



Neutral Citation Number: [2021] EWHC 3477 (Admin)

Case No: CO/4874/2012

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

Royal Courts of Justice
Strand, London, WC2A 2LL

21st December 2021

Before:

MR JUSTICE FORDHAM

Between:

ERNO TAKACS

- and -

REGIONAL COURT VESPREM (HUNGARY)

Appellant

Respondent

The parties did not appear and were not represented

Hearing date: 21/12/21

Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....
THE HON. MR JUSTICE FORDHAM

Note: This judgment was produced, and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

MR JUSTICE FORDHAM:

1. This renewed application for permission to appeal in an extradition case has been listed for disposal by an Order which I made on 6 December 2021. The Appellant's extradition to Hungary was ordered on 6 December 2019. The sole ground of appeal, which was renewed to this Court after the paper refusal in July 2020, was an Article 3 (prison conditions) point which was then stayed pending – but became unsustainable after – the Supreme Court's decision in Zabolotnyi v Hungary [2021] UKSC 14, on 30 April 2021. The Appellant's former solicitors notified the Court in mid-June 2021 that the Article 3 ground of appeal had been abandoned. They asked for a two week period to ensure continuity of medical care in relation to the Appellant's surrender. It was when no consent order was forthcoming that it became appropriate to direct a brief public hearing. The mode of that hearing was a remote hearing by MS Teams. Listing this case as a remote hearing was my responsibility, in circumstances where the other cases in my list today were all to be MS Teams hearings and where I did not consider it necessary or proportionate – in light of the current pandemic and guidance – to set up and staff the court room, rather than to publish the mode of hearing and secure its accessibility. I confirmed by email through my clerk that no attendance was required on the part of the Respondent.
2. I also made an Order (yesterday) granting an application made on 10 December 2021 by the Appellant's solicitors, to withdraw and come off the record. An email explanation from them had confirmed that letters were written by them to the Appellant to notify him of today's hearing. I have seen two such letters. The email also told the Court that numerous other attempts had been made – all unsuccessful – to contact the Appellant and his family: by way of phone calls and emails. I was satisfied that any inability on the part of the solicitors to make contact with the Appellant, to confirm that he had received notice of today's hearing (see Criminal Procedure Rules r.46.2(3)(b)), was blameless on their part. The case, its start time, and the mode of hearing (remote video conference) were all published, from yesterday afternoon onwards online, in the Court's cause list. Alongside the entry in the cause list was and is a message which reads: "To access the remote hearing please contact [email address]". The email address is that of my clerk. My clerk has received no email from the Appellant. I am aware of no contact between him and the Court. I am satisfied that he has ignored messages from his solicitors or, knowing that he has an outstanding matter in this Court, has become uncontactable by his own actions. I also have in mind the safety-net provision regarding reopening appeals in exceptional cases of serious injustice, which could apply if it transpired that the Court lacked visibility as to the true circumstances.
3. I am satisfied as to the following: (1) the Appellant has waived his rights of attendance at this hearing; (2) it is necessary and appropriate in the interests of justice, and having regard to the overriding objective, to proceed with this hearing and dispose of this appeal; (3) there is no risk of injustice to the Appellant; (4) the open justice principle has been secured; and (5) there is no substance in the appeal for which permission to appeal was sought. The Order I make today is to formally dismiss the renewed application for permission to appeal.