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



No. CO/3284/2020

NCN: [2020] EWHC 3597 (Admin)  
Royal Courts of Justice

Thursday, 24 September 2020

Before:

THE HONOURABLE MRS JUSTICE WHIPPLE DBE

B E T W E E N :

JABLONSKI

Applicant

- and -

CIRCUIT COURT IN LODZ (POLAND)

Respondent

MS N. DRAYCOTT appeared on behalf of the Applicant.

MR S. HYMAN appeared on behalf of the Respondent.

J U D G M E N T

MRS JUSTICE WHIPPLE:

1 I am not going to grant bail.

2 This is the applicant's application for bail which I have jurisdiction to consider in extradition proceedings pursuant to s.22(1)(a) of the Criminal Justice Act 1967. This applicant's extradition is sought on the basis of a conviction European Arrest Warrant. It was issued on 10 April 2019 and certified on 20 June 2020. Therefore, there is in this case no presumption of bail.

3 I note that the applicant, if he is extradited, currently faces a period of imprisonment of around 18 months in Poland. That is the remaining balance of an overall sentence imposed by the Polish Court of two years and two months for various offences, two of which I accept were not at the serious end of the scale, but one of which was serious, namely the offence of kidnap which was committed in 2006.

4 This applicant's extradition hearing is due to take place in the Magistrates' Court on 30 October 2020 which is around five months from today's date. The respondent for the Judicial Authority submits that there are substantial grounds for believing that this applicant would fail to surrender to custody. That is primarily on the basis of the nature and the seriousness of these offences, the term of imprisonment he faces, and the fact of his character and antecedents.

5 He has a fairly lengthy criminal record for a variety of offending, but notable within that is that he has not always complied with court orders imposed on him. Further, it is submitted

that he is a fugitive in the UK having left Poland to evade the consequences of his offending in July 2016 at around the time that his appeal against his conviction was dismissed by the Polish Court. That latter point plainly is to be determined by the Magistrates' Court, but I am invited to conclude that there is at least a strong case sufficient to support the substantial grounds of belief.

6 The applicant offers various conditions, all of which I have carefully considered, to secure his attendance at the hearing in October. Those are listed in Ms Draycott's submissions and include a surety and a residence and reporting requirements.

7 I am satisfied that there are indeed substantial grounds for believing that this applicant would fail to surrender were he to be released on bail. In summary, I accept the points that are made in the respondent's skeleton argument. These offences are serious, at least one of them is particularly notable. He does face a significant term of imprisonment. He has some community ties; I accept that, because he is in a relationship which has caused him to live with his partner now for around 18 months, but I do not accept that they are extensive community ties. So, there is some weakness there. He does have a notable record of offending and it does look to me that he did abscond from Poland rather than face his punishment. So, for those reasons I refuse bail.

MRS JUSTICE WHIPPLE: Thank you both very much. Now, there is a draft order in the papers.

So I just need to print that off and sign it, do I? I just need to deal with that. Can you just remind me where that is?

MR HYMAN: Shall I send you a Word version? Would that be easier if I sent it to your clerk and then you can just - it will be more straightforward. I am grateful.

MRS JUSTICE WHIPPLE: Good. Thank you both very much indeed. That is the end of this hearing.

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This transcript is subject to the approval of the Judge.