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IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
[2022] EWHC 3135 (Admin)



No. CO/3862/2020

Royal Courts of Justice

Thursday, 24 November 2022

Before:

MR JUSTICE CHAMBERLAIN

B E T W E E N :

MEZEI

Appellant

- and -

DEBRECEN REGIONAL COURT (HUNGARY)

Respondent

MISS C BROWN (instructed by KC Solicitors) appeared on behalf of the Appellant.

MISS A BOSTOCK (instructed by CPS Extradition) appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE CHAMBERLAIN:

- 1 This is an extradition appeal which has been listed for some time; in fact, since July of this year.
- 2 Due to a series of errors on the part of the appellant's solicitor, the hearing date was not communicated to the appellant's counsel, Miss Catherine Brown, until 10 November of this year. Miss Brown formed the view that, although she had represented the appellant at an earlier stage of these proceedings, it was necessary for her to see him to take instructions on a number of points, particularly given that she had not seen him since June 2021.
- 3 The points on which she needed to take instructions included whether he wished an application to be made for a stay pending the resolution of an application for permission to the Supreme Court which had been made in two other Romanian cases. There were also issues which she needed to clarify with her client which could be relevant to an Article 8 ground of challenge.
- 4 Having been informed of the hearing date on 10 November, not by her instructing solicitor but by her opponent, Miss Bostock, she then made efforts to contact the prison at which the appellant had previously been held, namely, HMP Maidstone. These efforts were unsuccessful but at no point during the course of her correspondence with the prison was it made clear to her that, in fact, the appellant had been transferred to another prison, HMP Wandsworth. This fact became clear only as shortly ago as 21 November 2022. The consequence was that it was not possible and has not been possible for her to speak to her client because there are simply not enough video conferencing suites available at Wandsworth to allow that to happen. All this is most unsatisfactory.
- 5 Miss Bostock, for the Hungarian Authority, makes the point that it all seems to be attributable to errors made by her instructing solicitor. Be that as it may, the fact remains that there has not been a proper opportunity for the appellant to discuss matters and give instructions to her counsel and it would not be fair or appropriate for the hearing to take place today.
- 6 Nonetheless, it is important that this hearing should take place as soon as possible and so I propose, therefore, to adjourn today's hearing but to give a direction that the case come on for hearing soon. Now, the precise nature of that direction will depend on the extent to which court time is available in the period running up to and immediately after the Christmas vacation, but I can indicate now that this hearing will be vacated and relisted at a time which I will specify in an order, having consulted the Administrative Court Office later on today.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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Official Court Reporters and Audio Transcribers
5 New Street Square, London, EC4A 3BF
Tel: 020 7831 5627 Fax: 020 7831 7737
CACD.ACO@opus2.digital*

This transcript has been approved by the Judge