

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

[2018] EWHC 3947 (Admin)

CO/3013/2018

Royal Courts of Justice

Thursday, 2 August 2018

Before:

MR JUSTICE JULIAN KNOWLES

B E T W E E N :

IONEL POMPA Applicant

- and -

MINISTRY OF JUSTICE ROMANIA Respondent

MR P KISS-WILSON(instructed by Stephen Fidler & Co.) appeared on behalf of the Applicant.

MR B SEIFERT(instructed by the Government Legal Department) appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE JULIAN KNOWLES:

1. This is an application for bail by Ionel Pompa, whose extradition has been sought by a Romanian Judicial Authority. He was remanded in custody, following his arrest on a European Arrest Warrant by the Westminster Magistrates' Court on Thursday 26 July, when a bail application was made and refused.
2. Mr Pompa appeared today before the same court, 2 August, when I am told by Mr Kiss-Wilson who appears on his behalf, that bail was again refused on the grounds of a risk of failure to surrender.
3. The European Arrest Warrant issued for Mr Pompa's arrest is dated 28 September. There is no English translation of it at present, which is less than ideal, because unless there is an English translation it is difficult to see how the NCA can be satisfied that it has been issued by an authority that has the power to do so but, anyway, that is not before me.
4. The facts as disclosed on the Form A are as follows, there are two offences. Firstly, that he filled his car with petrol and made off without paying and, secondly, when the police caught up with him he was over the limit for alcohol in blood.
5. He was sentenced in his presence to 2 years' imprisonment but the written submission on behalf of the issuing judicial authority shows that he has a further 865 days to serve. Therefore, in round terms, he has a sentence of 4 years and 4 months to serve in Romania. This is a conviction case and therefore the presumption of bail does not apply.
6. On behalf of Mr Pompa, Mr Kiss-Wilson relies on the statements of Mr Tony Jacobs, who is Mr Pompa's solicitor, who says that the applicant, Mr Pompa, resided with his brother in Luton, he has been in the country for a year and the police have his

identity card. The following conditions are proposed: residence, £1,000 security, daily reporting, a monitored curfew, and he is not to apply for any travel documents.

7. On behalf of Mr Pompa, Mr Kiss-Wilson submits that he has an incentive to stay in this country. There is not yet an assurance as to the square meterage in which he will be held in Romania. Mr Pompa is not likely, says Mr Kiss-Wilson, to deprive himself of the Art.3 protection that he has while he is in the United Kingdom.
8. On behalf of the respondent, Mr Seifert, in his written submissions simply relies on the fact of the length of the sentence, 4 years and some months, that being quite a significant sentence. In extradition terms, Mr Seifert also says that Mr Pompa was present at his trial, such is clear from the Form A, and that he is a fugitive. Mr Seifert points to the absence of any clear ties and the comparatively brief period that Mr Pompa has been in the United Kingdom.
9. Although the offences of which Mr Pompa had been convicted in Romania are not of first rank seriousness in one sense, the best judge of seriousness is the attitude of the sentencing court and, as I say, there was a merger of other offences to produce a sentence in excess of 4 years, and that is a significant sentence.
10. It does seem to me on the information that I have been supplied with that Mr Pompa has relatively few links with the United Kingdom, and he has not been here for very long. He has a brother here, it is said, with whom he lives but he has nothing by way of firm community ties that would de-incentivise him to leave the United Kingdom. It seems to me that the package of measures put forward are not sufficient to remove the risk that he will abscond, having regard to the lengthy sentence to which he is subject in Romania. For those reasons, I refuse bail.

MR KISS-WILSON: Thank you very much.

MR JUSTICE JULIAN KNOWLES: Thank you. Yes, is there anything else?

MR KISS-WILSON: No, thank you.

MR JUSTICE JULIAN KNOWLES: Thank you very much.
