



Neutral Citation Number: [2024] EWHC 1142 (Admin)

Case No: AC-2024-LON-001609

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LONDON

Tuesday, 14th May 2024

Before:
FORDHAM J

Between:
THE GOVERNMENT OF ISRAEL
- and -
SOLOMON ABRAMOV

Appellant
Respondent

Waheed Chaudhrey (instructed by CPS) for the **Appellant**
Ben Seifert (instructed by Sonn Macmillan Walker) for the **Respondent**

Hearing date: 14.5.24
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.

FORDHAM J

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

FORDHAM J:

Introduction

1. The Respondent is aged 37 and is wanted for extradition to Israel. There is an accusation Extradition Request issued by the Appellant and dated 14 August 2023. It was preceded by a Provisional Arrest Warrant dated 3 July 2023. The Respondent was arrested on 12 July 2023, since which time he has been on remand at HMP Wandsworth. He is wanted for extradition to stand trial in Israel on four counts of alleged sexual touching against two individuals one of whom was a minor (aged 15). His extradition proceedings are due for their substantive hearing at Westminster Magistrates Court in mid-June, on 19 June 2024. Bail was granted by District Judge Zani (“the Judge”) on 10 May 2024. Bail is strongly supported in particular by Rabbi Moskowitz and Rabbi Blair. They are representatives of the Stamford Hill Orthodox Jewish Community. Rabbi Moskowitz is also the prison chaplain at HMP Wandsworth. He has been visiting the Respondent on a regular basis since the Respondent was remanded. Rabbi Blair knows the Respondent. He has worked to organise the £20,000 as a pre-release security, funded directly by the two Rabbis themselves, which I am told they are “certain” will never need to be forfeited. Rabbi Blair was, and remains, content for the Respondent to stay in his home.
2. The Judge imposed these bail conditions (with one appropriate added point): (i) residence at the home of Rabbi Blair; (ii) an electronically monitored curfew 11pm until 7am; (iii) daily reporting, except on Saturdays and (this is the added point) on the Jewish festival of Shavuot, to Stoke Newington Police Station between 2pm and 4pm; (iv) not to go to any port or international travel hub, or be in possession of any international travel document or attempt to leave England and Wales; (v) a mobile phone number provided within 24 hours of release; (vi) the pre-release surrender of the Respondent’s passport; and (vii) the pre-release security of the £20,000.
3. My role on a bail appeal is to consider the question of bail afresh, by way of a rehearing: s.1(9) of the Bail (Amendment) Act 1993. In doing so, I am not making specific findings of fact. Rather, I am assessing risk on all the materials placed before me and all the submissions made to me. This is an accusation case, which I therefore approach on the basis that there is a presumption in favour of granting bail.
4. Mr Seifert says that, like the Judge, I can confidently remand the Respondent on conditional bail, applying that presumption in favour of bail, and for these reasons in particular. (1) The Respondent cannot be described as a fugitive. First, in the absence of any evidence that there were any restrictions on his leaving Israel on 22 September 2022. Secondly, in light of his open use of his passport (issued on 19.9.22) to travel to Ukraine via Poland and Moldova and, later, elsewhere in Europe. (2) In addition to this non-fugitivity, there was a legitimate annual one month pilgrimage as his reason for travelling to Ukraine for the Jewish New Year (Rosh Hashanah) celebrated there on 25 September 2022. (3) The Respondent has no incentive to fail to surrender, and every incentive to comply with his bail conditions. He has nowhere to go. He would not be able to travel without a passport and would be liable to arrest and denial of bail. He is, moreover, extremely scared of and is highly incentivised to avoid any return to any further incarceration in prison in the UK, especially in light of the current highly punitive circumstances there. These are reflected in documents which have been provided to the Court. They have led to communications about special restrictions,

including on visiting by Jewish prison chaplains. (4) There is a long-standing stay on all extraditions to Israel, due to the war in Gaza. The lead case of Grinfeld v Israel [2023] EWHC 2023 (Admin) involves a stayed application to re-open that appeal on Article 3 grounds, now due for hearing on 16 July 2024. (5) The maximum sentence in Israel would be 3 years. The Respondent has served 10 months already as qualifying remand. This would be a significant portion, even if convicted. It could itself stand as a viable basis for resisting extradition as a sentence already served. (6) Rabbi Moskowitz and Rabbi Blair both support his case for bail. They do so because, and only because, of their own careful assessment of how they see the lack of risk of any failure to surrender by the Respondent. They also do so, standing to lose £20,000 in the event of breach of bail. (7) The bail conditions adequately and sufficiently satisfy any concerns of the Court.

Assessment

5. In my judgment, the Appellant has discharged the onus of displacing the presumption in favour of bail. I have been shown that there are substantial grounds for believing that the Respondent, if released on bail, would fail to surrender; and that the proposed bail conditions do not allay the concerns which arise. I therefore accept Mr Chaudhrey's submissions for the Appellant. I have arrived at those conclusions, in assessing the risks, for the following reasons.
6. First, there are the circumstances in which the Respondent left Israel and went to Ukraine. I am making no finding that he was, in law, a fugitive. I accept that there is no evidence before me that he was under any restriction to stay in Israel. I also accept that he left using his passport. But this is the sequence of events. He had been arrested on 19 July 2022 in connection with the alleged sexual offences. After 19 days in custody, he was placed on house arrest on 7 August 2022. After 15 days of house arrest, he was then released. He then left Israel a month later, on 22 September 2022, for which purpose he had obtained the issue (or reissue) of his passport, received on 19 September 2022. In my assessment, this sequence of events is a very strong indication that he chose to leave Israel, and cross borders, in light of the criminal charges that he knew he was facing (and in relation to which he was being investigated). I am unable to find reassurance in the idea that he was on a pilgrimage. There is, for example, no evidence to suggest that he had pre-booked that travel. And on the evidence before me, he did not return to Israel. If this was a one month pilgrimage, then why not? The Respondent subsequently came to the UK, first in April 2023 and then again in June 2023. That is itself another very strong indication that he was crossing borders and choosing to stay away from Israel, in light of the criminal matters that he knew he was facing.
7. Secondly, there is the passport. Reliance is placed, on the Respondent's behalf, on the fact that he travelled on his passport to Ukraine, and then to the UK, and that he has travelled on the passport on various dates to various other countries. Surrender of his passport is put forward as one of the usual bail conditions. The Respondent plainly had his passport, or knew where it was, after arriving back in the UK in June 2023. And I have clear evidence in a witness statement from the senior officer of the National Crime Agency who arrested the Respondent, that he stated he had no fixed abode in the UK and had been sleeping in various different synagogues, relying on the charity of the Jewish community, and "he refused to tell me where his passport was". Yes, as Mr Seifert emphasises, he gave his name and address. Nevertheless, this refusal was an important part of his conduct. This on the face of it was an act of knowing obstruction

and evasion, when being given an opportunity to cooperate and comply, in response to relevant and direct questions from known police officers (notwithstanding their plain clothes). This is also, on the face of it, a refusal clearly consistent with being a conscious step which would maximise the ability to leave the UK, notwithstanding steps taken by the UK authorities. I have not been persuaded by the submission that all of this is really irrelevant and that what really matters for the purposes of today is that the passport has been produced now and would now be being surrendered.

8. Thirdly, there are two statements made on arrest. The same witness evidence of the arresting officer records the Respondent clearly stating, when told that he did not have to say anything but that anything he did say may be given in evidence: “I won’t go back to Israel”. That witness statement records that, when dealing with the Respondent later, he repeated that he had no intentions of returning to Israel. That was the context in which he refused to say where his passport was. I do not accept that these were statements declining to consent to extradition. On the face of it, they indicate a strong resolve to avoid going back to Israel, whatever the UK authorities may say or do.
9. Fourthly, there is the current position and questions of imminence and perception. I accept that the Respondent would be able, if released on bail, to decide fully to engage with the defence of the extradition proceedings, mounting his grounds of resistance. The oral hearing in mid-June 2024 is now imminent. Close behind is the mid-July 2024 hearing in the Grinfeld case. On the face of it, the Respondent has only been back in the UK since June 2023 and the case against him has been promptly pursued. There is no suggestion of any particular family links or ties in the UK. I accept that he would maximise his prospects of success, in court, if he complied and attended. But in my assessment, the Respondent may very well perceive a fragility in his ability to resist being extradited to Israel, which moreover he may perceive could take place in the relatively near future. I am of course not making findings or observations about the objective legal merits of any point. But I do not find, in what I have been told, an identified ground of resistance whose perceived prospects would stand as a strong reassurance.
10. Finally, there is the support of bail including the pre-release security. I accept that Rabbi Blair has collected a very substantial sum of £20,000 as pre-release security. I accept what I have been told at the hearing, that this is the direct result of funds provided by the two Rabbis themselves. I accept that Rabbi Blair knows the Respondent and I accept that both Rabbis do feel “certain” that this substantial sum of money would never need to be forfeited. I accept, moreover, that there are reputational links between the two Rabbis and the Respondent, who would have a strong debt and bond of honour. I accept that there is the context of direct involvement and participation, on a daily basis, within the synagogue where all three and others would be praying together. This is money identified from Rabbis who are faith leaders in a community on whose charity the Respondent told the arresting police officer he had been relying, in the short period between arriving back in the UK in June 2023 and then being arrested in July 2023. But in my assessment, there are limits to the anchoring effect – for the Respondent – which this pre-release security would constitute. Its forfeiture would be serious for those who are supporting him. But, alongside that, there are the serious implications for the Respondent of being extradited to Israel, with its perceived prospect and imminence; and there are all the concerns reflected in the circumstances of travel, the concealment of the passport, and the statements on arrest.

11. I do not for one moment doubt the veracity, the integrity or the genuine trust on the part of those who are supporting the Respondent and supporting the grant of bail. Mr Seifert was right to emphasise these today. However, having regard to the objective features to which I have referred, and the degree to which the Respondent has been able to answer those concerns, I have come to a different conclusion on the evidence and representations than did the Judge. With the advantage of all the submissions which were made to me for and at this rehearing, and for the reasons I have explained, I will allow the appeal and overturn the grant of conditional bail.

14.5.24