



Neutral Citation Number: [2022] EWHC 1506 (Admin)

Case No: CO/4330/2019

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Thursday 16<sup>th</sup> June 2022

**Before :**

**MR JUSTICE FORDHAM**

**Between:**

**ADRIAN JABLONSKI**  
**- and -**  
**POLISH JUDICIAL AUTHORITY**

**Appellant**

**Respondent**

-----  
-----  
The Appellant and Respondent did not appear and were not represented

-----  
Hearing date: 16.6.22  
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.

.....  
**THE HON. MR JUSTICE FORDHAM**

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

**MR JUSTICE FORDHAM:**

1. Today marks the end of the appeal with which I was concerned in my judgment on 29 April 2020 [2020] EWHC 1334 (Admin). Subsequent to that judgment the transfer of legal aid duly took place from Lawrence & Co (“the Previous Solicitors”) to McMillan Williams (later Taylor Rose MW) (“the New Solicitors”). Both firms have sought appropriately to protect the interests of the Appellant who, as I explained in my 29 April 2020 judgment, had been removed on 21 November 2019. The New Solicitors were able to advance on his behalf, protectively, the familiar Wozniak ground which was ultimately finally determined adversely by the Divisional Court in December 2021, and they were able to secure from Jay J on 24 September 2020 a stay pending that resolution. They are not now in a position to advance any further submission on the Appellant’s behalf in relation to that ground or in relation to the Article 8 ECHR ground which alone had formed the basis of the grounds of appeal in November 2019 and grounds of renewal in February 2020. The Previous Solicitors had come off the record in circumstances where they did not feel able to advance any Article 8 argument. In due course the New Solicitors themselves requested (on 18 March 2022) to come off the record. The matter was adjourned on 6 April 2022 and an Order was made on 17 May 2022 discharging the representation order. The New Solicitors had explained that they were not in contact with the Appellant. No arrangements have proved practicable for him to be contacted and attend this hearing by a link from Poland, if that is where he still is. This hearing was listed and published for hearing in open court. There has been no attendance by or on behalf of either of the parties, which in the circumstances is unsurprising.
2. I am quite satisfied that it is necessary now for this appeal to stand finally determined by the formal refusal of permission to appeal. That course had been taken in relation to Article 8, without an oral hearing and “administratively”, in September 2020. Plainly, there is nothing left of the Wozniak point. I have asked myself whether there is any viability in an Article 8 argument – leaving aside the practical realities of what has happened in this case – and I am quite sure that there was and is none. The Appellant faced extradition, as a fugitive, in relation to a 3½ year aggregate custodial sentence in relation to quite serious matters, in a case where there had been no culpable delay, and where the invocation of Article 8 involved an asserted but unsubstantiated relationship. Having considered the context and circumstances, I am satisfied that the Article 8 challenge had no viability. Nothing has changed to strengthen the claim. Quite the contrary. This is a proper and sufficient basis for refusing permission to appeal on the Article 8 ground. Nothing is left in the case.
3. I will refuse the renewed application for permission to appeal. That finally determines these appeal proceedings.