



Neutral Citation Number: [2021] EWHC 366 (Admin)

Case No: CO/310/2019

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**DIVISIONAL COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 24/02/2021

**Before :**

**LORD JUSTICE MALES**  
**MR JUSTICE JULIAN KNOWLES**

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**Between :**

**MARIS ZELENKO**  
**- and -**  
**PROSECUTOR GENERAL OF THE**  
**REPUBLIC OF LATVIA**

**Appellant**

**Respondent**

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**David Josse QC and John Crawford** (instructed by Tuckers Solicitors) for the **Appellant**  
**Alexander dos Santos** (instructed by CPS) for the **Respondent**

Hearing dates: N/A  
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**Approved Judgment**

**Mr Justice Julian Knowles:**

1. The Appellant's extradition has been sought by Latvia. On 11 July 2020 we dismissed his appeal against the order for his extradition made by a district judge: [2020] EWHC 1800 (Admin). We subsequently refused an application that we should certify a point of law of general public importance. Shortly after that he sought to re-open the appeal under CPR r 50.27 and/or to stay his extradition.
2. The Appellant has a number of serious medical conditions the detail of which is contained in our earlier judgment and which it is not necessary to repeat.
3. We adjourned the first of these applications pending the outcome of the decision of the Court in the appeal of *Dansfeld and Jodelis v General Prosecutor's Office, Latvia* [2020] EWHC 2042 (Admin) on prison conditions in Latvia, which was listed for hearing on 17 November 2020. The Appellant's extradition to Latvia was stayed pending further order of this Court. We ordered that within seven days of the hand down of the Court's decision in *Dansfeld*, supra, the Appellant was to provide written submissions to the Court and to the Respondent as to the future progress or disposition of his application to re-open his appeal.
4. Judgment in *Dansfeld*, supra, was handed down on 24 November 2020. The appeal was dismissed, the Court holding there was no need for general prison assurances. There was other litigation involving the Appellant in January 2021 about extradition following the ending of the Brexit transition period which was unsuccessful: [2021] EWHC Civ 53 (Admin).
5. Submissions were then received from the Appellant at the end of November but not put before us until February 2021.
6. We have been invited to further stay the determination of the Appellant's application to re-open pursuant to Crim PR r 50.27; alternatively, re-open the Appellant's appeal and allow it to the extent of adjourning the conclusion of the case pursuant to s 25(3)(b) of the Extradition Act 2003; and continue the order preventing the Appellant's removal to Latvia until the Covid outbreak has ended in that country's prisons. It is said that there have been a number of reported Covid cases in Riga Central Prison where the Appellant is likely to be detained whereas, when we dismissed the appeal last year, the position of the authorities was that there had been no cases. It is said that his underlying health condition makes him particularly vulnerable.
7. We are unpersuaded that there is a sufficiently firm basis for continuing the orders we made last year. It is unrealistic to suppose that extradition to Latvia is taking place at the moment. We are sure that the NCA and the relevant Latvian authorities will liaise to ensure that they will only resume when it is proper and safe to do so.
8. We therefore refuse the applications.