



Neutral Citation Number: [2020] EWHC 1253 (Admin)

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

No. CO/4942/2019

Royal Courts of Justice
Strand, London WC2A 2LL

23/04/2020

Before:

MR JUSTICE SWIFT

B E T W E E N:

IOAN LACATUS

Appellant

- and -

ROMANIAN JUDICIAL AUTHORITY

Respondent

- and -

NATIONAL CRIME AGENCY

Interested Party

MR R. BARRETT (instructed by AM Solicitors) appeared on behalf of the Appellant.

THE RESPONDENT did not attend and was not represented.

Hearing Date: 23 April 2020

Transcript of Judgment

MR JUSTICE SWIFT:

- 1 This is a renewed application for permission to appeal against an extradition order made on 13 December 2019 by District Judge Ikram.
- 2 The order was made in respect of two European Arrest Warrants ("EAW"), the first was issued on 13 March 2019, and certified by the National Crime Agency ("NCA") on 19 June 2019. That warrant arose from a judgment of the Romanian Court on 23 January 2019, which became final on 4 March 2019. That judgment was a conviction of Mr Lacatus in respect of two driving offences, in each the offence of driving without a licence, the first committed in 2013, the second in 2015. Mr Lacatus received a sentence of imprisonment of two years two months in respect of those matters. The second EAW was issued on 3 April 2019, and again it was certified by the NCA on 19 June 2019. This warrant arose from a judgment of the court in Romania on 4 December 2018 which became final on 26 March 2019. In this instance Mr Lacatus was convicted of four offences of theft, each of which had been committed in 2015. I am told by Mr Barrett, who appears for Mr Lacatus this morning, that the theft was of small value items to a total value of £68. Nevertheless, the Romanian Court passed a sentence of one year nine months imprisonment on Mr Lacatus in respect of those matters. Mr Barrett has also informed me, and I accept, that the sentences have been consolidated by the Romanian Court with the consequence that if returned to Romania Mr Lacatus would be required to serve a sentence of two years two months in total.
- 3 The ground of appeal that is advanced in this application rests on Article 8 of the Convention. Mr Lacatus came to the United Kingdom in 2015 and has lived here ever since. He is in a relationship. He is also in regular employment.
- 4 As regards the judgment of the District Judge, the material part of it starts at p.6 where the judge considers whether or not Mr Lacatus was a fugitive. The judge's conclusion was that Mr Lacatus is a fugitive. At p.7 of his judgment, the judge said this:

"It is striking that the RP left Romania without his children and wife a very short period (weeks) after the thefts took place in 2015. I find this to be no coincidence. I am satisfied so that I am sure that the RP left Romania to avoid any future proceedings.

I am satisfied that he left Romania very soon after committing the thefts to avoid any future consequences of his actions. He accepted he had been arrested on the driving offences and they remained unresolved.

I am satisfied that the RP is a fugitive in evading the summons."

- 5 On the Article 8 issue specifically, the judge approached the matter in the manner of the balance sheet approach recommended by the Divisional Court in its judgment in *Celinski*. The judge accepted that the appellant has been in the United Kingdom since 2015 and accepted that he has established a family and personal life here. His sister and mother are here and, as I have already mentioned, it appears that he has established a new relationship with a female partner. The judge accepted that if the appellant were extradited, each of these persons would endure some financial and emotional impact. There would, of course, also be disruption and interference with Mr Lacatus' own Article 8 rights. However, the

judge's overall conclusion was that extradition would not be a disproportionate impact with all those Article 8 rights that are in play.

- 6 Notwithstanding the submissions made on Mr Lacatus' behalf by Mr Barrett this morning on this renewed application for permission to appeal, I do not consider that it is reasonably arguable that the judge reached the wrong decision on the Article 8 issue.
- 7 The sentences of imprisonment that the appellant faces in Romania are significant, even taking into account the consolidation that has occurred. Even though the offences covered by the first EAW (the driving offences) would not if committed in the United Kingdom render a person liable for imprisonment, they are, nevertheless, extradition offences within the sense defined at s.65 of the Extradition Act.
- 8 Mr Barrett, for the appellant, pointed to the fact that there has been a period of delay between the date when the offences were committed, variously in 2013, 2015 and 2015, and the date on which proceedings came to court in Romania, in December 2018 and January 2019. He submits that in those circumstances the observations made by Baroness Hale, at paragraph 8 of her judgment in *HH v Deputy Prosecutor of the Italian Republic* [2013] 1 AC 338, are material. In summary, that such passage of time can indicate that the public interest in the United Kingdom's adherence to extradition arrangements made with its European Arrest Warrant partners can be diminished in some cases. Mr Barrett says that this is such a case, and that the passage of time indicates that it should be inferred that the public interest in Mr Lacatus' removal to Romania has diminished or is less than might ordinarily be the case.
- 9 I accept, up to a point, that such an inference can be drawn from the passage of time between 2013, when the first offence occurred and 2018 and 2019 when the matters came to court in Romania. But, nevertheless, I remain of the view that the public interest in extradition in this case is a strong interest. The matters addressed by the Romanian Court were clearly considered by that court to be significant and important matters. That is reflected in the sentences of imprisonment imposed in respect of each of them. Although Mr Lacatus has been in the United Kingdom since 2015 and has established a life here, it is material, as the District Judge held, that he came to the United Kingdom as a fugitive. I can see no arguable basis to go behind that specific conclusion reached by the District Judge.
- 10 Overall, I do not consider that it is reasonably arguable either that the passage of time since the commission of the offences gives rise to any reasonable basis for contending that Mr Lacatus' extradition pursuant to the two EAWs would amount to a disproportionate interference with his Article 8 rights (or those of his family and partner in the United Kingdom), and for those reasons this application for permission to appeal is refused.