



Neutral Citation Number: [2021] EWHC 3426 (Admin)

Case No: CO/1382/2021

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

Royal Courts of Justice
Strand, London, WC2A 2LL

14th December 2021

Before :

MR JUSTICE FORDHAM

Between :

SERGEJS JEROFEJEVS

- and -

GENERAL PROSECUTOR'S OFFICE, LATVIA

The **Appellant** appeared in person

The **Respondent** did not appear and was not represented

Hearing date: 14/12/21

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 for the parties, approved by the Judge, after using voice-recognition software during an ex tempore judgment.

MR JUSTICE FORDHAM :

1.

The Appellant is aged 38 and is wanted for extradition to Latvia. An accusation European Arrest Warrant (EAW1) was issued on 10 March 2020 and certified on 2 April 2020. It relates to alleged offences of human trafficking and conspiracy by deception to obtain EU residency status, committed in 2013 and 2014. A second EAW (EAW2) was issued on 19 March 2020 and certified on 2 April 2020. It relates to alleged offences of drugs conspiracy, committed in 2011. All of these alleged offences are said to have been committed while the Appellant was in prison, serving a 12-year prison sentence in Latvia, from which he was released in January 2016. In the court documents he has accepted that he made arrangements from prison for young women to travel to the UK, and that he was speaking to people from prison about drugs, but he denies committing any offence. His extradition to Latvia was ordered by DJ Ezzat (the Judge) on 9 April 2021. That was after an oral hearing on 7 April 2021. No oral evidence was given at that hearing, for which hearing the Appellant had legal representation. All grounds for resisting extradition which were raised on his behalf were comprehensively rejected by the Judge. Permission to appeal was refused by Cheema-Grubb J on the papers on 17 August 2021. Two grounds were subsequently renewed by the Appellant's solicitors before they applied to come off the record. Today's hearing was held at the Royal Courts of Justice. The Appellant appeared by video link and addressed me through an interpreter.

2.

The Appellant asked me to permit him to stay in the United Kingdom. He says I have the "power" to grant him permission to stay here. He put forward the following reasons why I should exercise my power. He has a wife and child who live here, and he says he can prove that. He wants the opportunity to stay here with his family and go back to work here. He tells me that he has done nothing wrong here in the United Kingdom. He has been in custody for one year and four months. He wants to be able to work here and earn money so that he can pay lawyers to rectify his problems in Latvia.

3.

Article 8 ECHR was not raised before the Judge. Nor was it raised in the grounds of appeal, or grounds of renewal, in this Court. I have treated the Appellant as asking me to allow him to rely on an ECHR 8 ground of appeal now. Article 8 applies to prevent extradition where it would be an unjustified (disproportionate) interference with rights to private life or family life. I am quite sure that there is no viable Article 8 ground of appeal in this case. The strong public interest considerations in favour of extradition clearly outweigh those factors which are capable of balancing against it. Nothing, whether based on the Appellant's presence in the United Kingdom (since 2017), or on the impact of extradition on him or others, or on his wish to address matters by being released and working to pay lawyers in Latvia, is capable of underpinning a viable appeal, whether by reference to Article 8 ECHR or any other ground on which extradition can be resisted.

4.

I turn now to the two grounds of appeal which were relied on before the Judge and which have been relied on in the papers before this Court. The first ground of appeal argued that the Latvian prosecutor did not in law constitute a judicial authority, for the purposes of [section 2 of the Extradition Act 2003](#). The Judge accepted the Respondent's answer, which pointed to the parallel between the evidenced Latvian arrangements and those in Sweden which the Luxembourg Court authoritatively found compatible with the relevant legal standards in XD (Case C 625/19 PPU). The second ground of appeal argued that prison conditions in Latvia did not in law satisfy extradition compatibility requirements arising from Article 3 ECHR. On that, the Judge accepted the

Respondent's answer, which pointed to Danfolds v Latvia [\[2020\] EWHC 2042 \(Admin\)](#) as having authoritatively determined that issue. The Appellant's legal representatives were unable to come up with anything to substantiate either of these two grounds of appeal. Understandably, the Appellant has not been in a position to make any further legal submissions on those points today. I have thought carefully about whether there is any viable ground of appeal in these respects. Like Cheema-Grubb J, I am quite satisfied that neither of the grounds in the Appellant's Notice had or has any realistic prospect of success.

5.

In those circumstances permission to appeal is refused. This Court only has the "power" to order that the Appellant can stay here if there is a viable and well-founded ground of appeal, applying the relevant legal standards. In this case, I have no such power because, applying those standards, there is no viable case.

14.12.21