



Neutral Citation Number: [2023] EWHC 3079 (Admin)

Case No: AC-2023-LON-003433

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Thursday 30th November 2023

Before:
FORDHAM J

Between:

MACIEJ WLOCH

Applicant

- and -

POLISH JUDICIAL AUTHORITY

Respondent

George Hepburne Scott (instructed by AG Law Ltd) for the **Applicant**
Tom Cockroft (instructed by CPS) for the **Respondent**

Hearing date: 30.11.23

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. This is an application for bail in an extradition case. The Applicant is aged 41. He is wanted for extradition to Poland. That is in conjunction with an accusation Extradition Arrest Warrant issued on 9 December 2022 and certified on 25 April 2023. The Applicant is wanted to stand trial for 123 alleged offences. They are predominantly concerned with what is said to be a large-scale telephone scam of elderly relatives fraudulently induced – broadly speaking – to part with their life savings by handing over cash in the belief that it is urgently needed by a grandchild in police custody who needs to secure bail. The Applicant is said to be a leader of the organised criminal group, who recruited others and who instructed them to collect monies. There are a large number of alleged frauds and alleged attempted frauds. There is also an alleged offence of money laundering of amounts of money which Mr Cockroft for the Respondent has calculated as exceeding £1.2 million in value.
2. Mr Hepburne Scott for the Applicant emphasises that the High Court’s statutory function on a bail appeal is to consider the bail merits afresh; that there is a statutory presumption in favour of the grant of bail in an accusation extradition case; that the Applicant is resisting extradition on multiple substantive grounds, is fully engaged in the process, with every incentive to remain and fight his corner at the adjourned hearing scheduled for 30 January 2024; that the £70,000 pre-release security put forward by a friend Mr Wajad Ali is a very significant and substantial sum, with a strong anchoring effect; that the Applicant has strong ties to the UK and his partner and 4 children (ages 2, 6, 10 and 15) are in the UK with him. There are, he submits, no substantial grounds for believing that the Applicant would seek to abscond if released on bail, and such concerns as may arise are amply allayed by the proposed coercive bail conditions to include the usual prohibitions on identity documents, travel and travel hubs; with an electronically monitored curfew; and residence at an address for which a tenancy agreement has been produced.
3. As always in these cases I am not making findings of fact or predictive findings as to the legal merits of the bars being raised against extradition. But I am conducting an assessment of risk. In my assessment, there are very substantial grounds for believing that the Applicant if released on bail will seek to abscond, and the pre-release security and other bail conditions do not allay those concerns. These are very serious allegations involving vulnerable people and, were he convicted, the Applicant could expect to serve a very substantial custodial sentence. The fact that a large amount of money should be offered as pre-release security is tempered in the present case by the context involving an alleged receipt of very large amounts of money in the UK. When DJ Turnock refused bail on 15 June 2023 a £40,000 pre-release security was being offered by family. £70,000 is now offered by the friend and his bank statement shows transfers of money into an which started on 9 June 2023 and finished on 30 June 2023. There are also loan documents reflecting two loans each of £25,000, over 4 year loan periods, to Mr Ali entered into on 16 June 2023. This material raises far more questions than it answers. There are clear and obvious concerns as to the provenance of the money. There is also the clear and obvious concern about whether the Applicant would be able to achieve a situation in which he can arrange for a significant sum of money to be at risk in order to achieve bail. I have no explanation of why Mr Ali would want to secure £50,000 of debt or set up an account to achieve a £70,000 sum in pre-release security for the Applicant.

4. The fact that there is evidence of the partner and the 4 children is obviously relevant in assessing risk. On the face of it, the birth certificates would appear to suggest that the two oldest children were born in Germany in 2008 and 2012 and the two youngest children in London in 2017 and 2021. I know from the arrest statement that the police arrested the Applicant at a house where his partner was present and took him into a custody suite in central London. I know that on 15 June 2023 – immediately after that arrest – the bail address being put forward was that of his sister. The fact that a new October 2023 assured shorthold tenancy agreement should be put forward, relating to a property in Hemel Hempstead, with what would be a rental commitment of £1500 per month, does not stand as a strong anchoring feature. Indeed, I detect an apparent mobility of this family.
5. When the Applicant was arrested on 15 June 2023, he gave a false identity and his partner then provided a Polish identity card described by the arresting officer as bearing the Applicant's photograph but with a name Janusz Lakatosz and the date of birth 28 November 1973. The Applicant subsequently accepted that he is Maciej Wloch, date of birth 28 January 1982. This evidence strongly suggests an act of attempted evasion under threat of extradition arrest, reflecting an ability to access false documentation, and involving the partner. It is a set of circumstances which will inevitably serve to rob the risk-assessing bail judge of any possible confidence.
6. It is true that extradition is going to be resisted on a number of grounds helpfully identified by Mr Hepburne Scott. Nothing that I say should in any way affect the objective evaluative judgment of the extradition judge who will come to consider those arguments in January 2024. It is sufficient, for the purposes of my risk assessment, to say that the Applicant may well perceive a fragility in his lines of viable resistance to extradition. In all the circumstances I have little, indeed no, hesitation in refusing the application for bail.

30.11.23