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IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

[2021] EWHC 263 (Admin)

No. CO/352/2021

Royal Courts of Justice

Tuesday, 9 February 2021

Before:

THE HONOURABLE MR JUSTICE SAINI

BETWEEN:

MUSSE

Applicant

- and -

TRIBUNAL D'ARRONDISSEMENT
GRAND DUCHY OF LUXEMBOURG

Respondent

MR S. HYMAN appeared on behalf of the Applicant.

MR T. COCKROFT appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE SAINI:

- 1 I have before me an application for bail on behalf of Muhammad Abdulkadir Musse. He is the subject of a European Arrest Warrant issued on 12 November 2020. The Luxembourg Authorities seek the surrender of the applicant for the purposes of prosecution in respect of offences committed in Luxembourg at the end of December 2019. In broad terms, the European Arrest Warrant concerns allegations of fraud involving the use of forged credit cards and a forged identity card.
- 2 The applicant was arrested within this jurisdiction, on 29 November 2020, following a routine traffic stop in South West London. He has been in custody since that point in time. By way of history, he has been refused bail on two previous occasions, most recently on 7 January 2021. His second bail application was rejected by Deputy District Judge Bristow. The District Judge declined to admit the applicant to bail on the basis of a failure to surrender. The applicant also offers certain conditions in respect of his bail application.
- 3 Of substantial significance, in my judgment, is the fact that the applicant is presently remanded on unconditional bail in respect of a number of drug offences. He is also currently awaiting sentence in the Crown Court for a non-dwelling burglary and the trials, in respect of drug offences, are due, as I understand it, for February and July this year, in the Westminster Magistrates' Court and the Crown Court at Exeter, respectively.
- 4 Although the applicant is a Dutch national, he is a long-term resident in the United Kingdom and, clearly, has very strong ties to the local community. I understand that he lives with his mother and, although he, clearly, does not have an unblemished character, he has been admitted to bail previously on a number of occasions, although I do take into account the fact that I am told that he did fail to surrender on at least one occasion, if not two.
- 5 The practical consequence of a remand in custody in the extradition proceedings will be to remand him in custody in all the other proceedings. I also take into account of the fact that, as has been explained by the Court of Appeal (Criminal Division) in a number of cases, including *Manning*, detention during the current pandemic causes more difficulty than detention at earlier periods. It also seems to me difficult to see how, given current travel restrictions, the applicant would be able to leave the country. In all these circumstances, I am satisfied that he should be admitted to bail, but subject to the conditions which are set out at para.20 of Mr Hyman's skeleton argument. I will not read those conditions out, but I will hear submissions from Mr Cockroft if there is any particular aspect of those conditions which he would like to address.

MR COCKROFT: My Lord, no, they are fine.

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.