



Neutral Citation Number: [2022] EWHC 2894 (Admin)

Case No: CO/1513/2022

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

Royal Courts of Justice
Strand, London, WC2A 2LL

15th November 2022

Before :

MR JUSTICE FORDHAM

Between :

ROMAN RYSZARD PEKSA
- and -
REGIONAL COURT IN OLSZTYN (POLAND)

Appellant

Respondent

The **Appellant in person**

The **Respondent** did not appear and was not represented

Hearing date: 15/11/22

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 is an extradition case. I am giving this judgment through the interpreter. The Appellant addressed me by video-link from prison. I am especially grateful to the interpreter, and the interpreter's agency, for making arrangements to allow the interpreter to remain. There was a half an hour delay in the commencement of the hearing or while we waited for the Appellant to attend the video-link. I am not holding that delay against the Appellant. The fact is that he came to the video-link, and he has addressed me about his case. I have read all the papers in this case. I have been able to consider everything that I have read and everything that he has said to me.
2. The Appellant is aged 39. He is wanted for extradition to Poland. That is under a conviction Extradition Arrest Warrant. It was issued on 28 September 2021. It relates to convictions for three fraud offences. They were committed in 2005 and related to mobile phones. 16 months and 26 days remained to be served. The Appellant was arrested on 4 November 2021. He has been on qualifying remand in the 12½ months since his arrest. He tells me in his submissions this morning that that means his sentence is some 4 months to be served. He is right about that. I had calculated the sentence to be served as just over 4 months.
3. The District Judge (the Judge) ordered extradition on 26 April 2022. That was after an oral hearing on 29 March 2022 where the Appellant was represented by a barrister. A number of points were raised on his behalf to resist extradition. They were rejected by the Judge. Permission to appeal was refused on the papers by Wall J on 8 September 2022. Grounds of Renewal were filed on 30 September 2022. Those Grounds identified those points which the lawyers had spotted, which were capable of being advanced before this Court. The Appellant's lawyers have come off the record. The Grounds of Renewal emphasised these things: the Appellant's medical conditions; the delay and passage of time; a relative lack of seriousness of the fraud offences (valued at £3.5k equivalent); the ongoing qualifying remand. These were all relied on to argue that extradition would breach Article 8 ECHR.
4. The Appellant has emphasised a number of things in his submissions to me today. He tells me that his situation is complicated; that he is living in a nightmare which he just wants to be finished; and that there are a number of reasons why he should not be extradited to Poland. He says that he is scared because he has previously been beaten and assaulted in Poland, because of the colour of his skin and because he is of Roma ethnic origin (as he put it, a gypsy). He says he is also scared because of his sexual orientation. And he says he is scared because he fears retaliation. That is because he says he was a witness who testified in proceedings in Poland against members of a criminal group. He tells me that he came to this country to save his life because he is very sick and needed medical treatment. He also says he came here so that he could put an end to his past criminal life. The Appellant says he would have no future in Poland and would be homeless there after serving his sentence. He explains that he sees his future as being in this country. He says he has been in contact with the Polish court, and that he is still asking for his sentence to be suspended. He tells me that he wants to be able to wait in this country. He emphasises, as I have mentioned already, that the sentence is 4 months left to serve. He urges me that he is telling the truth and that the Court holds his future in its hands. I repeat that I have been able to consider and take into account all of these points as well as everything that I have read in the papers. I have been able to ask myself whether there is any viable ground for an appeal.

5. The Judge found that the Appellant was a “fugitive”. He had left Poland without notifying a change of address. He had knowingly put himself beyond the reach of the Polish authorities. He knew about the proceedings. That finding is not one which could be overturned on appeal. The Judge also found, in any event, that extradition would not be unjust or oppressive by reason of the passage of time. The “Further Information” filed by the Respondent had explained why the passage of time was attributable to evasion. That was evasion by the organised criminal gang, and evasion by the Appellant. The Judge referred to the Appellant’s medical conditions. As to that, the Judge saw the medical records and so have I. The Judge referred to the Appellant’s other circumstances. These included that the Appellant was not in a relationship in this country; and that he had been here for 26 months (from September 2019) when arrested in 4 November 2021.
6. I have said that the qualifying remand is now 12½ months, out of nearly 17 months, leaving just over 4 months to serve. But the fact that a few months remain to be served is not a basis for allowing the appeal. I have explained why, by reference to the relevant case-law, in another judgment: Molik v Poland [2020] EWHC 2836 (Admin) §11.
7. There is no realistic prospect of success for an appeal in this case. This Court will not overturn the Judge’s Article 8 ‘balance sheet’ assessment in this case. Nor will it overturn the Article 8 “outcome”. Neither of these was, even arguably, “wrong”. The factors in favour of extradition decisively outweigh those against extradition. I can see no viable ground of appeal from what has been put forward a in writing and orally, or by reference to any of the legal barriers to extradition on which reliance can be placed, including if the Court were to allow the renewal grounds to be expanded. Because I can see no viable ground of appeal, permission to appeal is refused, with no order as to costs.

15.11.22