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IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT  
[2021] EWHC 3555 (Admin)



No. CO/4186/2021

Royal Courts of Justice

Monday, 20 December 2021

Before:

MR JUSTICE CHAMBERLAIN

B E T W E E N :

KAMIL MIRGA

Applicant

- and -

POLISH JUDICIAL AUTHORITY

Respondent.

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MR M. HENLEY (instructed by AM International) appeared on behalf of the Applicant.

MS J. FARRANT (instructed by the CPS) appeared on behalf of the Respondent.

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**J U D G M E N T**

MR JUSTICE CHAMBERLAIN:

1 Mr Kamil Mirga applies for bail pursuant to section 22(1A) of the Criminal Justice Act 1967. He is sought by the Circuit Court in Swidnica, Poland, pursuant to a European Arrest Warrant issued on 12 May 2021, and certified on 11 October 2021.

2 The Polish Authorities seek his surrender for two offences. The first is charged as participation in an organised criminal group, and carries a maximum sentence of five years imprisonment. The second is charged as trafficking in human beings, and carries a maximum sentence of three years' imprisonment.

3 Mr Mirga was arrested on 29 October 2021. Bail was refused at Westminster Magistrates' Court on 30 October and 16 November 2021 on the ground that there were substantial grounds for believing that the appellant would fail to surrender.

4 Police Constable Jamie McGregor, an officer of the Nottinghamshire Police attached to the Foreign National Offender Team, has filed a statement opposing bail. He describes the investigation, which was a joint investigation between the UK and Polish authorities which gave rise to the warrants which have now been executed. He indicates in that statement that there are two outstanding suspects, possibly in the UK, who are currently sought, and three other suspects, believed to be living in mainland Europe, who the Polish authorities are in the process of seeking to locate and arrest. He says that Mr Mirga's extradition is sought for:

"... high risk offences whereby he has treated various victims to degrading and controlling treatment, showing a clear disregard for their human rights, safety and wellbeing."

5 It is said that Mr Mirga operated under the authority of his mother, who was the head of the organised crime group referred to in the first of the charges. It is said that Mr Kamil Mirga is:

"... extremely organised and intimidates, threatens and attacks anyone that chooses to challenge him and his criminal associates."

The point is made that Mrs Mirga will have access to funds and contacts through her criminal network, which will give her and her sons the ability to flee and disappear. It is also suggested that there is a danger of interference with witnesses.

6 As Mr Mirga is sought pursuant to an accusation warrant, he is entitled to a presumption in favour of bail. I have taken into account Mr Mirga's strong family ties to the UK, he has a partner and two children aged 14 and 10, and his partner is suffering from depression. However, in my judgment, in this case the presumption in favour of bail is firmly displaced for three reasons:

- (i) The offences for which Mr Mirga is sought are serious. The fact that Mr Mirga is charged with only one offence involving an individual, whereas his mother and brother are charged with a larger number of offences relating to a later date, does not make the charges faced by Mr Kamil Mirga anything less than serious. The first offence charges membership of an organised criminal group

involved I people trafficking over a period of more than five years. I have no doubt that if convicted he faces a substantial sentence, which would operate as a powerful incentive to abscond.

- (ii) The alleged offences arose in the context of a sophisticated multi-national conspiracy which, as I have said, continued for a long period, and involved procuring the travel of Polish Nationals to the United Kingdom, and the exploitation of those individuals while in the UK. The fact that the alleged offences will have involved considerable organisation and funds, provides grounds for suspecting that he and his family have the wherewithal to leave the jurisdiction or otherwise to abscond.
- (iii) The matters set out in Police Constable McGregor's statement provide some grounds for fearing that other suspects in the UK may be tipped off and that Mr Mirga may seek to intimidate victims and witnesses.

7 Although I have taken into account the statement of Mr Mirga's brother that he, having been arrested in Poland, has now been bailed under investigation, that statement was produced only relatively recently and has not been confirmed by the Polish authorities. This third matter provides an additional ground on which to refuse bail, but I make clear that, even if it had not been for this third ground, the first two matters to which I have adverted would, on their own, be sufficient to refuse bail. The application is therefore refused.

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This transcript has been approved by the Judge.