



Neutral Citation Number: [2024] EWHC 435 (Admin)

Case No: AC-2022-LON-002322

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Wednesday, 28th February 2024

Before:
FORDHAM J

Between:
JOSEPH NATHANIEL WILLIAMS **Appellant**
- and -
SPAIN **Respondent**

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

Hearing date: 28.2.24
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:

Introduction

1. The Appellant has appeared in person by video link. He is aged 60 and is wanted for extradition to Spain. The sole issue throughout his case has been Article 8 ECHR. That means this: whether his extradition would be a proportionate interference with the private and family life rights of himself and his other family members. His previous lawyers have been saying throughout, on his behalf, that it would not be. The Appellant has confirmed to me this afternoon that he was aware that permission to appeal had been refused on the papers by Sir Duncan Ouseley on 24 October 2023. He has told me about a video link call he had with his solicitors, in which he asked them to reapply. I have the Notice of Renewal dated 29 November 2023 by which they did reapply for permission to appeal, on his behalf. The conviction Extradition Arrest Warrant in this case was issued on 22 January 2022 and certified on 22 April 2022. The Appellant was arrested on it on 24 April 2022, since which time he has been remanded in custody (now 22 months). His extradition was ordered by District Judge Godfrey (“the Judge”) on 19 August 2022. That was after an oral hearing at which the Appellant was represented, and he gave evidence.

Extension of Time

2. The Notice of Renewal which, as I have said, was filed on the Appellant’s behalf was late. But since he is in prison and since he is now appearing before me in person, I am going to extend the time for that Notice.

Adjournment

3. I have had to consider whether it would be right to proceed today, or whether I should adjourn this hearing to allow further time. The Appellant’s legal aid solicitors came off the record, by Court Order (29.1.24), after concluding that they were no longer able to act. The Appellant tells me that that Order – which the Court has recorded was posted to him in prison – has never been seen by him. He also tells me that, since that video link call relating to reapplying for permission to appeal, he has had no further communications with the solicitors. That makes sense because the Notice which they filed, in accordance with his instructions, recorded that he was reapplying and was going to be acting in person. The Appellant says this comes as a surprise to him. But he also tells me he was aware of this hearing yesterday. I was able to explain to him that this hearing relates to his request for permission to appeal in his extradition case. He tells me he does not have the means to pay privately for legal representation. Most importantly, he has been able to explain to me, clearly, the basis on which he says he should not be extradited. All of that is in a context where he had appeared to give evidence at his extradition hearing, he was aware of what the Judge decided, and it was his wish to pursue this appeal by reapplying for permission to appeal. In all the circumstances, I have decided not to adjourn today’s hearing. There is, in my judgment, no reason in the interests of justice why the case should be deferred for a further video link hearing, at which the Appellant would have another opportunity to make the points that he has made to me today.

Article 8

4. The Appellant is a British citizen who was living in Spain from around 2000. The index offences are sexual offences on “at least 3” occasions, between September and November 2015. While working as a teacher of Kung Fu, he arranged to meet a 12 year old girl at the school premises, with the excuse of practising some special stretches, during which he placed his hand inside the girl’s underwear touching her genitals. He was convicted and sentenced in Spain, in his presence, in September 2019 when a four-year custodial sentence was imposed. He instructed a lawyer to pursue an appeal and returned to the UK in March 2020. The Judge unassailably found that he did so as a fugitive, choosing to leave Spain, in the knowledge of his conviction and sentence, and deliberately placing himself beyond the reach of the Spanish authorities. The Judge disbelieved the Appellant’s account, that his decision to return to the UK was related to the impact of his mother’s death in July 2019. The appeal was dismissed in Spain in May 2020 following which there was a September 2020 summons and a domestic October 2020 arrest warrant. The Judge considered the position of the Appellant’s UK ties, including since his return in March 2020 and the two years at liberty (to April 2022). The Judge considered the Appellant’s seven children – all adults, then aged between 21 and 42 – and the impact of extradition on the family members, including a young grand-daughter. The Judge conducted the Article 8 ‘balance sheet’ exercise and concluded that the strong public interest considerations in favour of extradition decisively outweighed the features capable of weighing against it. The Appellant emphasises today that everything he has is here in the UK; that his children and all of his family are here. He says it does not make sense for him to be extradited; it is “ridiculous” to be extradited to Spain “for a year”; and that he should be allowed to serve the sentence here. He also points to the difficulties he says he would have in a Spanish prison. In my judgment, the Judge’s conclusion was plainly right, as Sir Duncan Ouseley recognised in October 2023 when refusing permission to appeal on the papers. That remains the case today, including when regard is had to what are now 20 months qualifying remand. It is, in my judgment, plainly unarguable that extradition would be a disproportionate interference with anyone’s rights to respect for private and family life. I will refuse permission to appeal.

28.2.24