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IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT



No. CO/3279/2020

NCN: [2020] EWHC 3598 (Admin)
Royal Courts of Justice

Thursday, 24 September 2020

Before:

THE HONOURABLE MRS JUSTICE WHIPPLE DBE

B E T W E E N :

PAWLAK

Applicant

- and -

CROWN PROSECUTION SERVICE
(Extradition Unit)

Respondent

MS L. HERBERT appeared on behalf of the Applicant.

MS HILL appeared on behalf of the Respondent.

J U D G M E N T

(Transcript prepared from Skype for Business recording)

MRS JUSTICE WHIPPLE:

- 1 In this case the applicant seeks bail. His extradition is sought on the basis of a conviction European Arrest Warrant for two drugs offences committed in 2007 and 2011. He was sentenced to one year and eight months' imprisonment. Of that, nine months or so - it may be a little bit less, somewhere close to eight months, that being in dispute - or some remaining months in that order remain to be served.

- 2 The applicant was in prison in this jurisdiction for other offences until recently. He was convicted on 17 May 2018 for a conspiracy to burgle and sentenced to 64 months' imprisonment, having pleaded guilty. His release date from that sentence was 20 August 2020 and therefore he still remains on licence for that offence. I pause there. This was a substantial sentence to impose following a guilty plea. I also note that the conspiracy which gave rise to the sentence commenced within a very short time of the applicant's arrival in the UK, within a month or two. As matters stand his extradition hearing is set for 24 November 2020.

- 3 He offers stringent conditions and it is submitted by his counsel, Ms Herbert, that the risk of his absconding or committing further offences is modest. He offers conditions which I have considered very carefully.

- 4 Ms Herbert has, as ever she does, put his case extremely favourably and she makes the point that this applicant is not a serial offender and that there are long gaps in his offending history. Thus he should be trusted to comply with the conditions that have been offered, not least because he remains on licence for the domestic offence of conspiracy.

- 5 For the respondent, Ms Hill resists the application submitting that there are substantial grounds to believe that he will fail to surrender or will commit further offences if released on bail. I remind myself that there is no right to bail in this case because extradition is sought on the basis of a conviction warrant.
- 6 I have reached the conclusion that there are indeed substantial grounds for believing that this applicant would fail to surrender or would commit further offences. It is right to note that he faces a term of imprisonment, and although that is measured in months, not years, it is still a reasonably substantial term.
- 7 What has particularly played on my mind is his history of offending and that recent history of increasing significance. He has very recently become entitled to release from prison following the conviction for conspiracy to burgle. That conspiracy to burgle was committed in the conditions that faced him when he arrived in the UK, knowing few people and needing to fund himself and his family in Poland. Those conditions would, it seems to me, replicate themselves were he to be released and there must inevitably be a real risk that he would slip back into offending were he to be released. He has very little in the way of community ties here. A friend of his has offered to stand surety and to provide an address for him, but his family is not in the UK. I put from my mind whether he has evaded Polish justice because there are some issues that are better debated in front of the Magistrates' Court during his extradition hearing as to whether he is a fugitive.
- 8 On balance, taking these various factors into account I refuse him bail. He will have his hearing in early November, and I do that because I accept the respondent's submissions as they have been advanced before me.

MRS JUSTICE WHIPPLE: Thank you both very much indeed for your submissions. As to the order, is there a draft order in the papers anywhere?

MS HERBERT: I do not believe there is. I can draft one and send it through to your----

MRS JUSTICE WHIPPLE: I think that is the new way of operations. Can I ask you to do that, Ms Herbert? I think you have my clerk's email address, if you just drop her an email. Just agree it between you. It should be very straightforward, I think, should it not?

MS HERBERT: Yes.

MRS JUSTICE WHIPPLE: Thank you both very much indeed. Is there anything else or are we done?

MS HERBERT: I think we are concluded.

MRS JUSTICE WHIPPLE: Thank you very much. This hearing is now concluded.

CERTIFICATE

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