



Neutral Citation Number: [2024] EWHC 2772 (Admin)

Case No: AC-2024-LON-001887

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

Thursday, 31st October 2024

Before:
FORDHAM J

Between:
RAFAL MARCIN KUBIK **Appellant**
- and -
POLISH JUDICIAL AUTHORITY **Respondent**

George Hepburne Scott (instructed by Bark & Co) for the **Appellant**
The **Respondent** did not appear and was not represented

Hearing date: 31.10.24

Judgment as delivered in open court at the hearing

Approved Judgment

FORDHAM J

Note: This judgment was produced and approved by the Judge.

FORDHAM J:

1. In my judgment, the Article 8 ground for resisting extradition has no realistic prospect of success. The Appellant (now aged 47) evaded serving two consecutive custodial sentences in Poland for a June 2009 GBH assault and a March 2010 robbery, by coming to the UK as a fugitive in 2010 or 2011. The passage of time in issuing (to November 2014) and certifying (to May 2019) the Extradition Arrest Warrant have been emphasised orally today. But they were unimpeachably found by DJ Clarke to be properly explained, on the evidence, by the fugitivity and related circumstances. There are no UK based dependants and the last 5 years and 5 months since the extradition arrest (in May 2019) have been spent serving the custodial element (4½ years) of a 9 year sentence imposed in July 2019 for a robbery committed here, and then on extradition remand. The features related to the passage of time, and also to Article private and/or family life, health conditions, the transformation in custody, and the qualifying remand are, beyond argument, decisively outweighed by the strong public interest considerations in favour of extradition.

2. I am refusing the last-ditch application, opposed by the CPS, to adjourn this case because of ongoing attempts to secure an aggregation of the sentences. There is a May 2024 document which records receipt of an application by a court in Poland. This post-dates the extradition hearing before the Judge (8 May 2024) but would not in my judgment have been a viable basis for deferral of the Judge's determination (June 2024), or of the paper consideration of permission to appeal by Freedman J (August 2024). It is not a viable basis for vacating this hearing or adjourning this case; nor for granting permission to appeal. Aggregation has not taken place. It would not materially change the substance of the position. The Extradition Arrest Warrant is, as at today, valid. The position as to any aggregated sentence could in any event be regularised when the Appellant has returned to Poland, if the Polish court considers that appropriate. There is no basis for waiting to see whether it comes to fruition, and with what outcome. There is no legal, technical or substantive basis for an adjournment or for deferring extradition. I will therefore refuse the application for an adjournment and refuse permission to appeal.

31.10.24