



Neutral Citation Number: [2024] EWHC 2382 (Admin)

Case No: AC-2024-LON-001562

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

Monday, 14<sup>th</sup> October 2024

**Before:**  
**FORDHAM J**

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**Between:**  
**LESZEK HENRYK TERLECKI**  
**- and -**  
**POLISH JUDICIAL AUTHORITY**

**Appellant**  
**Respondent**

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**The Appellant** appeared in person, with an interpreter  
**Reka Hollos for the Respondent**

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Hearing date: 14.10.24

Judgment as delivered in open court at the hearing

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**Approved Judgment**

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FORDHAM J

Note: This judgment was produced and approved by the Judge.

## **FORDHAM J:**

### My Decision

1. What I am going to do in this extradition case is to adjourn the oral hearing of this renewed application for permission to appeal, to the first available date after 8 weeks. That is to enable the Court to have much clearer evidence about the diagnosis, prognosis and treatment plan in the Appellant's case. What I am also going to do is to revisit an application that was made for legal aid. The Court had received an application by email (on 9 September 2024) from the Head of Extradition at Lawrence & Co solicitors. I had to decide whether to allow legal aid to be granted for that new firm to take on the Appellant's case. The Appellant previously had different solicitors, and they had come off the record with the previous representation order discharged. In light of the information that was provided, I decided – on the papers – to refuse the further grant of legal aid. But the position today (14 October 2024) is that there have been further developments and there is a lot more information. In the light of that information, Ms Hollos for the Respondent – very fairly – took the position that there should be the 8 week adjournment; and she raised the question of the Appellant now getting legal representation. Ms Hollos has invited the adjournment and the grant of legal aid, in the circumstances as they are today. That is also what the Appellant wants. I am satisfied, in all the circumstances as they now are, that this is the right way forward for this case. I have explained to the Appellant that this does not mean that he will not be being extradited. What it means is that the Court needs a period of time to pass; and needs further and clearer information. The question of whether the Appellant will be extradited, and if so when, will be a question that the Court will need to consider when it has more information.

### What is Needed

2. As Ms Hollos has put it today, there are – on the face of it – legitimate concerns relating to the Appellant's state of health. It is not entirely clear what the diagnosis is. Nor, in particular, is it clear what the prognosis is and what precisely the treatment plan is. The Appellant in his oral submissions has referred to awaiting surgery and chemotherapy. It is known that there is an appointment tomorrow at the Medical Oncology department of Northwick Park Hospital. As Ms Hollos points out, clearer information is needed by the Court. It will be in the light of that clearer information that the Court will be able to consider Article 8 (proportionality and private life); but also any argument relating to section 25 of the Extradition Act 2003 (oppression by reason of a physical condition). One of the features of section 25 (oppression) is that the Court is able to look at whether extradition should not take place at the present time but should be deferred. In particular, s.25(3)(b) provides for adjournment until the statutory condition is "no longer satisfied". That deferral might, for example, be so that treatment could continue or be completed. All that will need to be considered. What will assist the Court will be a letter from the treating clinician which gives as much clarity as possible.

### My Order

3. The Order that I will be making today is to adjourn this case. I will also grant the application for legal aid that was made on 9 September 2024, and which I had refused on the papers, in the light of the documents that have subsequently been produced at an

oral hearing and in light of the submissions that have been made at this oral hearing by the Appellant and Ms Hollos as Counsel for the Respondent.

### The Background

4. I think it may help everybody – including the Judge who deals with the next hearing, but also the new solicitors who are coming into this case – if I record the background and circumstances. That is what I will now do.

### Interpreters

5. This case had come before me for hearing on 19 September 2024, a month ago. That hearing had to be adjourned. It had been listed at 10am for 30 minutes, but by the time an interpreter arrived, that time slot had been used up. There was simply no time available then, or later in the day, because the Court’s list was full of other cases with their own time markings. I retained the case, which was adjourned to today, fixed for 10.30am. I directed that an interpreter attend from 10am today. But there was no attendance this morning by any interpreter. We were able to secure another interpreter remotely, by CVP, for 2pm. We are all very grateful to her. None of this was the Appellant’s fault. He has attended Court promptly every time and has waited patiently for the help he needed.

### Judge Curtis’s Assessment

6. It was on 2 May 2024 that District Judge Curtis ordered the Appellant to be extradited to Poland. The Appellant is now aged 67. The Judge explained the circumstances. The offending was serious. In 2006/07, the Appellant had benefited from the facilitation of prostitution. In 2008/09, he had been involved in the theft and sale of vehicles with forged documents. They had a total value of £91,000 equivalent. The length of the prison sentence remaining to be served is significant. Following his convictions in 2008 (the prostitution offence) and 2022 (the vehicles), there were – and still are – a total of 18 months and 9 days imprisonment to be served. The Appellant had come to the UK, in April 2011. That was as a fugitive in relation to the prostitution matters. In September 2010 he had been conditionally released from prison. But he had breached the conditions of that conditional release. He had left Poland without the Polish court’s permission. He had also failed to provide a new address. And so the conditional release was revoked. The offences relating to the vehicles originally involved a suspended sentence. But its supervision terms failed because the Appellant was in the UK, and it was activated. The Appellant’s ex-wife and their four children are all in Poland. He is single. He has lived and worked here for 13 years. He has settled status and no convictions in the UK. The offences are old. What Judge Curtis decided was that the Article 8 balance clearly fell in favour of extradition, given the strong public interest considerations which apply.

### The Appeal

7. In August 2024, Morris J refused permission to appeal on the papers. A few months earlier, in May 2024, the Court had been asked to allow time. That was for the Appellant to secure the Polish authorities’ agreement to a financial penalty instead of time in prison. But that had come to nothing. The Appellant’s notice of renewal (12 August 2024) had then made one point. It said Judge Curtis “did not consider that there

may be some Brexit uncertainty for me to come back if I am extradited and I may not be let into the UK where I built my life”. Brexit uncertainty had not been raised in the Appellant’s previous barrister’s detailed submissions to Judge Curtis. Nor had it been raised in the Grounds of Appeal filed by the previous solicitors. The post-Brexit immigration rules are well settled. The Article 8 compatibility of the Appellant’s return, following a criminal sentence, is an immigration matter.

### The New Medical Information

8. I have explained that the picture today is changed by medical information. In recent weeks the Appellant has provided copies of medical documents. Some of these were handed up to me on 19 September 2024 in Court. Further documents were then provided to the CPS. It is right that the Court should be updated and should consider this sort of evidence. Whether it is legally admissible depends, in the end, on whether it can make a difference to the outcome. That is not a question for today.
9. The Appellant has had several appointments and procedures. There are helpful discharge summary letters dated 2 September 2024 and 2 October 2024. The first discharge summary letter (from Ealing Hospital) records that the Appellant had been diagnosed with confirmed Supraventricular Tachycardia (SVT). He was given Sotalol to prevent recurrence of the SVT. SVT is a condition where the heart suddenly beats much faster than normal. Overall findings in the letter were said to be consistent with chronic pancreatitis. That is a condition where the pancreas has become permanently damaged from inflammation and it stops working properly. An OGD (or gastroscopy) was recommended. The second discharge summary letter (from Hammersmith Hospital) records that the Appellant has had the gastroscopy (OGD). He has also had a laparoscopy. He has a confirmed diagnosis of stomach cancer (gastric cancer). He is prescribed tablets for pain relief (co-dydramol) and a laxative (lactulose). He is to have arranged follow-up after an MDT (which may be Multi-Disciplinary Team). As I have said, he has an appointment tomorrow (15 October 2024) at Northwick Park Hospital.
10. That concludes my summary of the background and circumstances which led to today’s hearing and have led to the submissions made today. I do not need to repeat what I said at the beginning of this ruling. But I will add this. I will make sure that both of the parties and Lawrence and Co solicitors receive a copy, from my clerk, of the court order from today and also an approved written version of my ruling.

14.10.24