

**IN THE MATTER OF THE THOMAS R. BRAIDWOOD, Q.C.,
COMMISSIONS OF INQUIRY UNDER THE *PUBLIC INQUIRY ACT*,
S.B.C. 2007, c. 9**

Room 801
Federal Courthouse
701 West Georgia Street
Vancouver, B.C.

March 31, 2009

PROCEEDINGS AT
HEARING (DAY 33)

COPY

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Counsel for TASER International, Inc.	D. Neave, J. Spencer
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1
Magda Czelwinska
In chief by Mr. Vertlieb

Vancouver, B.C.
March 31, 2009

1
2
3
4 THE COMMISSIONER: Good morning.
5 THE REGISTRAR: Order. The hearing is now resumed.
6 Commissioner Braidwood is presiding.
7 I will affirm you now.
8

9 MAGDA CZELWINSKA, a witness,
10 affirmed.
11

12 THE REGISTRAR: Would you state your full name, please.
13 A Magda Czelwinska.

14 THE REGISTRAR: Thank you. I'll now turn you over to
15 counsel Vertlieb.

16 THE COMMISSIONER: Ms. Czelwinska, this is the
17 Commissioner speaking. Thank you very much for
18 coming and helping us out in this inquiry. I know
19 your participation is voluntary and I appreciate
20 that.

21 A Thank you.

22 MR. VERTLIEB: Mr. Czelwinska, we wanted just to ask
23 you a few questions. And if you're not quite sure
24 of what we're asking, you be sure to tell us that
25 so we can make sure you understand.

26 A Okay.
27

28 EXAMINATION IN CHIEF BY MR. VERTLIEB:
29

30 Q You knew Mr. Dziekanski as a neighbour?

31 A He's not my immediate neighbour but he lives about
32 couple of streets away.

33 Q And you knew him for how many years?

34 A Over 20 years.

35 Q And would you see him during the week, once,
36 twice, three times a week or so?

37 A About a couple of times, sometimes more.

38 Q So you saw him often during each year?

39 A Yes. Yes, quite often.

40 Q And how would you describe him in terms of the way
41 he was with you?

42 A [Interpreter addresses witness]

43 As far as I'm concerned, it would be like ten-,
44 15-minute meetings because I'm taking my
45 grandchild to school.

46 [Interpreter addresses witness]

47 And lately I would meet him quite often.

2
Magda Czelwinska
In chief by Mr. Vertlieb

1 Q And how would you describe him in terms of his
2 personality?

3 A Well, just like a normal man, young person.
4 Normal.

5 Q And did he sometimes do work around your
6 apartment?

7 A Yes, he does. So up till a year ago I had like
8 coal-fired heating system, like -- and since then
9 I just have central heating system.

10 THE INTERPRETER: Okay.

11 A So for the -- so for coal-fired heating system, I
12 had to buy coal and he always helped me to put it
13 into the storage and he was very helpful.

14 MR. VERTLIEB:

15 Q Did he appear to be healthy?

16 A Yes, he looked healthy. Yeah, I ordered coal
17 about twice a year and on both occasions he would
18 help me to put it away.

19 Q You knew he was coming to Canada to be with his
20 mother?

21 A Yes. Yes, he -- I knew because he was talking
22 about quite often and he told me that he's going
23 to Canada where there is milk and honey.

24 Q And did you see him a few days before he left for
25 Canada?

26 A Yes, I saw him about three days before his
27 departure because he told me that he's going to
28 drop smoking, quit smoking because that's going to
29 be a surprise for his mother.

30 Q Did he appear excited about coming to Canada?

31 A Yeah, he was very happy because he loved his
32 mother very much and he couldn't wait to meet her.
33 He was very happy to meet her.

34 MR. VERTLIEB: Thank you very much.

35 A Thank you.

36 MR. BRONGERS: Good evening, Mrs. Czelwinska.

37 A Good evening.

38 MR. BRONGERS: My name is Jan Brongers. I'm a lawyer
39 for the Government of Canada. I'd like to thank
40 you for taking your time to assist this
41 commission.

42 A Thank you.

43 MR. BRONGERS: I just have a few questions for you
44 about Mr. Dziekanski.

45
46
47

1 CROSS-EXAMINATION BY MR. BRONGERS ON BEHALF OF THE
2 GOVERNMENT OF CANADA:

3

4 Q During the time you knew Mr. Dziekanski, did he
5 always live in the same apartment?

6 A Yes. They lived in the same apartment with mother
7 and then when mother moved to Canada, he stayed in
8 the same apartment.

9 Q So his move to Canada would be his first move that
10 you were aware of?

11 A Yes, that's correct. And he was very happy that
12 he will leave that place and that he'll move to
13 Canada and he'll be with his mother.

14 Q Do you know if he had ever travelled outside of
15 Poland before this trip to Canada?

16 A No, never.

17 Q To your knowledge, he had never left Poland
18 before; is that what you're saying?

19 A That's correct.

20 Q Our understanding is that the only language Mr.
21 Dziekanski could speak is Polish. Do you know if
22 he could speak languages other than Polish?

23 A No, he didn't. No. He said that when he goes to
24 Canada, he will learn English.

25 Q Did he discuss with you how he was planning to
26 deal with the airlines when he was flying to
27 Canada, given that he cannot speak English?

28 A Well, he said that there are going to be other
29 Polish people on the plane so somebody will know
30 both Polish and English so they'll help him out.

31 Q I understand. And did he discuss with you how he
32 planned to deal with the government officials in
33 Vancouver given that he cannot speak English?

34 A Well, he didn't think that he will have to
35 communicate with officials. He was under
36 impression that he will meet with his mother right
37 away.

38 Q To your knowledge, Mrs. Czelwinska, did Mr.
39 Dziekanski do any exercise or practise any sport?

40 A I don't know exactly but from time to time I could
41 see him running around the house. But I never
42 discussed his hobbies or physical activities with
43 him.

44 MR. BRONGERS: Thank you very much for answering my
45 questions, Mrs. Czelwinska.

46 THE WITNESS: [Addresses the interpreter]

47 THE INTERPRETER: [Addresses the witness]

1 MR. BUTCHER: Madam, my name is David Butcher. I'm
2 counsel for one of the police officers involved in
3 this matter.

4

5 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
6 BILL BENTLEY:

7

8 Q Firstly to confirm that you were interviewed by
9 somebody from the Commission on March the 15th of
10 2009 by telephone.

11 THE WITNESS: [Addresses the interpreter]

12 THE INTERPRETER: [Addresses the witness]

13 A Yes, I did have the phone call but I don't know
14 whether it was Commission.

15 MR. BUTCHER:

16 Q Was it about two weeks ago?

17 A Yes.

18 Q Did you know what Mr. Dziekanski did for a living
19 or how he supported himself?

20 A He had money sent onto his account from his
21 mother. And he did -- and he did -- and he did
22 some casual work. He painted my apartment and he
23 probably worked for some other people as well.

24 Q To your knowledge, did he have a full-time job?

25 A No, he didn't. Several years ago he did have a
26 full-time job, but I don't know whom he worked
27 for.

28 Q What time of day would you have your meetings with
29 him?

30 A Sometimes in the morning because there is a
31 grocery store close by and then he would shop at
32 that grocery store and I would take my grandchild
33 to school, and sometimes in the afternoon around
34 2:30, three o'clock when I was coming back from
35 school.

36 Q So it was always when you were taking your
37 grandchild to or from school?

38 A No, not only. Quite often I would meet him on
39 Saturday or Sunday, when of course nobody went to
40 school, because I have a dog and I would take the
41 dog for a walk.

42 Q Was it always during the daytime?

43 A Yes.

44 Q Did he ever tell you that he had any medical
45 conditions of any kind?

46 A No. No, as far as I am concerned, he was in good
47 health. He was always happy, joyful. He would

- 1 laugh and never complained about his health.
2 Q Did you think he was a strong -- sorry. I'll ask
3 that question again. Did you think he was a
4 strong man?
5 A Well, how to say? Well, he would take couple of
6 pails with coal and take it down to the storage.
7 He would go up the stairs. So I think he was
8 strong.
9 Q And specifically, had he ever told you that he was
10 taking any prescription medication?
11 A No. We didn't discuss -- no, we didn't discuss.
12 THE INTERPRETER: Okay.
13 A No, we didn't discuss the health issues. We were
14 talking about his trip to Canada and his mom and I
15 was telling him to write a letter to mom, and that
16 was the extent of our conversations.
17 MR. BUTCHER:
18 Q Did you ever see -- I'll ask this question again.
19 Sorry. Did you ever think he had been drinking
20 when you saw him?
21 A Well, he was -- when we met on several occasions,
22 he would stand close to me, so I didn't smell any
23 alcohol on his breath.
24 Q Did he talk to you about any fears he had about
25 going to Canada?
26 A No, he didn't talk about it. We only talked about
27 his trip to Canada, that everything is going to be
28 waiting for him and he'll get established here.
29 Q When was the last time you saw him? How long
30 before he left did you see him?
31 A About three days before he left for Canada.
32 Q Did you notice anything unusual in his before at
33 all or did he tell you anything unusual about
34 himself then?
35 A No, he didn't say anything and he didn't look any
36 different. His only concern was that how is going
37 to pack all his books about Canada and whether
38 he's going to have enough room, because he had a
39 special -- like a file at the store where they
40 were collecting all the magazines about Canada for
41 him, so he had so many that he was concerned that
42 he wouldn't be able to take everything with him.
43 Q Have you seen the video of what happened at
44 Vancouver Airport?
45 A Yes.
46 Q Did you see Mr. Dziekanski smashing a wooden table
47 against the glass and throwing a computer on the

Magda Czelwinska

Cross-exam by Mr. Butcher (for Cst. Bentley)

Cross-exam by Mr. Hira (for Cst. Millington)

1 ground?

2 A Yes. Yes. I saw it and he was -- he was upset
3 but that's the fault of the people at the airport
4 because he was there for ten hours alone.

5 Q Had you ever seen him behave like that before?

6 A No. No, in this state -- no, I never saw him in
7 this state and I was surprised. But you know, on
8 the other hand, one shouldn't be surprised
9 because --

10 THE INTERPRETER: [Addresses the witness]

11 A On the other hand, one shouldn't be surprised
12 because he was on the airport for ten hours,
13 deprived of water and he didn't have cigarettes
14 because he just quit smoking to surprise his mom.
15 So I'm not surprised.

16 MR. BUTCHER: Thank you. Those are my questions,
17 ma'am.

18 A Thank you.

19 THE COMMISSIONER: Anybody else have any questions?

20 THE WITNESS: [Addresses the interpreter]

21 THE INTERPRETER: [Addresses the witness]

22 THE COMMISSIONER: Just a moment. We might have just
23 something more yet.

24 MR. HIRA: Ma'am, my name is Ravi Hira. I represent
25 one of the police officers. I wonder whether you
26 could help us and answer a few of my questions,
27 please.

28 A Okay.

29 MR. HIRA: Thank you. I'm grateful.

30

31 CROSS-EXAMINATION BY MR. HIRA ON BEHALF OF CONSTABLE

32 KWESI MILLINGTON:

33

34 Q The last question that you answered from Mr.
35 Butcher, you said that he'd been deprived of water
36 and cigarettes. Where did you get that
37 information from?

38 A Well, you could see it.

39 Q I see. Did you get the information from anybody
40 in Canada?

41 A No. I listened to all the news.

42 Q I see. So the information that he was deprived of
43 water and cigarettes you got from viewing the
44 video and listening to the news?

45 A Of course, yes.

46 Q Have you spoken with Mr. Dziekanski's mother's
47 lawyer at any time?

7
Ryszard Krasinski
In chief by Mr. Vertlieb

1 A I don't think so. I don't know.

2 Q So you haven't spoken with Mr. Kosteckyj?

3 A (No audible response)

4 THE INTERPRETER: Hello?

5 A I don't know. I don't recall the name.

6 MR. HIRA:

7 Q Thank you. Do you know how many cigarettes Mr.
8 Dziekanski would smoke per day?

9 A No, I don't know. He didn't tell me about it.

10 MR. HIRA: Thank you. Those are my questions.

11 THE COMMISSIONER: Is that everybody now? All right,
12 Ms. Cselwinski, thank you very much for your
13 cooperation. That's all the questions we have.

14

15 (WITNESS EXCUSED)

16

17 [Conversation between interpreter and witness]

18

19 THE COMMISSIONER: Thank you very kindly. Would you
20 like a break? All right, we'll take a break and
21 line up the witness.

22 THE REGISTRAR: The hearing will break for ten minutes.

23

24 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

25 (PROCEEDINGS RECONVENED)

26

27 THE REGISTRAR: The hearing is now resumed.

28 Commissioner Braidwood is presiding. We will
29 affirm you now, sir.

30

31 RYSZARD KRASINSKI, a witness,
32 affirmed.

33

34 THE REGISTRAR: Thank you. Your full name first,
35 please.

36 A My name is Ryszard Krasinski.

37 THE REGISTRAR: Thank you, sir. I will now turn you
38 over to Mr. Vertlieb.

39 THE COMMISSIONER: Sir, I am the commissioner, and I
40 would like to thank you for your cooperation. I
41 know you are coming voluntarily.

42 A You're very welcome.

43

44 EXAMINATION IN CHIEF BY MR. VERTLIEB:

45

46 Q Mr. Krasinski, how long did you know Mr.
47 Dziekanski?

8
Ryszard Krasinski
In chief by Mr. Vertlieb

1 A I knew Mr. Dziekanski for about ten years.
2 Q He was a friend of yours?
3 A You can say so.
4 Q And what kind of things did you and he do
5 together? What did you do?
6 A We lived close together so we would meet quite
7 often and then we had a little garden area around
8 our house.
9 Yeah. I have a little garden close to my
10 house and he got a garden from a member of his
11 family close to my garden, so we would meet in the
12 spring.
13 THE INTERPRETER: Okay. [Addresses witness]
14 A And we would meet together for different occasions
15 like names day, birthday, birthday of children.
16 THE INTERPRETER: Okay. [Addresses witness]
17 A We would meet for the day of the -- teachers' day.
18 There is a day for people who have little gardens,
19 and so we celebrate. We would have a barbecue for
20 the teachers' day because I was a teacher before.
21 THE INTERPRETER: Okay. [Addresses witness]
22 A So we would meet quite often, even for some
23 trivial things like taking garbage to the garbage
24 bin, because we had the same garbage bin so we
25 would meet there. So it was quite often.
26 MR. VERTLIEB:
27 Q Do you play chess and bridge?
28 A I do play chess and bridge.
29 Q Did you ever play chess and bridge with Mr.
30 Dziekanski?
31 A Yeah, I would play quite often chess with him, and
32 as a matter of fact, just before he left he gave
33 me a gift of portable chess board.
34 Q We have heard that Mr. Dziekanski liked geography
35 and had books about geography. Do you know about
36 that?
37 A Okay. [Interpreter addresses witness] As far as
38 geography is concerned, he had a huge collection
39 of atlases and other geographical material and he
40 had very deep knowledge of geography.
41 MR. VERTLIEB: Thank you.
42 THE INTERPRETER: [Addresses witness]
43 A [Not interpreted]
44 THE COMMISSIONER: Mr. Brongers.
45 MR. BRONGERS: Good evening, Mr. Krasinski.
46 A Good evening.
47 MR. BRONGERS: My name is Jan Brongers. I'm a lawyer

Ryszard Krasinski

Cross-exam by Mr. Brongers (for Government of Canada)

1 for the Government of Canada. I'd like to thank
2 you for taking your time to assist the Commission
3 today. I just have a few questions for you about
4 Mr. Dziekanski.
5

6 CROSS-EXAMINATION BY MR. BRONGERS ON BEHALF OF THE
7 GOVERNMENT OF CANADA:
8

9 Q Do you know if Mr. Dziekanski had ever travelled
10 outside of Poland before this trip to Canada?

11 A I think he was -- I think he might have travelled
12 to former communist countries. I think he
13 travelled to Germany, but I cannot remember
14 exactly.

15 Q Mr. Krasinski, this is of some importance to us
16 because our understanding from other information
17 was that this may have been the first trip abroad
18 that Mr. Dziekanski made, his trip to Canada. So
19 is it your understanding that he did make one trip
20 to Germany?

21 A Well, I don't want to mislead you, but there is a
22 policy in Poland that you don't need a passport to
23 walk on foot to Slovakia or Germany. It doesn't
24 mean that you have to take a special trip because
25 we are so close to the border that one on Sunday
26 can take a car to the border and just walk across.

27 Q I understand. Do you recall Mr. Dziekanski
28 specifically discussing a specific trip outside of
29 Poland with you?

30 A [Interpreter addresses witness] I don't recall
31 Mr. Dziekanski discussing trips abroad with me.
32 All I can tell you is that I saw Slovak and Czech
33 newspapers but I don't know where he got them
34 from.

35 Q I understand. Thank you. Mr. Krasinski, did Mr.
36 Dziekanski drive a car, to your knowledge?

37 A [Interpreter addresses witness] So I don't know
38 whether he had a driver's licence. I knew that he
39 could drive a car, but we never discussed these
40 topics, you know. If we were going on a long trip
41 or something like that, I would ask him, but we
42 didn't discuss it.

43 Q So if I understand correctly, you did go on some
44 long trips with Mr. Dziekanski?

45 A No, no, no. No, no, I wasn't driving with him.

46 Q Our understanding is that the only language Mr.
47 Dziekanski spoke was Polish. To your knowledge,

- 1 could Mr. Dziekanski speak any other languages?
2 A Yeah, he knew for sure Russian because it was
3 mandatory in schools.
4 Q So to your knowledge, Mr. Dziekanski could speak
5 Polish and Russian?
6 A Yes.
7 Q Could he speak any other languages such as German
8 or English?
9 A No, I don't know anything about it.
10 Q Did Mr. Dziekanski discuss with you his plans to
11 emigrate to Canada?
12 A Of course.
13 Q Did he tell you what he expected to do in Canada?
14 A Yes. Yes, of course we were talking about it, and
15 then because he was a good tradesman, he knew how
16 to install tiles and paint.
17 THE INTERPRETER: Okay. [Addresses witness]
18 A Yeah, he was planning on opening a contracting
19 business.
20 Q We know that Mr. Dziekanski could not speak
21 English. Did he explain to you how he expected to
22 cope with the language barrier in Canada?
23 A [Interpreter addresses witness] Yeah, he was
24 expecting the first period is going to be tough,
25 but of course, as everybody who goes to different
26 country, he would learn the language.
27 Q And did Mr. Dziekanski explain to you how he
28 planned to cope with the flight to Canada, given
29 that he cannot speak English?
30 THE INTERPRETER: Okay. [Addresses witness]
31 A Well, we didn't talk about the trip. He didn't
32 get to Canada yet. We're talking about more
33 normal things.
34 MR. BRONGERS:
35 Q So he did not discuss the specifics of his plans
36 for the trip to Canada with you?
37 A All I know is that it was his first trip on the
38 plane.
39 Q One final question, Mr. Krasinski. You explained
40 that Mr. Dziekanski would play chess and bridge
41 with you. Do you know if he practised any sport
42 or did any exercise?
43 A [Interpreter addresses witness] During the time
44 that I knew him, he wasn't actively participating
45 in any sports, but --
46 THE INTERPRETER: Okay. [Addresses witness]
47 A But then when he was younger, like 15, 17, 20

Ryszard Krasinski

Cross-exam by Mr. Brongers (for Government of Canada)

Cross-exam by Mr. Butcher (for Cst. Bentley)

1 years old, I don't know because we didn't discuss
2 these details.

3 MR. BRONGERS:

4 Q From the time you knew him recently, you wouldn't
5 describe him as a physically active person, would
6 you?

7 A You know, he was physically active at his work
8 because it's hard work so he had to be physically
9 fit.

10 MR. BRONGERS: Thank you very much for answering my
11 questions, Mr. Krasinski.

12 A You're welcome.

13 THE COMMISSIONER: Just a moment now. There will be
14 some more.

15 MR. BUTCHER: Sir, my name is David Butcher and I'm a
16 lawyer for one of the police officers involved in
17 this case.

18

19 CROSS-EXAMINATION BY MR. BUTCHER ON BEHALF OF CONSTABLE
20 BILL BENTLEY:

21

22 Q I take it from your last answer that you thought
23 that Mr. Dziekanski was a physically strong man?

24 A I didn't say that he's strong but physically fit.

25 Q Did you know him to be strong?

26 A [Interpreter addresses witness] Well, he wasn't a
27 superman like a body builder. He was just like
28 regular man, well build.

29 Q Sir, occasionally you have to wait for the
30 translator because he can only translate a short
31 part of an answer. So if you have a long answer,
32 can you please just wait for a moment.

33 Do you remember speaking to somebody from the
34 Commission on March the 17th, 2009? That's about
35 two weeks ago.

36 A I'm not exactly sure when it was, but you called
37 me, Mr. Barski.

38 MR. BUTCHER: He's talking about you, the interpreter,
39 not me, the lawyer.

40 THE INTERPRETER: Yes.

41 MR. BUTCHER:

42 Q Do you remember mentioning to them that to your
43 knowledge Mr. Dziekanski had travelled to some of
44 the neighbouring countries, like Slovakia, the
45 Czech Republic and Germany?

46 A Yeah, I'm telling you what I know, and if there
47 was a question from you, the answer was -- my

- 1 answer was the same as my answer today.
- 2 Q So did you know that he had travelled to the Czech
3 Republic and Slovakia and Germany? Had he told
4 you those things?
- 5 A [Interpreter addresses witness] Well, it's not
6 like a trip long distance to Belgium or Holland.
7 These are like -- more like walks. It's an hour
8 trip. You just cross the border on foot. So we
9 were discussing these like short trips.
- 10 Q How far is the border with the Czech Republic or
11 with Slovakia?
- 12 A It's a maximum 50 kilometres.
- 13 Q Do you need a passport to go into those countries?
- 14 A No. No, no. It's just the identification
15 document. Yeah, these are all countries belong to
16 EU and we don't need passports to go there.
- 17 Q Did he ever tell you that he was taking medication
18 for any health problems?
- 19 A No, he never told me. I cannot recall -- I cannot
20 recall that he would be taking any medication when
21 I was around, and I don't remember discussing his
22 health issues.
- 23 Q How often did you see him between June 2007 and
24 October 2007 when he left for Canada?
- 25 A [Interpreter addresses witness] Yeah, it was
26 quite often because it was summertime, so we at
27 least had two barbecues, one at my place.
- 28 Q Would you see him during that period twice a week,
29 four times a week, once a month?
- 30 A Dear sir, sometimes -- [Interpreter addresses
31 witness] Dear sir, sometimes it would be twice a
32 day. I would walk my dog in the morning, we would
33 meet, and then in the afternoon I would go and
34 play lotto, so I would meet him again.
- 35 Q What did you know about his consumption of
36 alcohol?
- 37 A You know, like he was like a social drinker
38 because you cannot drink alcohol in Poland at work
39 because there are sanctions if you do.
- 40 Q It's not encouraged in Canada either. What do you
41 mean by social drinker? What kind of alcohol and
42 how often and how much?
- 43 A So you know, if it was like a names day of my
44 wife -- sorry, my girlfriend, we would drink like
45 a clear vodka.
- 46 MR. BUTCHER: A what of vodka?
- 47 THE INTERPRETER: Straight vodka.

1 MR. BUTCHER:

2 Q And how much vodka would you drink? I should say
3 how much vodka would Mr. Dziekanski drink?

4 [Question not interpreted]

5 A Well -- [Interpreter addresses witness] Yeah.

6 Well, it was -- it wasn't that much. It was so
7 much that he could walk. He wasn't drunk. So if
8 there were four of us, we would drink like a
9 bottle of vodka, which is 750 grams.

10 Q Have you seen the video of Mr. Dziekanski at the
11 Vancouver Airport?

12 THE WITNESS: [Addresses the interpreter]

13 THE INTERPRETER: [Addresses the witness]

14 A Are you asking whether I saw it on TV?

15 MR. BUTCHER:

16 Q Yes.

17 A Yeah, I did see it on TV because there was a
18 program on Polish TV about Mr. Dziekanski's
19 incident.

20 Q Do you remember that the video shows Mr.
21 Dziekanski breaking a chair and throwing a
22 computer on the ground?

23 A Well, I didn't see that exact moment because that
24 program was on several TV stations, on TVN and
25 another station.

26 THE INTERPRETER: Okay. [Addresses witness]

27 A Yeah. There was news on original TV so they
28 showed different fragments, so I don't recall
29 seeing him throwing a chair. But there was a
30 lately program on TVN so I saw different
31 fragments.

32 MR. BUTCHER:

33 Q Had you ever seen him getting angry and throwing
34 and breaking other people's property?

35 A Yeah, I was in his company on several different
36 occasions and it never happened, anything like
37 this.

38 MR. BUTCHER: Thank you. Those are my questions.

39 A You're welcome.

40 MR. STEWART: Sir, my name is Dwight Stewart and I'm
41 the lawyer for the Vancouver International
42 Airport.

43 A Good morning.

44 MR. STEWART: Good morning, sir. I'm going to ask you
45 just a few more questions in terms of your
46 knowledge of Mr. Dziekanski's travel outside of
47 Gliwice and Katowice.

1 CROSS-EXAMINATION MR. STEWART ON BEHALF OF VANCOUVER
2 AIRPORT AUTHORITY:

3

4 Q Am I correct, sir, that Gliwice is a suburb of
5 Katowice?

6 A No, sir. Gliwice are a separate city who has over
7 200,000 citizens.

8 Q But am I correct that it is part of a metropolitan
9 area around Katowice of about 2 million people?

10 THE WITNESS: [Addresses the interpreter]

11 THE INTERPRETER: [Addresses the witness]

12 A Yes, you can say that. It's correct. Because
13 that city is connecting with another city and it's
14 like a metropolitan area.

15 MR. STEWART:

16 Q Is it sometimes referred to as the Upper Silesian
17 Industry Area?

18 A Yes, correct.

19 Q And am I correct that the entirety of the city is
20 serviced by a bus system?

21 A It's a very well developed bus system.

22 Q Yes, there are buses, trams and trolley buses?

23 A Buses, trams and minibuses.

24 Q And am I correct, sir, that Katowice has a major
25 regional train station that connects it to other
26 countries in Europe?

27 A Yes, of course.

28 Q Am I correct that this area, Katowice, this is in
29 the very furthest southern area of Poland?

30 A Yes, that's correct.

31 Q Am I correct, sir, that to travel to Germany by
32 land would be quite some distance, correct?

33 A Yeah, it's a little bit farther away than the
34 Czech or Slovak border.

35 Q Indeed, sir, is Katowice basically situated at the
36 boundary between the Czech Republic and Slovakia?

37 A Are we talking about Gliwice or Katowice? Because
38 it's very close from Gliwice to Czech border.

39 Q Okay, thank you, sir. Well, I suppose I'll just
40 re-ask the question in the context of Gliwice.

41 Gliwice is relatively close to the boundary that
42 separates Slovakia and the Czech Republic,
43 correct?

44 A Yes.

45 Q You would have to travel basically the entire
46 length of the Czech Republic before you could
47 reach Germany from Gliwice?

- 1 A No. No, sir. No, we've got highways as wide as
2 in Canada and you just travel directly to the
3 border.
- 4 Q No, no. Yes, sir, I know that Poland is a very
5 modern country. I'm just asking how long would it
6 take to drive, then, on the autobahn from Gliwice
7 to the closest border in Germany?
- 8 A Yeah, it depends which border crossing you want to
9 go to because there are several border crossings
10 with Germany.
- 11 Q Just --
- 12 A And the closest -- [Interpreter addresses witness]
13 -- about 60 to 70 kilometres.
- 14 THE INTERPRETER: Sorry, 70 to 80 kilometres.
- 15 MR. STEWART:
- 16 Q In your discussions with Mr. Dziekanski about his
17 travels, the Commission was advised that one other
18 country that you had been told by Mr. Dziekanski
19 he had visited was the Ukraine. Is that correct?
- 20 A Did I say so?
- 21 Q Yes, that's my question. To your knowledge, did
22 Mr. Dziekanski travel to the Ukraine? That was
23 what we were told.
- 24 A I cannot recall discussing Mr. Dziekanski's trip
25 to Ukraine, but it's possible because -- probable
26 because the Ukrainian border is only 300
27 kilometres away to cross now.
- 28 Q But sir, did you ever discuss with Mr. Dziekanski
29 not just his travels to the border but whether or
30 not he had seen any of the major cities in the
31 countries that are adjacent to Poland?
- 32 A [Interpreter addresses witness] There is a large
33 city across the border called Bratislava and
34 Ostrava.
- 35 Q Okay. And do you know, did he travel there by car
36 or by train?
- 37 A We didn't discuss -- [Interpreter addresses
38 witness] We didn't discuss these details. I
39 don't even recall whether we discussed them, you
40 know, outside of the house or in the church. We
41 didn't discuss these details.
- 42 Q We are told, sir, that there will be another
43 witness who will indicate that Mr. Dziekanski for
44 a period of about one week lived in Germany. Did
45 he ever tell you about that time he spent in
46 Germany?
- 47 A [Interpreter addresses witness] Now I can recall

1 that he went to Germany, but he didn't come to the
2 agreement with the owner of the flat.

3 Q Do you know where it was in Germany that he went
4 to live, sir?

5 A Yeah, I know that I knew but now I cannot recall
6 it.

7 Q To your knowledge, sir, did Mr. Dziekanski keep
8 travel books or records relating to his visits to
9 these other countries?

10 A No, I don't know anything about it.

11 MR. STEWART: Thank you, sir.

12 A You're welcome.

13 THE COMMISSIONER: Now, is there anyone else with any
14 questions?

15 Thank you very much, sir, for your
16 cooperation in this matter.

17 A You are very welcome.

18 THE COMMISSIONER: Thank you, sir. We'll be signing
19 off.

20

21

(WITNESS EXCUSED)

22

23 MR. VERTLIEB: Now, Mr. Commissioner, that is the
24 presentation for today. There are two matters I'd
25 like to deal with. Mr. Hira has this motion for
26 police records and police documents and criminal
27 court records. What I'm going to suggest is
28 that -- Mr. Hira has said that he wants to argue
29 it after these witnesses have given their
30 evidence, and so what I was going to suggest out
31 of respect for that request, that he argue his
32 motion on Thursday at the end of the last witness
33 and then it be put over. It would help me as
34 counsel to hear his argument and it may help
35 others. I know that some of the other parties are
36 not consenting and they would need some time to
37 hear Mr. Hira's submission. So if Mr. Hira could
38 argue it and then we'll see where it goes after
39 we've heard his position.

40 THE COMMISSIONER: In terms of Thursday, I have a
41 personal matter at twelve o'clock. Have you any
42 idea what we have in line for Thursday?

43 MR. VERTLIEB: We have two witnesses Thursday. Because
44 we've heard so much already, I certainly am not
45 going to be very long. I'm having difficulty
46 anticipating my friends' questioning.

47 THE COMMISSIONER: All right, we can see how that goes.

Ryszard Krasinski

Cross-exam by Mr. Stewart (for Vancouver Airport)

1 Now, what is your position here, Mr. Hira?

2 MR. HIRA: My position is that the entire motion should
3 be heard at the same time. I'm not accustomed to
4 presenting argument and waiting ten days for a
5 response. I have set out the authority that I'm
6 relying upon in my motion. It's a very simple
7 case.

8 THE COMMISSIONER: Well, I've read it in detail.

9 MR. HIRA: That's the position. In terms of Thursday
10 and my friend's comment, the two witnesses that
11 are being called on Thursday are the witnesses
12 that dealt with Mr. Dziekanski and took him to the
13 airport. They have very relevant evidence to give
14 regarding his condition at the time that they
15 picked him up. If my friend is leading that, it
16 may be quite quick. If he isn't, it may take some
17 time.

18 THE COMMISSIONER: How long do you think you'll be with
19 your motion?

20 MR. HIRA: Twenty minutes.

21 THE COMMISSIONER: All right. Mr. Hira, I don't see
22 any difficulty in splitting the argument. I think
23 what we'll do is we'll see how it goes on
24 Thursday, and if there's enough time, I will call
25 upon you to argue it.

26 MR. HIRA: Very well.

27 MR. VERTLIEB: Now, the second matter for tomorrow.
28 I've now been fully briefed on the intended
29 witness for tomorrow, Wojciech Dibon, and I have
30 come to the decision that we don't need to have
31 his evidence tomorrow or at all. He was
32 apparently interviewed by the RCMP and his name
33 comes from the production of that file. He was
34 interviewed when he was under 18. I'm not sure of
35 the status of the interview. He was also
36 extremely distraught by the death of Mr.
37 Dziekanski and I don't wish to put him in a
38 position where any further events are upsetting to
39 him. So that would be the only witness for
40 tomorrow. He was not going to be a lengthy
41 witness, and given all of the circumstances, I see
42 no reason to bring everybody back for a very brief
43 session tomorrow morning. So if we cancel that
44 witness, then we can do the other two witnesses on
45 Thursday morning at the regular time. It seems to
46 be working. And we'll work around whatever
47 schedules anybody has on Thursday. We'll make

1 sure it works.

2 THE COMMISSIONER: Does anybody have any difficulty
3 with that witness not being called?

4 MR. BUTCHER: We were told last week that this witness
5 would be called. Mr. Vertlieb told us on Monday
6 afternoon that he might not call this witness.
7 Then he told us that he would call this witness by
8 e-mail, I think Monday evening.

9 THE COMMISSIONER: No, my question is, is there any
10 problem here?

11 MR. BUTCHER: Well, this is the first I've heard of it,
12 that there's a suggestion that he not be called.
13 There are three witnesses who were involved in the
14 process of taking Mr. Dziekanski from the
15 apartment in Gliwice to the airport. He's one of
16 them. I would like an opportunity to review the
17 statement and see if there's something that is
18 unique to this witness's evidence and see --

19 THE COMMISSIONER: Well, you're not familiar with his
20 evidence now?

21 MR. BUTCHER: I've read all of these witnesses'
22 evidence in the last couple of days again. But
23 having heard this for the first time now, I can't
24 stand up and say where in the 60 or 80 pages of
25 each of these three witnesses their evidence is
26 different.

27 THE COMMISSIONER: All right. Does anybody else have a
28 comment to make?

29 MR. BUTCHER: So at the moment I'd like this witness to
30 be called.

31 MR. BRONGERS: Thank you, Mr. Commissioner. There is
32 one small point the Government of Canada would
33 like to explore with this witness that is unique
34 to him.

35 THE COMMISSIONER: What do you think about all this,
36 Mr. Vertlieb?

37 MR. VERTLIEB: Well, it's a witness who was interviewed
38 and perhaps my friends could comfort themselves
39 from reading in portions of the statement that he
40 gave to the RCMP. He was very upset. Now that
41 I'm fully briefed about him, he was young and he
42 ended up being hospitalized after Mr. Dziekanski's
43 death. And people can read into that what any
44 logical observer would read into it. So I don't
45 wish him to be upset unless it's absolutely
46 critical, and I don't think it is. Maybe we just
47 put him off from tomorrow. It seems pointless to

1 come back tomorrow for a brief period of time
2 anyway and assemble everybody here. So maybe he
3 could just be put over to Thursday and Mr. Butcher
4 and Mr. Brongers can consider what they want.

5 MR. BUTCHER: If there's anything unique or different
6 about this witness's evidence, I'm content that
7 that portion of his statement be read into the
8 record.

9 THE COMMISSIONER: All right.

10 MR. BRONGERS: I second my learned friend. We're
11 content with reading in the portions that are
12 relevant.

13 THE COMMISSIONER: Gentlemen, I'm most obliged to you
14 for that cooperation. Just let counsel know the
15 part you wish. We'll adjourn, then, until
16 Thursday morning at ten o'clock.

17 THE REGISTRAR: The hearing is now adjourned until
18 Thursday morning at 10:00 a.m.

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20 (PROCEEDINGS ADJOURNED TO APRIL 2, 2009, AT
21 10:00 A.M.)
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