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

Royal Courts of Justice
Strand, London, WC2A 2LL

10th February 2022

Before:
MR JUSTICE FORDHAM

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Between:

(1) CSABA NEMETH (2) MARIA LAKATOS	**Requested**
(3) MARIA HORVATH	**Persons**
- and -	
HUNGARIAN JUDICIAL AUTHORITIES	**Requesting State**

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- -

Mary Westcott (instructed by Lawrence & Co) for **Csaba Nemeth**
Amelia Nice (instructed by Lawrence & Co) for **Maria Lakatos**
Louisa Collins (instructed by Hodge Jones & Allen) for **Maria Horvath**
Amanda Bostock and Hannah Burton (instructed by CPS) for the **Requesting State**

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Hearing date: 3/2/22
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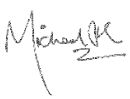
Approved Judgment

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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MR JUSTICE FORDHAM:

A Third Judgment

1. This is the third judgment in a sequence. The first was [2021] EWHC 3366 (Admin) ("First Judgment"). The second was [2022] EWHC 224 (Admin) ("Second Judgment") and I am continuing where I left off there (Second Judgment §§20-21).

Section 2 (particularisation: Csaba Nemeth)

2. I turn to deal with the Requesting State's application for permission to appeal in relation to the order of DJ Fanning (for this purpose, "the Judge"), discharging Mr Nemeth in relation to one of the alleged crimes which is the subject of one of his EAWs. This application was referred to in my First Judgment at §15.

Jurisdiction: no 'cross-appeal' issue

3. I will explain first why I see no "cross-appeal" issue calling into question the Court's jurisdiction. This application for permission to appeal has been referred to in the Court papers as a "cross-appeal". That is because there is an extant application for permission to appeal, on various grounds, advanced by Mr Nemeth. A "cross-appeal" may raise a question as to jurisdiction. As I explained (see Second Judgment at §3), a "cross-appeal" by Marina Horvath was "withdrawn", in circumstances where the Requesting State had been granted permission to appeal (see First Judgment §§9-14). As I explained, that withdrawal was considered to be appropriate, by the legal representatives for both parties in that case, in the light of dicta in USA v Assange [2021] EWHC 2528 (Admin) at §31.

4. No party has suggested that there is any similar 'jurisdictional' doubt or difficulty in relation to the application for permission to appeal by the Requesting State in Mr Nemeth's case. I agree with the parties that there is no 'jurisdictional' doubt or difficulty. I did not consider it necessary to hear submissions on the point. The situation is as follows. Mr Nemeth's case is one in which the Judge: (i) ordered Mr Nemeth's extradition on all but one matter; and (ii) ordered his discharge in relation to that one matter. That means there were two distinct orders, one of which was adverse to each party, which one could in principle be appealed. That means that either party is entitled – acting independently of what the other party does, and with no contingency involved – to be an appellant and pursue an appeal in relation to the Judge's order which was adverse to that party. This is very different from the situation identified in the dicta in Assange (whatever the rights and wrongs as to that). This is not a "cross-appeal" in the sense that it arose in Marina Horvath's case. She had been the subject of a single order, in her favour, discharging her (albeit that some of her arguments resisting extradition were rejected. Her "cross-appeal" depended on there first being an appeal by the Requesting State. There was no order from which she could be an appellant. Her cross-appeal involved a contingency. She would be raising arguments as to why – if it had been wrong in her case to order her discharge by reference to Article 8 ECHR arguments – it was also wrong to decline to discharge her by reference to other arguments. That would have been a contingency-based cross-appeal by a successful party, arising in the context of a favourable order, and only when the other (unsuccessful) party had chosen first to appeal and such an appeal was underway. That is clearly distinct from the situation in the present case. In the present case, in which

the Judge made two orders, one of which is adverse to each party, it would be bizarre if a 'race' to file a notice of appeal determined the question of who was a proper appellant able to pursue an appeal, with some jurisdictional consequence serving to bar or defer the arguments which could be raised by the other party, in relation to a free-standing part of the order which was adverse to it.

5. On that basis, I am quite satisfied that it is appropriate that I deal with the application on its legal merits, as Counsel on all sides have invited me to do. By way of footnote, there is also this. In the present case, Mr Nemeth does not currently have permission to appeal. On one ground of appeal there is a stay of permission to appeal (First Judgment §3). On another series of grounds of appeal there is to be a hearing of applications for permission to appeal (Second Judgment §§4-10). On the section 12A ground of appeal I have refused permission to appeal (Second Judgment §§11-19). There is no extant appeal by Mr Nemeth, in which the application to which I am now turning would be the "cross-appeal".

Substance

6. The discharge in relation to one of the alleged offences in EAW7 in Mr Nemeth's case was based on section 2(4)(c) of the 2003 Act. That provision requires "particulars of the circumstances in which the person is alleged to have committed the offence, including the conduct alleged to constitute the offence, the time and place at which he is alleged to have committed the offence".

7. The argument on behalf of Mr Nemeth, which the Judge accepted, arose in relation to the offence of money laundering within Mr Nemeth's EAW7. As I have explained in the context of section 12A (Second Judgment at §11), EAW7 is an accusation EAW (issued on 1.12.20), which relates to 19 offences. The contents of the EAW describe Mr Nemeth as having committed 4 counts of fraud, 14 counts of attempted fraud and one count of money laundering (translated as "money laundry"). The description of the offences states that Mr Nemeth telephoned 18 named individuals, living in specified towns in Hungary, whose ages are given, as are the dates of the telephone calls. These were alleged 'grandchild frauds'. The substance of the 18 phone calls told the persons who were telephoned – whose ages ranged from 61 to 97 – that a grandchild (or other relative or close acquaintance), who was being impersonated by Mr Nemeth on the call, had caused a road traffic accident and needed to pay a sum of money in order to avoid being pursued. The person who was telephoned was told that a reliable acquaintance would be sent to receive from them a handover of the amounts of money which were required. In the case of 4 of the 18 named victims – aged between 78 and 97 – the frauds were successful. Identified amounts of money were handed over by the victim to the courier. The courier in these cases is named (as Robert Szekelyfoldi). That leaves the money laundering offence. It is described in this way in the EAW: "Csaba Nemeth … intentionally persuaded Robert Szekelyfoldi … as courier[] to forward the amounts acquired by [him] using financial services in order to conceal the origin of the amounts".

8. By way of comparison and contrast, there is Mr Nemeth's EAW4 (issued on 29.7.19), which relates to 31 offences including laundering of the proceeds of crime. Having first listed the occasions when similar phone calls were made by Mr Nemeth, EAW4 states that Mr Nemeth "instructed – the exact time cannot be determined – accomplices in Hungary to pay the funds originating from the offences to different persons but, in fact,

to Csaba Nemeth … through the Western Union network". The names of some of these "accomplices" are given and there is then within EAW4 a list of "exact amounts and dates" of transfers of various funds.

9. In discharging Mr Nemeth on the money laundering charge in EAW7, the essential reasoning of the Judge was as follows. By contrast with EAW4, which gave dates and amounts for transfers of monies, the money laundering allegation in EAW7 did not do this. The EAW7 allegation was in the nature of an "omnibus" description. In Von der Pahlen v Austria [2006] EWHC 1672 (Admin) the judgment at §§21 and 22 (which the Judge set out in full) included observations: that the section 2(4)(c) particulars "must include four elements: (1) the conduct alleged to constitute the offence; (2) the time and (3) the place at which he is alleged to have committed the offence; and (4) any provision of law under which the conduct is alleged to constitute an offence"; and that "a broad omnibus description of the alleged criminal conduct… will not suffice". EAW7, so far as the money laundering offence was concerned, did not specify the time, date and place of the alleged money laundering. Unlike in EAW4, which specified the transactions alleged to amount to money laundering with a degree of particularity enabling Mr Nemeth to identify the particular allegations he faces "and to identify whether specialty is being infringed", the same was not true in respect of money laundering in EAW7. Mr Nemeth cannot identify from EAW7 "the particular instances of money laundering with which he is accused" and "nor could his specialty rights be protected when it is impossible to discern the specific acts said to constitute that offending". On that basis, it was appropriate to discharge Mr Nemeth in relation to this matter.

10. In my judgment, the Requesting State has satisfied the test of reasonable arguability in impugning as "wrong" this conclusion of the Judge (and this reasoning on which it is based). The Von der Pahlen case, with its "broad omnibus description of the alleged criminal conduct", involved an EAW in which the alleged offences were of fraud "by deceiving various persons willing to buy a house pretending to sell single family houses thus making them in pay advance payments" and "by deceiving various companies on facts, that is by pretending to arrange for building contracts [etc]": see Von der Pahlen at §6. The Court in §§21-22 (which the Judge set out) also recognised that "questions may arise as to how specific the descriptions of time and place need to be" and that it was inappropriate to give "a prescriptive answer". What the Court had in mind, as an example of an impermissible "broad omnibus description" was a statement asserting involvement in "obtaining property by deception". The Court emphasised that no date details were given in the EAW, and no details "of the identity of the victims of the fraud, the number and size of the advance payments… or the nature of the fraudulent misrepresentation". In the present case, the contents of EAW7 give the name of the person (Mr Szekelyfoldi) who Mr Nemeth is being said to have instructed to attend the premises of each of the four named individuals, successfully collecting from them the identified amounts of money, on the four identified dates. EAW7 states that Mr Nemeth instructed that named courier to transfer those specified monies, having collected them from those victims, using a means of transfer which concealed their source. I record that further authorities cited on this aspect of the case included: Sandi v Romania [2009] EWHC 3079 (Admin) (a conviction warrant case) at §42(ii); Klar v Belgium [2021] EWHC 3001 (Admin) at §§11 and 59; and FK v Germany [2017] EWHC 2160 (Admin) at §54. In my judgment, the following points are at least reasonably arguable: that Mr Nemeth is perfectly able to 'discern the boundaries of what is alleged against him', so far as the money laundering allegation is concerned; that there is no uncertainty as to

the relevant amounts since the EAW7 specifically talks about Mr Szekelyfoldi forwarding "the amounts acquired by" him, to whom the specified amounts were "handed over" by the identified victims on the identified dates; that the Judge's conclusion as to speciality rights being unprotected was wrong; and that the Judge was wrong in his conclusion as to s.2(4)(c) not being satisfied. I will grant permission to appeal and make case-management directions for a substantive appeal hearing.

Article 8 (Maria Lakatos)

11. I turn to the application for permission to appeal on Article 8 grounds in Maria Lakatos's case, to which I referred in the First Judgment at §6. The context is this. Ms Lakatos is aged 42 and is wanted for extradition to Hungary. That is in conjunction with a series of six EAWs, as follows. Accusation EAW1 (issued on 30.1.17) relates to 4 offences of controlling prostitution and trafficking alleged to have been committed in 2014 (the equivalent EAW in the case of her husband Mr Nemeth is his EAW1). Accusation EAW2 (issued on 20.6.17) relates to 2 offences of 'grandchild fraud' committed in 2016 (the equivalent is Mr Nemeth's EAW3). Conviction EAW3 and conviction EAW4 were both issued on 4.10.17. EAW3 relates to an offence of swindling in September 2010 for which Ms Lakatos received a 3 year 6 month custodial sentence (of which 2 years 11 months and 27 days remain to be served). EAW4 relates to an offence of false imprisonment committed in July 2005 in respect of which Ms Lakatos had received a 9 month custodial sentence originally suspended in November 2009 and subsequently activated in conjunction with the September 2010 conviction. The 3 year 6 month sentence came into effect (following an unsuccessful appeal on behalf of Ms Lakatos) on 8 February 2016. Knowing that she faced that term of custody (together with the activated suspended sentence of 9 months), Ms Lakatos left Hungary – four days later on 12 February 2016 – and came to the United Kingdom, unassailably found by DJ Fanning (for this purpose, "the Judge") in his judgment on 8 April 2021 to be a fugitive. Next, accusation EAW5 (issued on 29.7.19) relates to 5 offences of 'grandchild fraud' (the equivalent is EAW4 in Mr Nemeth's case). Finally, accusation EAW6 (issued on 15.9.20) relates to 16 counts of 'grandchild fraud' (the equivalent is EAW5 in the case of Mr Nemeth). The Judge ordered the extradition of Ms Lakatos (and, except for the money laundering charge in his EAW7, the extradition of her husband Mr Nemeth) on 8 April 2021 after an oral hearing on 10 and 11 March 2021. The Judge concluded that extradition of Ms Lakatos was compatible with her Article 8 rights and those of relevant family members, including her 14 and 18 year old sons. The topics raised before the judge in relation to Article 8 included claims made in relation to Ms Lakatos's mental and physical health, and questions raised as to the inadequacy of healthcare within the Hungarian custodial system.

Adjournment

12. The first issue with which I need to deal is the application made on behalf of Ms Lakatos for an adjournment. This application was unheralded in the agenda of agreed issues for the Reconvened Hearing. It was advanced orally at that hearing, on the following basis. There are pressing concerns as to Ms Lakatos's deteriorating mental health condition. The medical notes, only very recently received by her legal team, indicate that her mental health condition and incidents of self-harm (these having a history going back to at least spring 2021) are being taken seriously within the prison where is she is on remand. There is a new surveillance initiative. She is receiving a combination of medications related to her mental health. The new factual and evidential position as it

now is – which necessarily forms the focus of the Article 8 ECHR appeal – is one that now requires proper investigation, consideration and the obtaining of appropriate reports. The obtaining of further independent evidence is the more pressing given that the Judge dismissed the assertions being made by Ms Lakatos, about her mental health, at the oral hearing before him on the basis of an adverse finding of credibility and by reference to the absence of any medical records then available. From the prison medical notes now available there are serious concerns, being taken seriously, for which Ms Lakatos is being treated, and her previous assertions now stand borne out by evidence. Very limited time has been available to take instructions from her or to consider the medical notes. An expert appraisal would bring much-needed clarity to an issue of anxious concern. That clarity could make a difference to the Article 8 assessment in which mental health necessarily plays a relevant and highly important role. All of this is made the more compelling by the materials relied on by Ms Lakatos, indicating inadequacies in health care treatment in Hungarian custodial settings which, although outdated, are the most recent materials which are available.

13. I heard Ms Lakatos's application for an adjournment, the Requesting State's response to it, and Ms Lakatos's reply. I heard these, alongside hearing the submissions on behalf of Ms Lakatos in support of permission to appeal on the Article 8 ground of appeal, were the Court to decide that it was appropriate to deal with that issue without an adjournment. I was anxious to be in an informed position so that I could make up my mind on the issue of adjournment in the context of the points which Counsel for Ms Lakatos was putting forward in relation to Article 8, so that I could see how the mental health issues (including any gaps and uncertainties) arose alongside the other points, and so I could consider the question of adjournment 'in the round'.

14. Having done so, I was and am quite satisfied that it was not necessary or appropriate to adjourn the application for permission to appeal on the Article 8 ECHR ground of appeal in Ms Lakatos's case. That conclusion does not rest on the first basis, but rather on the second basis, on which the adjournment was opposed by the Requesting State.

15. The first basis put forward for resisting an adjournment was as follows. The Judge found as a fact, having heard oral evidence from Ms Lakatos with cross-examination, that she was "a cunning and deceitful witness", whose "testimony was grossly exaggerated", and that he was satisfied that she was "not crippled by mental ill health as she was claiming". The medical notes, now available from the prison, record as recently as 30 November 2021 the concern that Ms Lakatos is "fabricating" her mental health condition, given the way in which she presented and in light of the superficiality of the forearm mark which was said to evidence self-harming. Again, on 23 December 2021, another different clinician recorded a conversation with an officer who stated that "staff" were "not convinced" that her expression of psychosis was "genuine". The Court could take it, in all these circumstances, that this is evidence of presentation of an individual unassailably found as a fact by the Judge after an oral hearing to be acting deceitfully.

16. That was the first basis. I was not, and would not be, prepared to refuse an adjournment on that basis. I accept the submission on behalf of Ms Lakatos that, on the face of them, the most recent entries in the medical notes record the medical authorities evidently dealing with Ms Lakatos's case by treating the mental health conditions which she presents as being genuine. I accept that it would not be appropriate for this Court to approach the question of adjournment on any basis other than that – at least absent a

further and up-to-date report – the most recent medical notes and their description of Ms Lakatos should be taken at face value and taken at their highest. That includes the description of having had a psychiatric review with Dr Nori in January 2022, Dr Nori's conclusion being that Ms Lakatos is experiencing voices or hallucinations in the context of depression. It includes the description of the current medication which Ms Lakatos takes, as listed in an entry dated 25 January 2022. It includes a risk assessment which records Ms Lakatos reporting that she frequently has thoughts of self-harm and ending her life, and often feels that there is no hope her future (albeit that the last time which she self-harmed and was "a few months ago"). It includes the recorded fact that she has started a course of individual therapy with a psychologist, the first session having been on 25 January 2022.

17. The second basis on which the adjournment was opposed was the Requesting State's submission that the nature of the mental health conditions, described in the medical notes and said to be appropriate for further enquiry and report, are clearly incapable of making a difference to the Article 8 ECHR outcome in this case. I accept that submission. Taking the contents of the medical notes at their highest from the perspective of Ms Lakatos, and having in mind the absence of any up-to-date report, I am entirely confident that the mental health condition recorded as presented – including the conclusion of the psychiatrist Dr Nori at the psychiatric review and including the matters described in the recent risk assessment, and including with further investigation and reporting – could not play a material role in relation to the viability of the Article 8 ECHR ground of appeal in this case.

Substance

18. On behalf of Ms Lakatos, the following features of the case are emphasised, in particular. The threshold is one of reasonable arguability. There is the position relating to her mental health, and her physical health, and the concerns arising in relation to the adequacies of healthcare provision in custody in Hungary. Those concerns include the issues relating to self-harm and suicide risk, including the up-dating evidence and question-marks arising in conjunction with the medical notes. There is the impact of her extradition on her two sons, now aged 15 and 18, especially in circumstances where her husband faces extradition. The oldest son is present in the United Kingdom, having chosen to remain in the UK (in circumstances where both parents are facing extradition and are detained on remand). The younger son is in Hungary, in care of others. He was going to be in the care of his uncle. There is evidence to support what is said by Ms Lakatos, that the uncle died, and that the younger son is now in foster care (as it is puts in some of the materials) or in a children's home (as it is put in a statement from the son himself). There is also the concern arising from what is said about the younger son not having attended school in Hungary for a substantial period, and his currently expressed wish to return to the UK to be with his brother. The Article 8 evaluation now necessarily involves an updated factual position, compared to the position as it was before the Judge, both as to Ms Lakatos's mental health and health conditions (with which it is said that the Judge in any event dealt "too lightly") and also as to the position of the youngest. Then there are the other features, as addressed by the Judge. One such feature is the "unexplained" passage of time between the EAW3 swindling index offending of September 2010 and the coming into force, more than five years later (on 8.2.16), of the sentence of 3 years 6 months subsequently imposed for that offending.

19. In my judgment, there is no realistic prospect that this Court at a substantive hearing would conclude that the overall evaluative conclusion and "outcome" arrived at by the Judge was "wrong". Even positing this Court evaluating the proportionality balancing exercise afresh, and on the basis of fully updated material, this is a clear cut case in which the strong public interest considerations in favour of extradition plainly and decisively outweigh those capable of weighing in the balance against extradition, including the evidence (and any gap-filling evidence) regarding health and mental health, self-harm and suicide risk, and including the position in relation to the two sons and the prospects of their reunion. I would accept, for the purposes of permission to appeal, that it is in the best interests of both sons (the adult son and the 15 year old younger son) that their mother should be at liberty and available to be a mother to them. I accept that that is a feature which weighs in the balance against extradition. I also accept that another feature which can weigh in the balance against extradition is the unexplained passage of time between September 2010 and February 2016. That was a period of over five years which will have involved the detection of the criminal conduct in September 2010, its subsequent prosecution, the conviction and sentence and the unsuccessful appeal. That passage of time, moreover, occurred while Ms Lakatos was in Hungary and was the subject of criminal process there. It was also a period of time during which she was in 2014 involved in the alleged prostitution offences which led to her being questioned. However, that passage of time, even if viewed solely by reference to the two conviction EAWs is quite incapable – including when placed alongside the other features which can weigh against extradition – of rendering extradition disproportionate in Article 8 terms. Even viewed in isolation from the other EAWs, the two conviction EAWs related to serious matters and give rise to some three years nine months of outstanding custody to be served in Hungary.

20. Looking at the case 'in the round', Ms Lakatos is a woman whose extradition to Hungary is sought as a 'leader' of an organised criminal gang which – through 'grandchild fraud' – acted to defraud hundreds of elderly vulnerable victims of their life savings and personal effects, as well as to stand trial for pimping three women including one by force, and also to serve outstanding sentences of 3 years and 9 months for very serious and aggressive offending from which she has long been a fugitive. Ms Lakatos's life in the UK since 2016 has been established as a fugitive. It is from her position in the UK that she is said to have undertaken the 'grandchild frauds' which are the subject of EAW2, EAW5 and EAW6. Her oldest son is an adult, who has demonstrated he is able to live alone in the UK in accordance with his wishes. Whether or not the 15 year old son is able to return to live with his adult brother here is something distinct from the question of their mother (and father) being extradited. In addition, as was pointed out in the Judge's judgment, the Ms Lakatos was a mother who was prepared to subject her children to the instability of frequent moves between towns in the UK in order to avoid her arrest or that of her husband Mr Nemeth; she was also prepared to disrupt children's educational prospects in the UK in order to avoid detection and continue to offend; the family courts in this country and in Hungary considered the position of the younger son and acted to safeguard his rights; the older son has made his own choice to remain in the UK rather than to return to Hungary to be with family members there; and there is no evidence of a profound or irretrievable consequence for either of the two sons. I take the position in the medical notes at its highest. But there is – beyond reasonable argument – an unrebutted operative presumption that appropriate medical treatment could and would be made available for

Ms Lakatos in a Hungarian custodial setting. The Judge's overall conclusion was plainly the correct one. Permission to appeal is refused.

Maria Horvath (Article 8)

21. I turn finally to Maria Horvath's application for permission to appeal on Article 8 ECHR grounds. This application was referred to in my First Judgment at §5. This is an application arising against the backcloth where I have previously refused an extension of the representation order (a) to obtain an updating report from the consultant psychologist Dr Melora Wilson who reported in February 21 and (b) to obtain a report from a Hungarian lawyer to deal with the likely sentence in Hungary. I said in my First Judgment (at §7) it would be appropriate to approach permission to appeal having in mind that it is said on behalf of Maria Horvath that there are these material gaps. That is what I have done.

22. Maria Horvath is aged 32 and is wanted for extradition to Hungary. That is in conjunction with an accusation EAW issued on 15 September 2020. Her extradition to Hungary was ordered by DJ McGarva (for these purposes, "the Judge") on 22 April 2021. That was after an oral hearing on 25 March 2021 at which the Appellant gave evidence and at which the February 2021 report of Dr Wilson was considered.

23. Key points relied on, on behalf of Maria Horvath, were as follows. The threshold is one of reasonable arguability. The report of Dr Wilson – notwithstanding those shortcomings acknowledged in the report itself of it being based on a video link interview and based on Maria Horvath's self-reporting – involved a statement of relevant professional expert opinion. In that statement of opinion, Dr Wilson identified a current depressive episode, limited intellectual functioning, and a mild learning disability. She then expressed this opinion in relation to Maria Horvath's extradition:

> ***I would have considerable concerns about a significant deterioration in her mental health and increased risk of self-harm if detained in a prison setting. Given her vulnerabilities and fearful nature, I also worry she would be at risk of exploitation or targeting from others. Moreover, I believe these issues would be significantly intensified if she was extradited to Hungary, where she believes her personal safety and well-being would be immediately threatened.***

The Judge downplayed that evidence by reference to a limited value attributed to the shortcomings, when these had been acknowledged in the report. The opinion ought to have been accepted, without dilution. It was also inappropriate for the Judge to focus, as he did, on what he said was the absence of an elevated risk of self-harm, together with the absence of any expression of suicidal or self-harming ideation and the absence of any evidence of any attempts at self-harm so far in custody. It was also inappropriate for the Judge to focus, in the light of the evidence, on the general presumption of appropriate medical treatment in a Hungarian custodial setting. So far as the index offending is concerned, the Judge at one point made the error of describing the alleged offence of fraud (on 28.8.19) as a "specific example" of the offending for which extradition was being sought, when in fact it was the sole offending in respect of which extradition is sought. Similarly, the Judge was in error in focusing on the 'global' position of the 'grandchild frauds' in considering the seriousness of this specific index offence. In addressing the question of a likely sentence (which the Judge did for the purposes of the exercise under s.21A(1)(b) and (3)(b)), the Judge referred to the "likely" sentence as "custodial" and being of "significant" length. As to that, it is relevant that

– correctly applying the domestic English and Welsh sentencing guidelines for fraud – a "starting point" of 18 months and a "range" of up to 3 years would be applicable (ie. "Category 4A"). Maria Horvath, who had already served some 7 months of qualifying remand as at 11 May 2021, has now served some 16 months. Then there are the best interests of her 16 year old son, looked after by a friend or relative in Manchester, but who would stand to be reunited with her mother were she not extradited. That is in a context in which the son has also been separated from his father (who is himself wanted and is on the run). In the light of these points and all the features of the case, it is reasonably arguable that the Judge was wrong in relation to Article 8 and that the outcome would be overturned at a substantive appeal.

24. I cannot accept that submission. In my judgment this a clear-cut case, where the strong public interest considerations in favour of extradition decisively outweigh those capable of weighing in the balance against it.

25. The index offending is serious. As the EAW explains, Maria Horvath is accused of taking part in 'grandchild fraud' in the following way. She called the Hungarian landline of an 86 year old woman, impersonating the woman's grand-daughter, telling her – crying on the phone – that she had had an accident, had smashed a car, and that she was being threatened with being reported to the police, but that there would be no police involved if she could pay what the car was worth (the Hungarian equivalent of over £8,000) to the party that had incurred the damage, so she needed the money handing over in cash to her friend, who would shortly arrive to collect it. The grandmother was frightened and agreed she would pay, but explained that she only had the Hungarian equivalent of £1,500, money which was the entirety of her savings and was set aside for her funeral. It was that sum which she subsequently handed over.

26. The context for that index offence of fraud, as is clearly set out on the face of the EAW, is that Maria Horvath was in a leading role: being one of five individuals (the others: her husband, brother in law, sister and cousin) who set up a criminal organisation directed from the United Kingdom involving these 'grandchild frauds'. Although the index offence could be said to be a "specific example" of the overall enterprise, it is right to recognise that it is the sole index offence in respect of which Maria Horvath's extradition is sought. Having said that, the overall context is clearly relevant to the seriousness of that index offence. This was a crime in which there was a group activity and Maria Horvath was one of those with a leading role. It was an offence involving significant planning. It was deliberately targeted against the victim on the basis of their vulnerability. The victim was particularly vulnerable due to factors including their age.

27. If – as invited on behalf of Maria Horvath – I look at the Sentencing Guideline for England and Wales, one problem with the submission that this offence would start as Category 5 (less than £5,000), before the high-impact and victim vulnerability takes it up to Category 4, is that the relevant figure for "harm" categorisation is the loss caused "or intended". In this case, the loss "intended" can be said to be the £8,000. This would be Category 4 moving up then to Category 3 (starting point of 3 years custody and a range to 4 years). But be all of that as it may, no issue as to the precise categorisation under the England and Wales sentencing guidelines can, in my judgment, possibly make a difference. The fact is that the Judge was plainly right to say that this is a case where what can be expected is custody, which is likely to be of significant length. And the qualifying remand of 16 months cannot somehow be taken as approaching an

amount of remand likely (still less inevitably going) to extinguish a sentence imposed in Hungary.

28. Indeed, in addition to the matters to which I have already referred, there is the fact that the index offence (28.8.19) would have been committed during a period in which Maria Horvath was the subject of a suspended sentence. That was a 20 month sentence of custody, imposed on 18 December 2017 for an earlier "fraud on an elderly or disabled victim". That sentence had been suspended for 3 years (to December 2020). So, it was just over half-way through that period of suspension that Maria Horvath would have committed the index offence of fraud on the 86-year-old grandmother. That is relevant to seriousness and sentence for the index offence for which extradition is sought. But it is also relevant that, were she convicted of the index offence, Maria Horvath would face the prospect of additional activation of all or part of a previous 20 month prison sentence.

29. There are clear and very strong public interest considerations in support of extradition. Relevant to these is the clearly expressed "paramount" importance to the Hungarian prosecuting authorities in bringing to justice the perpetrators of 'grandchild frauds', and especially those in a 'leadership' role. As I have mentioned already, this was – viewed overall – a criminal enterprise said to have involved some 220 victims aged between 70 and 96, by telephone calls which succeeded in persuading elderly victims to hand over more than the Hungarian equivalent of £525,000 to the couriers who were directed to arrive to collect the cash. The strong public interest considerations in favour of extradition of Maria Horvath, beyond reasonable argument, clearly outweigh those capable of counting against it, including all of the further features emphasised on her behalf, and taking the professional opinion of Dr Wilson into account, without any dilution and recognising the gap as to any updated report. The Judge's conclusion in relation to Article 8 was plainly correct and there is no realistic prospect that this Court would overturn it at a substantive hearing.

Order

30. Having circulated this judgment as a confidential draft, I was able to deal with consequential and ancillary matters arising out of it and the Second Judgment. I refused an application to extend the representation orders for Queen's Counsel to represent the Requested Persons at the oral hearing of the applications for permission to appeal on the four matters on which, in the Second Judgment, I have declined the stay. I am satisfied that Junior Counsel for Mr Nemeth and Ms Lakatos – who had addressed me as to the stay of those applications – are primed and well able to present the applications. In relation to that hearing, I made case-management directions and ordered that all three Requested Persons' cases are to remain linked, but the lawyers for Maria Horvath are not expected to attend, and are excused from attendance, unless some reason for attendance is identified. I refused the application for joinder of all appeals, deferred until the outcome of the Reconvened Hearing. I made case-management directions relating to the Requesting State's application for permission to appeal against the discharge of Csaba Nemeth for the money laundering offence in EAW7. In order to promote effective judicial preparation, all case-management directions in the Order require the parties' skeleton arguments (a) to include "a focused list of essential and proportionate pre-reading with a time estimate for that pre-reading" and (b) to be re-filed and re-served by a specified date before the hearing "with annotations (preferably in the margin) giving specific page and paragraph references to" the finalised hearing bundles. The re-

filing and re-serving of the skeleton arguments is important because their original filing will have preceded the finalised paginated bundles. The Court's ability to navigate the hearing bundles, and to readily find materials referenced in skeleton arguments, is essential to efficient and effective judicial pre-reading.