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IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
[2021] EWHC 3223 (Admin)



No. CO/3529/2021

Royal Courts of Justice

Friday, 12 November 2021

Before:

MR JUSTICE CHAMBERLAIN

B E T W E E N :

ADAMESCU

Applicant

- and -

BUCHAREST APPEAL COURT CRIMINAL DIVISION
(ROMANIA)

Respondent

MS N. DRAYCOTT (instructed by Elena Jucchs Solicitor) appeared on behalf of the Applicant.

MS J. WELLS (instructed by the Crown Prosecution Service) appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE CHAMBERLAIN:

- 1 I am going to vary the conditions of bail in the manner proposed by the respondent requesting state on the three matters which are in issue. It seems to me that there is force in what Ms Wells says. The need for a midday curfew during the week is conceded, and that being so, it is important that the curfew should be properly capable of being monitored. A one hour curfew may create difficulties in monitoring because, if there is a breach, the monitoring company will have to check whether the applicant is at home or not, and therefore a two hour curfew is more practicable than a one hour curfew.
- 2 I will vary the midday curfew during the week so that it is reimposed between the hours of 12 and 2, not 12 and 1.
- 3 As to the second matter, the night-time curfew on week-days, the question is whether that curfew should be reimposed at 9 or 10. It seems to me that it should be imposed at 9. Although I am sympathetic to the applicant's desire to spend more time with his children, given the ages of the children and the fact that it will take him some 20 minutes or so to get home, it seems to me that a curfew being re-imposed at 9 p.m. strikes the appropriate balance between the need to avoid any risk of failing to surrender or absconding, and the need to allow the applicant to spend time with his children.
- 4 As to the third matter in dispute -- the curfew on Saturdays and Sundays -- again it seems to me that the proposal put forward by the requesting state, namely that the curfew is lifted between 11 a.m. and 8 p.m., again strikes the appropriate balance between the two interests that I have just mentioned. Although the applicant would no doubt prefer to spend more time with his children at the weekend, he still has a very substantial period of time between 11 a.m. and 8 p.m. That, in my view, is sufficient.
- 5 I should record that when this application was first made to me on Tuesday, the factual chronology was not set out in sufficient detail. That was not the fault, I am sure, of Ms Draycott. Nonetheless, once I had adjourned the hearing and given directions that the respondent requesting state should appear, the skeleton argument which I subsequently received from Ms Wells on behalf of the requesting state set out a much fuller and more detailed history than I had previously been aware of. That history establishes that the proceedings are now in their final stage. Not only was the extradition order been made by District Judge Zaini on 12 April 2018, the appeal to the Divisional Court has been finally concluded by its judgment on 20 October 2020, and an application to certify a point of law of general public importance was refused on 3 December 2020. So, for nearly a year this case has been concluded, at least in so far as proceedings under the Extradition Act 2003 are concerned.
- 6 It is right to mention that one of the matters considered at an earlier stage in the proceedings was an allegation that the applicant had forged a document relevant to one of the issues in the case. That allegation was found to be established both by District Judge Zaini and by Kerr J in an earlier bail application, and the Divisional Court, at para.169 of its judgment, found it safe to infer that the forgery was deliberate and attributable to the applicant. That background has coloured my approach to this application.
- 7 To my mind, it strongly reinforces the need to ensure that the conditions imposed are such as to avoid any failure to surrender in the future. The conditions proposed by the requesting state seem to me to be designed with that in mind. I therefore resolve the three remaining issues in dispute in favour of the requesting state.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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This transcript has been approved by the Judge.