



Neutral Citation Number: [2022] EWHC 244 (Admin)

Case No: CO/377/2022

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Wednesday 9th February 2022

Before:

MR JUSTICE FORDHAM

Between :

ARTHUR ANDRZEJ LECHICKI

- and -

POLISH JUDICIAL AUTHORITY

George Hepburne Scott (instructed by Bark & Co) for the **Applicant**

Toby Cadman (instructed by CPS) for the **Respondent**

Hearing date: 9.2.22

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 in a Coronavirus remote hearing.

MR JUSTICE FORDHAM:

1.

This is an application for bail in an extradition case. The Applicant is aged 39 and is wanted for extradition to Poland. That is in conjunction with two conviction Extradition Arrest Warrants (ExAWs), whose cumulative effect is that he is wanted to serve 9 years and 55 days custody having been convicted of 20 offences among which are 11 offences of burglary. The mode of hearing was by Microsoft Teams. I was satisfied, as were both Counsel, that this mode of hearing involved no prejudice to the interests of either party. The open justice principle was secured in the usual ways through the publication of the case, its mode of hearing and its start time in the Court's cause list from yesterday afternoon together with an email address usable by any member of the public or press who wished to observe this public hearing, as several have.

2.

The case for bail emphasises that the Court has the function of considering the merits of bail afresh, not reviewing the refusal by DJ Tempia of bail on 18 January 2022; that there is power to grant bail albeit that there is no statutory presumption in favour of the grant of bail in a conviction ExAW case; that the Applicant is vigorously defending these extradition proceedings and has every incentive to comply and engage in the context of a substantive extradition hearing in the magistrates' court scheduled for 9 March 2022; that he has ties in the UK having been here since 14 February 2019, with a niece and cousin here and having worked hard (in a way whose lack of a financial footprint should not be held against him) and having lived in a law-abiding way (as Mr Hepburne Scott has emphasised today) in the 2 years 9 months up to his arrest on 15 November 2021 (when he behaved properly and openly). There are "very real" bail merits. He has been disarmingly frank as to his travel across borders. Fugitivity is in dispute and no adverse finding is justified or appropriate today. In so far as concerns arise, the proposed bail conditions serve to allay them. Those conditions involve an electronically-monitored curfew between 11pm and 4am, attached to a residence requirement with a specified address (that of his cousin); reporting (if appropriate); the retention of a Polish identity document, and a £5,000 prerelease security (very significant given his extremely low financial means and the nature of his employment).

3.

I am not prepared to grant bail in this case. In my assessment there are substantial grounds for believing that if released on bail, notwithstanding the proposed conditions and any others that the Court could devise, the Applicant will fail to surrender. He faces 9 years in custody in relation to criminal conduct of which he stands convicted. That serves as a very strong incentive to avoid that consequence. Without in any way cutting across the magistrates' court who will come next month to consider the substantive merits of the bases on which extradition is resisted, it is on the cards that the Applicant will perceive himself as facing imminent removal to face that long period of custody. He has in my assessment on the evidence minimal ties with the UK. There is evidence of a transience including the fact that it is said that he was sleeping on his niece's sofa at the time of his arrest on 15 November 2021. There is a mobility in his background, including a period when he was evidently living in Germany and a reference in his own evidence to having travelled around European countries. There is to say the least a serious case against him, on the face of the ExAWs, that he came to the UK in February 2019 as a "fugitive" in relation to these matters. The evidence is that he had been arrested and held on remand in Poland and was subsequently released. For the purposes of the assessment of risk, it is relevant to ask whether this is coincidence: that the timing of his coming to the UK was in February 2019; and his being convicted of the 5 theft offences which are the subject-

matter of the ExAW2 was on 18 February 2019; and then his being convicted on some of the offences covered by ExAW1 was on 30 April 2019. It would not, in my assessment, be appropriate to approach the question of risk on any basis other than that he appears already to have acted to evade these very matters, by crossing borders. I am not making findings of fact, but I am identifying relevant features of the case, as they currently stand, as constituting relevant concerns for the purposes of my assessment of risk. There is nothing approaching a strong “anchoring” effect in his private or family life in the UK. Nor is this a case where a presumption in favour of the grant of bail needs to be displaced. In all the circumstances and for all these reasons in my assessment there are substantial grounds for believing that if released on bail on conditions he will fail to surrender. Bail is refused.

9.2.22