



Neutral Citation Number: [2022] EWHC 1762 (Admin)

Case No: CO/2768/2021

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Thursday 7<sup>th</sup> July 2022

**Before:**

**MR JUSTICE FORDHAM**

**Between:**

**PAWEL PALCZEWSKI**

**Appellant**

**- and -**

**REGIONAL COURT IN RZESZOW (POLAND)**

**Respondent**

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The **Appellant** appeared in person

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

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Hearing date: 7/7/22

Judgment as delivered in open court at the hearing  
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**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.

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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. In this case I have to decide whether to grant permission to appeal. The Appellant appeared in person with an interpreter. His lawyers had come off the record at the beginning of this week. He emphasised that he would like to stay in this country, that he wishes to get his documents back and start legal employment here, paying taxes here. He also wanted me to have in mind that he has been trying hard to pay his debts in Poland. And I have considered all of those points. The Appellant is also emphasised that he wants to be able to get settled status here and to be able to acquire house that would be big enough for family to join in and I have seen reference in the papers to 2 daughters who are in Poland. He is also told me this morning that he has a grandchild. I have to apply the jurisdiction that the court has on extradition appeals. That means I have to consider the facts and circumstances of the case from the perspective of the legal grounds that could be relied on to resist extradition. I need to explain the context and then I need to turn to those legal grounds.
2. The Appellant is 48 and is wanted for extradition to Poland. That is under a conviction European Arrest Warrant (EAW) issued in on 23 April 2020 and certified on 10 July 2020. He was arrested in the UK on 12 December 2020 and bailed. The EAW relates to an offence of stealing power tools from a workshop in Poland in July 2015. The English equivalent of the value of the power tools is £885. He is wanted to serve 330 days custody in Poland. That was a substitute sentence imposed on 11 May 2017 after he failed to comply with the conditions of the community sentence imposed on 11 January 2016.
3. Extradition was ordered by DJ Clews (the Judge) on 6 August 2021. That was after an oral hearing on 16 July 2021 at which the Appellant was represented and gave evidence. Permission to appeal was refused on the papers by Mr Justice Choudhury on 1 March 2022. Grounds of renewal were filed on 7 March 2022 by the Appellant's then legal representatives. They rightly recognised that grounds of appeal arising under section 2 of the Extradition Act 2003 and Article 3 ECHR could not be pursued having become unsustainable in the light of Wozniak [2021] EWHC 2557 (Admin) and Litwinczuk [2021] EWHC 2735 (Admin). That left arguments relating to fugitivity, the passage of time (section 14 of the Extradition Act 2003) and Article 8 ECHR. That is what I meant when I said earlier that I have to consider this case by reference to the legal grounds.
4. Choudhury J concluded that those points were unarguable as grounds of appeal. I agree with that conclusion. The Judge applied the correct legal test and, having heard the evidence including the Appellant's oral evidence which he rejected, unassailably found the Appellant to be a fugitive. That was because the Appellant knew of an obligation to notify a change of address but left Poland in breach of that obligation and in non-compliance with the terms of the original sentence. He had therefore "deliberately and knowingly put himself beyond the reach" of Polish justice. That was fatal to any reliance on section 14. But the Judge held that the threshold of injustice and oppression was not met in any event. That leaves Article 8 ECHR. That is a legal basis which applies if the court concluded that extradition would be disproportionate as an interference with private or family life. As the that the Judge conducted an impeccable 'balance sheet' exercise and unassailably found that the considerations in favour of extradition decisively outweighed those capable of counting against it. Although having no convictions in the UK since 2016 the Appellant had spent time in Sweden and had committed a criminal offence there. His ex-wife and two daughters were in Poland. He

had undertaken some casual work in the UK. There were strong public interest considerations in favour of extradition, to serve the 330 day sentence, which he had evaded as a fugitive. There had been a significant passage of time since the offending in July 2015, and his 2016 default, a domestic arrest warrant having been issued in July 2018 and the EAW in April 2020. But the function and implications of that passage of time, in the circumstances of the present case did not give rise to considerations which, alongside the other factors capable of weighing against extradition, meant extradition would be a disproportionate interference with Article 8 rights. I have carefully considered the papers in this case in all the circumstances of this case including the points that have been emphasised to me today. But there is no realistic prospect of success on a substantive appeal hearing, on any of the grounds which have been raised.

7.7.22