



Neutral Citation Number: [2024] EWHC 3041 (Admin)

Case No: AC-2023-LON-001733

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

Wednesday, 27<sup>th</sup> November 2024

**Before:**  
**FORDHAM J**

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**Between:**  
**MARIO BAKAI**  
**- and -**

**Appellant**

**DISTRICT COURT IN DUNAISKA STREDA**  
**(A SLOVAKIAN JUDICIAL AUTHORITY)**

**Respondent**

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**Saoirse Townshend** (instructed by Lansbury Worthington) for the **Appellant**  
**Laura Herbert** (instructed by CPS) for the **Respondent**

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Hearing date: 11.6.24  
Judgment [2024] EWHC 1769 (Admin): 9.7.24

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**Judgment on the Application to Certify a Point of Law of General  
Public Importance and for Leave to Appeal**

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FORDHAM J

This Judgment was handed down remotely at 10am on 27 November 2024 by circulation to the parties or their representatives by email and by release to the National Archives.

**FORDHAM J:**

1. This is a determination on the papers, but where reasons are being contained within this written judgment and not simply within an Order in the court records. The hearing of this appeal was on 11 June 2024 and I circulated my judgment in draft on 28 June 2024, handing it down on 9 July 2024. The Judgment is [2024] EWHC 1769 (Admin). On 22 July 2024 the Appellant made an application for a certification “that there is a point of law of general public importance involved in the decision” (s.32(4)(a) of the Extradition Act 2003) and for leave to appeal on the basis that “the point is one which ought to be considered by the Supreme Court” (s.32(4)(b)). The Respondent had 10 working days to reply but no reply was filed. Following circulation of this judgment in draft on 20 November 2024, the Respondent’s Counsel has informed me that, although on 5 August 2024 the CPS served the Appellant’s representatives with representations in response to the application, an incorrect email address was used for the Court, so those representations were never filed with or received by this Court. On 7 August 2024 the papers were forwarded internally within the Court, but to an incorrect email address, and the matter was not spotted or followed up internally. These were shortcomings within the Court. Having said that, there was no communication or follow up communication using the email group set up by my clerk on 5 June 2024. And there was no follow up communication with the Court by the parties until the Respondent contacted the Court on 11 November 2024. The problem then came to light and the papers were then referred to me.
2. The question which I am asked to certify is this: “In what circumstances can a ‘qualifying curfew’ be considered to reduce the public interest in extradition?” I am unable to accept that this is a point of law of general public importance involved in my decision. I specifically accepted (Judgment at §34) that the curfew was a factor properly to be borne in mind in the Article 8 balancing exercise. But I then explained why the curfew did not “substantially” reduce the weight to be given to the particular public interest considerations in favour of extradition, which “in the present case” remained “very strong” (§34). I went on to include the curfew among “the combination of factors which weigh against extradition”, but I explained that these were outweighed by the factors in favour of extradition (at §35). So, in law, a qualifying curfew can be considered to reduce the public interest in extradition. The questions I addressed were whether the weight of the public interest factors was “substantially” reduced, and how to strike the overall balance. These were fact-specific questions. As Collins Rice J has since said, this is “a highly fact-sensitive matter” and an “intensely fact-specific exercise”: see Polom v Poland [2024] EWHC 2708 (Admin) at §§42, 44. For these reasons, I will refuse the application to certify. It follows that I also refuse the application for leave to appeal.

27.11.24