of the conduct of the judge and the Los Angeles prosecutor’s office back in the 1970s.

Last May, Ziobro, a minister in the ruling Law and Justice (PiS) government, which took office a year ago, announced his intention to review the decision and ultimately appealed it, stating he wanted to “avoid double standards.”

“Mr. Polanski’s case was viewed by many Poles as a litmus test as to whether everyone is equal before the law regardless of their social status,” Ziobro told Poland’s PAP news agency.

Ziobro, an ultra-right-winger notorious for criminalizing and spying on members of Poland’s political opposition, declared earlier that Polanski should not be treated as if he were above the law. Absurdly, he compared the artist’s case to that of the 97-year-old SS officer extradited to Germany in 2015 as an accessory to 300,000 murders at the Auschwitz concentration camp during World War II.

“It’s about principles. The criminal code does not allow for any differentiation,” said Ziobro. “If Mr. Polanski were not a celebrity, a famous filmmaker, but was an average Joe, this case would have been over long ago, and nobody would have ever heard of it.”

In his appeal, Ziobro argued that the lower court’s ruling was “incomprehensible” and a “serious breach” of the extradition agreement between Poland and the United States. In this week’s decision, Supreme Court judge Michał Laskowski rejected that contention, ruling that the Regional Court’s verdict was not—as the appeal claimed—a “flagrant violation of the law,” but that “the court had considered and verified all evidence exceptionally carefully.”

“I have an impression that the minister does not know the case, because the court’s role was not to examine the question of guilt and punishment since these were not challenged. The case before the court was to determine admissibility of extradition,” Olszewski commented. Under Polish law, the fact that the crime was committed 40 years ago bars it from being pursued.

The decision is a blow to Ziobro, who now holds the position of Prosecutor General and minister of justice and is considered to be one of the most powerful politicians in Poland, as it undermines his pretensions to be a legal expert.

Ziobro’s appeal was clearly politically motivated. The authoritarian, clerical-nationalistic PiS is on a crusade to revive “Christian values” and purge the country of “demoralized liberal elites.” Polanski apparently fell into the latter category. In 2014 the US authorities requested that Polanski, a dual Polish and French citizen, who spends part of his time in Poland, be extradited to America.

It is known that several high-ranking members of the

opposition party, the Civic Platform (PO), now under attack from PiS, were personally involved in putting a good word in for the accused artist during his case. Those coming to his defense included many celebrities, but also former president Bronisław Komorowski, former justice minister Borys Budka and former minister of foreign affairs Radek Sikorski.

The Polanski case became part of the hypocritical, demagogic maneuvers of the PiS, who claim to be fighting for “equal treatment” under the law. Their scapegoating of the filmmaker is an element of their authoritarian attacks on all political opposition.

Ziobro’s conduct was especially disgusting in the light of the fact that Polanski, whose father was Jewish and mother half-Jewish, half-Catholic, suffered the traumas of the Holocaust as a child in Poland. The pursuit of a former victim of war and genocide (Polanski’s mother died at Auschwitz) for a crime committed four decades ago was vindictive and appalling.

The government’s witch-hunt, with its denunciations of “liberal elites,” also had obvious anti-Semitic overtones. The court procedures delayed the production of the director’s new movie, *An Officer and a Spy*, initially filmed in Warsaw. The film’s production had to be moved to Paris where Polanski could work without fear of being arrested. The film is based on the story of Alfred Dreyfus, a French Jewish artillery officer wrongly convicted in 1894 of espionage and treason. His case became a symbol of injustice and anti-Semitism.

The same prosecutor’s office has been involved in a witch-hunt against Jan Tomasz Gross, the Polish-born American author of *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (2001), about the massacre of Jews by Poles during World War II. Gross’ father was Jewish and his mother Christian, and a member of the Polish resistance during World War II.

Gross’ statement that “although they [Poles] were rightfully proud of their society’s resistance to the Nazis, they actually killed more Jews than Germans during the war” has earned him a charge of “publicly insulting the Polish Nation,” an offence punishable by three years in prison according to the recently amended Penal Code, article 133, a new law introduced by Ziobro last August.

Ziobro reacted sharply to Gross’s statement and

asserted that it could have been inspired by people around *Gazeta Wyborcza*. The liberal daily’s Chief Editor Adam Michnik, also of Jewish origin, has recently been under vicious attack from the PiS for political reasons.

As for Polanski, he told an interviewer from TVN24 just after the Superior Court decision was announced, “It is good to hear I will finally be able to feel safe in my own country.” The director did not attend the trial for psychological reasons. He also could not attend the funeral of his friend, film director Andrzej Wajda, who died October 9, from fear of being taunted by Ziobro’s henchmen.



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