



Neutral Citation Number: [2024] EWHC 430 (Admin)

Case No: AC-2023-LON-001852

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:
MARCIN POLAK
- and -
POLAND

Appellant

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:

1. The Appellant appears in person, by video-link, with an interpreter. He is aged 37 and wanted for extradition to Poland. The mixed Extradition Arrest Warrant was issued on 11 February 2014. It was certified 8½ years later (1.7.22). Since his arrest (5.9.22) the Appellant has been on qualifying remand for 17½ months. Extradition was ordered by District Judge Zani (“the Judge”) on 9 June 2023. That was after an oral hearing (13.4.23) at which the Appellant was represented and gave oral evidence. As the judgment records, the Judge caused enquiries to be made of the National Crime Agency regarding the passage of time between February 2014 and July 2022. A witness statement (17.4.23) addressed that issue. The Judge considered the position of the Appellant, his partner and their son (then aged 9). They had come to the UK in early 2012 and have been here for 12 years since then. The Appellant has told me about them this morning and has asked me to have their interests well in mind, and I have done that.
2. There are two index offences. The first is a robbery committed by the Appellant in Poland (5.12.06). With two others, he robbed a named individual stealing a wallet, cash, iPod and mobile phone. He was convicted in March 2007 at a trial in which he was present. He received a two-year custodial sentence suspended for 4 years. He then committed offences of threatening unlawful violence (1.11.08) and driving under the influence (13.4.09), of which he was convicted in January and May 2009. The two-year suspended sentence was activated at a January 2011 hearing at which he was present. He then unsuccessfully pursued applications for postponement, a complaint and an appeal, leading to further hearings in December 2011 and February 2012 at which he was present. The second index offence is an alleged assault (29.5.11). He is said, together with others, to have assaulted a named individual, whose nose was fractured. He denies that offence and says he was there only as a witness. He is wanted to stand trial.
3. The Judge found that the Appellant came to the UK in early 2012 as a fugitive, in relation to both of the index offences. The Appellant was fully aware of the matters against him in Poland. He was also in breach of a known, ongoing obligation to notify any change of address. He deliberately put himself beyond the reach of the Polish authorities who could not find him. The April 2023 witness statement gave an acceptable explanation of the 8½ year passage of time, in light of the Appellant’s fugitivity. The Judge found that the strong public interest considerations in favour of extradition, considering fugitivity and the seriousness of the index offences, decisively outweighed the features counting against extradition. Those features included the UK presence of the family, the Appellant’s employment, the settled private and family life; the partner and the son; and the hardship which extradition would mean for them both; but also that the partner was primary carer for the son, and she had coped during the Appellant’s remand.
4. The Appellant tells me today that he has spent one-third of his life here and has never had problems with the law. That his son was born here and is now eleven. He emphasises the family life of the three members of the family. He asks to be given a chance to stay here and not be extradited. In refusing permission to appeal on the papers, Saini J (23.11.23) could see no arguable ground of appeal. Nor can I, having considered all features of the case, including taking account what – as at today – are 17½ months of qualifying remand. I will refuse permission to appeal.

28.2.24