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IN THE HIGH COURT OF JUSTICE

CO/394/2019

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

[2019] EWHC 326 (Admin)

Royal Courts of Justice

Wednesday, 30 January 2019

Before:

MR JUSTICE HOLMAN

B E T W E E N:

JUDICIAL AUTHORITY OF BELGIUM – PUBLIC PROSECUTORS OFFICE OF WEST
FLANDERS DEPARTMENT BRUGES Applicant

- and -

RRAMOSHI Respondent

MS G. LINDFIELD (instructed by CPS Extradition Unit) appeared on behalf of the Applicant.

MR B. COOPER (instructed by JBH MORGAN) appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE HOLMAN:

- 1 This is a prosecutor's appeal from the grant of bail in extradition proceedings. Bail was granted the day before yesterday on certain conditions, which I will not at this point repeat.
- 2 I have to say that I find it surprising that magistrates' courts seem to grant bail simply on the basis of what a barrister says on instructions, even if the client is observing by video link. I find it surprising, quite frankly, that there is no written statement by the client, as a minimum, if not a sworn statement. I find it surprising that the requested person is not personally present and subject to some testing by cross-examination. However, Mr Ben Cooper, who appears on behalf of the requested person and appears to know about these things, says that the manner in which this case proceeded in front of the magistrates' court was completely normal in the context of extradition proceedings, and that it is completely normal and standard for the very experienced magistrates in the Westminster Magistrates' Court to deal with bail applications on this basis.
- 3 The underlying factual circumstances of this case are obviously very concerning. The warrant discloses that, currently, the requested person has been convicted in Belgium on 43 counts of human trafficking, some of them involving minors, and all of them, according to the warrant, involving "aggravating circumstances" in that "abuse was made of the vulnerable situation of the victims." So, the matters of which this requested person has been convicted are very serious indeed. The sentence is one of eight years' imprisonment, none of which has been served.
- 4 On the face of it, it seems remarkable that he should, at so early a stage in these extradition proceedings, be granted bail. I do not, for my part, say that there is any evidence of a particular risk here of the commission of further offences; but, on the face of it, the fear or risk of failing to surrender is a very high one. People who engage in human trafficking necessarily become expert at the international movement of people, which can, of course, include themselves.
- 5 However, Mr Cooper points out that, as the warrant itself makes clear, the requested person did not appear at the trial and he had not in fact been served with any notice of the proceedings prior to trial. In other words, this seems to have been a trial that took place completely in his absence and without his knowledge. There is no indication that he was evading service. At the moment, it seems simply that he was not served. As a result of that, the warrant expressly makes clear that he has what is described as a "right" to a retrial or appeal in which he has the right to participate. So, one does have to view the history of the conviction and the matters of which he has been convicted in that qualified way.
- 6 Mr Cooper says, on instructions, and it appears that, consistent with the practice in the Westminster Magistrates' Court, I ought to accept this, that the requested person first entered the United Kingdom as long ago as 1998 as an asylum seeker from Kosovo. He was granted asylum. He has lived here ever since. He became a British citizen in 2002. It is said that he has lived completely openly in all that time and that he has travelled freely with a British passport. It is said that he has never himself been to Belgium. It is said that he has no recorded convictions of any kind in the United Kingdom. A lady, who says that she is his wife, is present in the court room. I have been told that he married her in 2005, that they have three children, and that they live in a settled way in rented accommodation in Lewisham.
- 7 I do, frankly, feel very uneasy about this case. If I was not considering this appeal against the background of what appears to be the approach and procedure on a daily basis in

the Westminster Magistrates' Court, I, for my part, would have expected to see very clear written, if not sworn, evidence from the requested person and numerous supporting documents. However, it does not seem to me right or fair that I should allow this appeal simply because I take a more fastidious approach to evidence than the magistrates who daily deal with these applications.

8 I am just persuaded by Mr Cooper, who appears on behalf of the requested person, that on the basis of the stringent conditions which have been proposed, which include tagging, a curfew, daily reporting seven days a week at a police station, surrender to, and retention by the police of, the passports of the requested person and his wife and all his children, and other conditions which have been offered, I should refuse or dismiss this appeal against the grant of bail.

I now require both counsel to go out and draw up a fully drafted order which sets out, with complete clarity, precisely all the conditions which have been offered and are required.

MR COOPER: My Lord, yes. That would be done.

MR JUSTICE HOLMAN: Now the only slight complication is Ms Lindfield is in the next appeal.

You are happy to wait. I am afraid I am quite a stickler for clear and precise drafting,

Mr Cooper. Not just sloppy back of an envelope conditions that one sometimes sees.

MR COOPER: Duly noted.

MR JUSTICE HOLMAN: Very well. Thank you both very much.

CERTIFICATE

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This transcript has been approved by the Judge.