



Neutral Citation Number: [2023] EWHC 2899 (Admin)

Case No: CO/691/2023
AC-2023-LON-000825

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Thursday, 16th November 2023

Before:
FORDHAM J

Between:
JERZY SUSZYNSKI **Appellant**
- and -
REGIONAL COURT IN GORZOW (POLAND) **Respondent**

The **Appellant** in person
The **Respondent** did not appear and was not represented

Hearing date: 16/11/23

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.

FORDHAM J

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

FORDHAM J :

1. The Appellant appears today in person. He is assisted by an interpreter. This is his extradition appeal. I have to decide whether that appeal is reasonably arguable. Two issues were put forward in the Perfected Grounds of Appeal. They were drafted by the Appellant's lawyers. They were section 14 oppression and Article 8 proportionality. Permission to appeal was refused on the papers by Kerr J. The lawyers then filed a Notice of Renewal. They then came off the record.
2. The Notice of Renewal explained that the Appellant relies on his established life in the UK, his lack of support in Poland and says he has wrongly been found to be a fugitive. I have considered those points. He has addressed me in court today, through the interpreter. He tells me today that he was forced to acknowledge that the drugs were his. He says they were somebody else's drugs. He says he was beaten by the police and was afraid to tell the truth. He has also described his fears about extradition, and he has described his mother's ill health. He says he wants to work and help her his other family in Poland, who he has not seen for 16 years. He also says he wants more time here, in the hope that things will change in Poland. I have considered these points too.
3. The Extradition Arrest Warrant of November 2011 was certified 11 years later in October 2022. It is a conviction warrant and relates to a 20 month prison sentence. That was a 4-month reduction, by reason of an appeal judgment in Poland in February 2008. A longer sentence of 24 months (2 years) had been imposed in October 2007. The offence was possession of 94.8g of marijuana with intent to supply. Those were the drugs. There is no basis on which I can go behind that conviction.
4. The Appellant is now aged 46. He has been in the UK since January 2008. He has no convictions here. He was arrested on the Extradition Arrest Warrant, having been encountered by the authorities on 8 October 2022. He was matched with it. It was then certified. He was released on bail.
5. District Judge Clarke ("the Judge") ordered extradition on 17 February 2023. That was after an oral hearing on 20 January 2023. At that hearing the Appellant was represented by a barrister. He gave live evidence, and he was cross-examined. The Judge found as a fact that he had been informed in April 2007 of his obligation to notify any change of address. She found as a fact that he had come to the UK in January 2008, knowing that the Polish proceedings were ongoing, knowing that the two-year sentence had been imposed; and he did not notify any change of address. A witness statement from the National Crime Agency addresses the passage of time. It explains that no connection with the UK could be established, when an Interpol communication was first circulated in December 2011. The Appellant had told the Judge that he left Poland thinking that the proceedings were concluded. That was rejected by the Judge. The Appellant was disbelieved. The Judge's finding that the Appellant was a fugitive, which had been proved to the criminal standard, is justified and correct. There is no basis for overturning it. That is fatal to the section 14 oppression ground. But the Judge was also clearly right that extradition would not, in any event, be oppressive.
6. The Judge's proportionality conclusion is also clearly correct. The Appellant has been in the UK for 15 years. He has no UK convictions. He has been working here. He has

settled status here. He has an established life here. On the other hand, he is a single man. He has no partner or dependents. This is not a family life case. The extended family are in Poland. I have considered all these points and all the other points in the case. So did the Judge. The Judge carefully considered the Article 8 and private life implications. She conducted the 'balance sheet' exercise. She identified all the relevant factors, and she weighed them in the balance. She had close and careful regard to the passage of time, to all the evidence which had been adduced, and to the changes in the Appellant's circumstances, including during the 11 years between the issuing and the certification of the extradition arrest warrant. There is no realistic prospect that the outcome on Article 8 proportionality would be overturned at a substantive hearing in this Court. The application for permission to appeal is therefore refused.

16.11.23