



Neutral Citation Number: [2022] EWHC 267 (Admin)

Case No: CO/1538/2021

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Wednesday 9<sup>th</sup> February 2021

**Before:**

**MR JUSTICE FORDHAM**

**Between:**

**ZDENEK MICHALIK**  
**- and -**  
**DISTRICT COURT IN TEPLICE (CZECH**  
**REPUBLIC)**

**Appellant**

**Respondent**

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The **Appellant** appeared in person  
The **Respondent** did not appear and was not represented  
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Hearing date: 9/2/22

Judgment as delivered in open court at the hearing  
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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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THE HON. MR JUSTICE FORDHAM

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

**MR JUSTICE FORDHAM:**

1. On this renewed application for permission to appeal the Appellant appeared in person, by video link, with an interpreter. The Court is always very grateful to interpreters for the assistance of they give to Judges and to those who come before the Court. This is what the Appellant has said to me today. He asks me to let him stay in the United Kingdom and to release him today (he is remanded in custody). He does not want to go back to the Czech Republic, where he has experienced racism and discrimination and prejudice. He was punished there and was not able to find work there. He had no income and was not able to buy food. That was why he was desperate and was committing criminal offences. He would be unable to find work in the Czech Republic. He has a girlfriend here and he intends to marry her. He is working here and has a manager who is waiting for him. He has a new life here and wants to continue that new life here. Everything that was missing for him in the Czech Republic is here for him in the UK. He has a cousin here who helps him. He is worried that, if extradited, he would not be able to return here. And he has referred to what he says is “4 months” that he has remaining to serve.
2. My responsibility as a Judge is to look at this case through the prism of the applicable law. That is what I have done. The Appellant is aged 48 and wanted for extradition to the Czech Republic. The (conviction) Extradition Arrest Warrant was issued on 2 December 2020. It relates to an unserved 18 month prison sentence. That sentence was imposed in September 2019 for two offences of shoplifting committed earlier in 2019. That offending, and that sentence, were against the background of his previous convictions in the Czech Republic. He was frequently in prison. Extradition was ordered on 22 April 2021 by DJ Leong (“the Judge”). That was after an oral hearing on 8 April 2021. Permission to appeal to this Court was refused by Thornton J on 9 November 2021. Grounds of renewal (15.11.21) and written submissions (5.1.22) were filed by the Appellant’s lawyers. Those grounds and submissions argued that extradition would be incompatible with Article 8 ECHR. I granted the solicitors’ application to come off the record on 5 February 2022.
3. Article 8 is the right legal framework for looking at the issues that have been raised. The Judge conducted the Article 8 “balance sheet” exercise. She concluded that the public interest considerations in support of extradition outweighed those capable of weighing against it. I have considered everything that has been written on the Appellant’s behalf. And I have considered everything that he is said to me today. In my judgment, it is not reasonably arguable that the Judge’s conclusion was wrong. The shoplifting offences are relatively minor, in the scheme of criminal conduct. But the sentence imposed by the Court in the Czech Republic – and imposed in light of the Appellant’s previous criminal record – attracts the legitimate public interest considerations of international cooperation and mutual respect. The 18 month sentence was a significant one. It was imposed in the Appellant’s presence and knowledge. The Judge correctly found that he avoided serving it, by coming to the UK in late 2019, as a fugitive. Little weight can be placed on the relationship with the partner who the Appellant met in mid-2020 and with whom (and whose children) he had lived for a couple of months before the criminal assault which he committed on her in September 2020, for which he was convicted and fined. He has subsequently continued to receive her support. Their family life has been limited, given that he has been in immigration detention since November 2020, and then in detention on extradition remand since 26

January 2021. All of the private and family life ties were, moreover, built on his actions as a fugitive. It is true that he had ‘clocked up’ 10 months of ‘qualifying remand’ at the time of Thornton J’s refusal of permission to appeal, and that the qualifying remand served is now 12 months. That leaves 6 months. But that position as to ‘qualifying remand’ cannot support an Article 8 appeal. That is for the reasons I gave at paragraphs 11 and 19 of Molik v Poland [2020] EWHC 2836 (Admin). There is no reasonably arguable ground of appeal, by reference to Article 8, or anything else, and permission to appeal is refused.

9.2.22