Neutral Citation Number: [2025] EWHC 599 (Admin)

Case No: AC-2024-LON-000363

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

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 14/03/2025

Before :

THE HONOURABLE MRS JUSTICE COLLINS RICE DBE CB

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Between :

Ms ANTONIA OMIROU **Claimant**

- and –

CYPRIOT JUDICIAL AUTHORITY **Defendant**

- -
- -

Mr David Perry KC & Mr George Hepburne Scott (instructed by Bark & Co) for the **Appellant**
Ms Louisa Collins (instructed by CPS Extradition Unit) for the **Respondent**

Hearing date: 25th February 2025

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Approved Judgment

This judgment was handed down remotely at 10.30am on 14 March 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MRS JUSTICE COLLINS RICE DBE CB

Mrs Justice Collins Rice :

Introduction

1. Ms Omirou appeals, with the permission of the Court, an order for her extradition to Cyprus. She is wanted to face criminal allegations of communications offences: harassment, stalking, data protection breaches, issuing threats and computer related forgery (using fake email and social media accounts, including to impersonate others).

2. Extradition was ordered by District Judge Minhas after a hearing on 9th January 2024, at which the parties were represented by Counsel also appearing in this appeal (Mr Perry KC being since additionally instructed to represent Ms Omirou). Seven grounds of objection to extradition were raised at that hearing, further to the Extradition Act 2003 ('the Act'): (i) inadequately particularised warrant; (ii) no dual criminality; (iii) absence of prosecution decision; (iv) oppressiveness due to passage of time; (v) wrong forum; (vi) disproportionality; (vii) breach of rights protected by Art.8 ECHR. The District Judge received written and oral evidence; she considered and rejected all the grounds of objection. Her reasons are set out in a reserved judgment dated 2nd February 2024.

3. Permission to appeal was sought on all seven grounds. Following refusal on the papers, the application was renewed, and granted, on five grounds: (i) inadequately particularised warrant; (ii) absence of prosecution decision; (iii) oppressiveness due to passage of time; (iv) disproportionality; (v) breach of rights protected by Article 8 ECHR.

4. I consider this appeal under each heading in turn. But in doing so, I am mindful of Mr Perry KC's submissions that some of them are interrelated and they should not be considered in isolation or mechanically. I am mindful of the risks of doing so and seek to avoid them.

5. The powers of the Court on this appeal are governed by section 27 of the Act as follows:

> (1) On an appeal under section 26 the High Court may—
>
> (a) allow the appeal;
>
> (b) dismiss the appeal.
>
> (2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.
>
> (3) The conditions are that—
>
> (a) the appropriate judge ought to have decided a question before him at the extradition hearing differently;

> (b) if he had decided the question in the way he ought to have done, he would have been required to order the person's discharge.

(4) The conditions are that—

> (a) an issue is raised that was not raised at the extradition hearing or evidence is available that was not available at the extradition hearing;
>
> (b) the issue or evidence would have resulted in the appropriate judge deciding a question before him at the extradition hearing differently;
>
> (c) if he had decided the question in that way, he would have been required to order the person's discharge.

(5) If the court allows the appeal it must—

> (a) order the person's discharge;
>
> (b) quash the order for his extradition.

Ground 1 – Particularisation

(a) The law

6. Section 2 of the Act requires an extradition arrest warrant to specify the offence or offences in relation to which an accused person is sought. Section 2(4) then requires specified 'particulars' to be set out in the warrant. Among these particulars, section 2(4)(c) provides as follows:

> 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 and any provision of the law of the category 1 territory under which the conduct is alleged to constitute an offence

7. By section 206 of the Act, the burden is on the requesting authority to establish that these requirements have been met, and the criminal standard of proof applies.

(b) The evidence

8. The warrant in this case was issued by the Cypriot authority on 28th June 2023 and certified by the UK National Crime Agency on 3rd September 2023. It sets out that it relates to three sets of criminal proceedings: the first issued in Nicosia on 2nd March

2022, the second issued in Limassol on 18th May 2023, and the third issued in Nicosia on 1st June 2023.

9. Under the heading of 'offences', the warrant states that it relates to in total '*3 offences*'. There then follows a narrative description of the events in issue, as follows.

(i) The Warrant – the First Nicosia Proceedings

10. The complainant in this case was the former wife of Ms Omirou's partner (now husband). She ('the Complainant') had made a complaint to the police on 4th December 2020 that she and her daughter had been '*constantly harassed'* by Ms Omirou. She said this had started in 2008 when family proceedings had awarded her sole custody of their daughter. At the beginning, that had included attendance, disruptive behaviour and abusive language at the family home and the daughter's school. But Ms Omirou had been living in the UK since 2014 and '*in recent years*' the abusive messages, to the Complainant and her close family, had continued on social media, including via fake accounts using the names of the Complainant's relatives. This had been directed to the Complainant's personal accounts but also to the Complainant's business accounts. Attempts to stop this by blocking and reporting the accounts Ms Omirou was using were fruitless because she simply moved on to other accounts.

11. A particular episode is specified in this original complaint. It is said to have occurred the day before, on 3rd December 2020, when the daughter, who had been running an Instagram account for some three years, was not yet 16. It consisted of a number of messages purporting to come from a family member directed to the daughter. Their content included personal details of the daughter's background and health, was obscene and abusive, and threatened to repeat the content in messages to the daughter's friends. The daughter has cerebral palsy and is subject to physical and mental troubles including panic attacks. The messages, as well as Ms Omirou's '*overall behaviour*', were said to have distressed both the Complainant and her daughter and to have had a '*serious impact*' on the latter's health and psychological condition.

12. The Complainant and her daughter made a further statement to the police on 29th January 2022. The daughter said Ms Omirou '*keeps harassing*' her by sending her social media messages. These were from a range of accounts, including a fake account purporting to be from the Complainant's business. All the messages to the daughter were '*obscene, offensive, insulting and threatening*' towards the daughter and the Complainant. Their statements set out allegations that Ms Omirou was behaving obsessively towards the daughter in particular, causing her '*fear, terror, serious annoyance and psychological disturbance*'. She also feared for her physical integrity, since Ms Omirou knew where she lived and had intimate information about her life, and the daughter wanted to study in England.

13. The Complainant made a third police statement on 28th February 2022. It complained of social media harassment of herself and her close family, including through fake accounts, among which was a fake account purporting to be that of the Complainant herself. The statement set out '*continuous*' stalking and harassment by posting insulting, offensive and obscene content. It set out '*constantly*' receiving phone calls of a similar nature from her. It set out that Ms Omirou had in her public posts disclosed the Complainant's address and phone number. It set out obsessive behaviour towards the daughter, including sending material to her school, and to her young friend, and

posting pictures of her stepfather's adoption application, to the severe detriment of the daughter's daily life and psychological condition, causing her fear and terror.

14. A particular incident is related in this statement, said to have taken place on the day the statement was made. This alleged a phone call to the Complainant's business number (in fact reaching an employee) which was abusive and obscene and threatened to continue harassing the Complainant and her daughter until the daughter committed suicide.

15. The (statutory) offences specified in the warrant in relating to this case are:

(a) harassment, constituted by a course of conduct; this includes an aggravated version in which a victim is caused to fear violence;

(b) stalking, constituted by a course of conduct which can include contacting (by any means), online monitoring, posting about the victim's personal life on social media and interfering with a person's online posts; this also includes an aggravated version in which a victim is caused to fear violence;

(c) computer-related forgery, including by creating non-authentic data;

(d) data protection offences; and

(e) threatening with violence or another illegal act.

(ii) The Warrant – the Limassol Proceedings

16. This matter relates to a police complaint on 5th May 2023, by an individual identifying herself as the tenant of a property owned by Ms Omirou. It states that the tenant had got into financial difficulties, fell into rent arrears, and had moved to another address the previous February. It said that, since then, she had been receiving insulting and offensive social media messages from Ms Omirou. It cited some examples – a message on 17th March 2023 and two messages in close succession on 18th March 2023 – the content of which was strongly abusive, and contained obscenities and threats.

17. The offences specified as relating to this case are harassment, stalking, and threatening violence.

(iii) The Warrant – the Second Nicosia Proceedings

18. This matter relates to a police complaint first made on 1st February 2023 by two individuals described as officers of the Service for the Care and Rehabilitation of Displaced Persons. It related to emails proceeding from an identified account, subsequently identified as belonging to Ms Omirou, with threatening, disturbing and insulting content.

19. The complaint included details of emails to the first individual dated 30th January 2023, 1st February 2023 and 9th March 2023, and one to the second individual dated 30th January 2023. Their content was strongly abusive, and contained obscenities and threats.

20. The offences specified as relating to this case are harassment and stalking.

(iv) The First Request for Further Information

21. A request for further information (RFI) was issued to the Cypriot authorities on 9th November 2023. Among other things, it asked the following:

> 1. We note that the warrant states at section (e) that 3 offences have been committed by the requested person, but that there are 5 different offence categories mentioned at section (c). Please can you confirm how many offences are alleged to have been committed by the requested person?
>
> 2. Please could you set out the conduct or course of conduct which gives rise to each offence? Please can you include the dates and location for each?
>
> 3. The description of the conduct under Criminal File Nicosia CIDS.246/1023 states that the harassment and threats against the complainant, her daughter and family have been occurring for a number of years. Please could you state when the harassment started and provide dates for any key instances of harassment?

22. The Cypriot authorities replied to the RFI on 29th November 2023. The reply to question 1 explained that there were a total of three criminal *cases* involved – the first Nicosia case, the Limassol case, and the second Nicosia case. Each case involved different facts and complainants. '*In all three cases, there are five (5) offenses under investigation*'. The reply to question 2 simply cross-referred to the information in the warrant.

23. Question 3 related to the First Nicosia Proceedings. The reply said this:

> … the complainant of the said case states that the harassment by the accused started approximately around 2008 on various occasions. In the Police's registry there are relevant reports that support the claim of the complainant. However, the complainant focuses on recent events, ie from the end of the year 2020 until March 2022. In the description of the facts of the complaint, regarding the criminal file in question, specific events and dates are described.

(v) The Second Request for Further Information

24. A follow-up RFI was issued on 22nd November 2023 and the answer received on 12th January 2024 (this was after the extradition hearing, but the District Judge invited and received further submissions on it).

25. This undertook a more detailed exercise in relation to the First Nicosia Proceedings, in matching the contents of the warrant to individual offences, as follows.

a. In relation to the 3rd December 2020 messages to the Complainant's daughter from a fake account, these concerned harassment by monitoring, stalking and computer-

related forgery. It was not known when the fake account had been created, but the relevant date was when it was used to send the messages.

b. The threat to the daughter of posting similar material to her friends constituted the crime of threatening.

c. The daughter had said in her complaint that Ms Omirou kept sending her harassing emails and social media posts from her own accounts thereafter. This was harassment and stalking. '*Harassment is constant*' so the relevant dates for the alleged offending behaviour were 3rd December 2020 when it began, to the date of the statement made on 29th January 2022.

d. The daughter said Ms Omirou had continued to use the fake account to message her. That was computer-related forgery. The dates were the same – 3rd December 2020 to 29th January 2022.

e. The Complainant's statement on 28th February 2022 set out harassment from Ms Omirou's personal accounts and from fake accounts, including using the Complainant's business account to post comments. That was harassment, stalking and computer-related forgery, committed January to February 2022.

f. The public disclosure of the Complainant's address and phone number was a specified data protection offence. It had been alleged to have happened repeatedly from 2020-2022.

g. The 28th February statement alleged repeated messaging from identified fake accounts, and from her own accounts, to the Complainant and her close family. This was harassment, stalking and computer-related forgery over a period in January to February 2022.

h. The 28th February statement alleged constant phone calls from Ms Omirou. This was harassment.

i. The posting of the adoption application in identified social media posts was harassment, stalking and breach of data protection law.

26. In relation to the Limassol proceedings, the messaging cited was identified in the reply to the Second RFI as constituting harassing, stalking and threatening violence.

27. In relation to the Second Nicosia proceedings, the reply to the Second RFI simply cross-referred back to the warrant.

(c) The District Judge's decision

28. The District Judge had before her, in addition to the source materials summarised above – the warrant and the two RFI replies – a table prepared by Ms Collins, Counsel for the Judicial Authority, which sought to break down the offences alleged in tabular form by reference to the relevant proceedings, the conduct description, the offence and the date.

29. The District Judge addressed herself to the caselaw at [12] of her judgment as follows:

The key authorities which provide guidance on the degree of particularisation required by section 2 of the Act can be summarised as follows:

(i) The House of Lords in **Norris v USA [2008] UKHL 16** stated at p.928B:

The double criminality requirement of section 137(2)(b) of the 2003 Act involves the application of a conduct-based test and does not require and examination of the ingredients of the foreign offence. The conduct to be considered is the whole of the conduct alleged against the accused as disclosed in the extradition request. It is significant that there is no requirement for a category 2 territory to submit the indictment or otherwise to identify the ingredients of the offence charged. It is sufficient to identify the legal provision and to identify the conduct alleged against the accused.

(ii) The Divisional Court reiterated that there is no requirement for each individual charge to be '*on all fours*' with UK charging or legislation in **Mauro v USA [2009] EWHC 150 (Admin)** and per Ouseley J in **Gilun v Poland [2011] EWHC 3123 (Admin)** at §11:

It is neither here nor there, in my judgment, as to whether the Polish court treats the 19 instances as three offences or as 19 offences. The particulars of conduct of which the appellant has been convicted are amply clear for him to know what he is going back to and for him to be able to deal with any issues that may arise in Poland, including any specialty issues.

(iii) A 'broad omnibus' description of the relevant offences will not be sufficient – **Von der Pahlen v Austria [2006] EWHC 1672 (Admin)** at [21].

(iv) The description of the offending must include when and where the offence is said to have happened, the nature and extent of the alleged involvement of the requested person, and what offence is said to have been committed. A balance must be struck between the need for an adequate description and the objective of simplifying extradition procedures. The amount of detail required may turn on the nature of the offence – **Ektor v The Netherlands [2007] EWHC 3106**.

(v) The executing State should consider the particulars provided on a cosmopolitan basis with a view to helping, rather than hindering, the due operation of extradition requests between EU Member States – **Echimov v Romania [2011] EWHC 864 (Admin)**.

> (vi) The validity of a warrant depends on whether the necessary particulars are present, and not on whether they are accurate – **Zakrzewski v Poland [2013] UKSC 2**.
>
> (vii) The particulars required, whether for an accusation or a conviction warrant, do not need great detail provided they give sufficient information to allow any available point on a bar to be taken, and to allow dual criminality to be considered – **King v France [2015] EWHC 3670 (Admin)** at [22].
>
> (viii) Following the judgments of the Supreme Court in **Goluchowski [2016] 1WLR 2665** and the Divisional Court in **Alexander v France [2017] EWHC 1392 (Admin)** at [74], "*missing required matters may be supplied by way of further information and so provide a lawful basis for extradition*" in Part 1 cases. Essentially, unless there has been a wholesale failure to provide particulars, a Part 1 request may be cured by further information.

30. The District Judge recorded her decision on the issue of particularisation as follows:

> [31] Section 2(4)(c) of the Act is argued in respect of each of the three case files referenced on the AW. This section required the JA to provide 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 and any provision of the law of the category 1 territory under which the conduct is alleged to constitute an offence. I take each file in turn.
>
> [32] In M/25/2023 [ie the Second Nicosia Proceedings], I find the two complainants are named in the AW, along with dates and times when messages were allegedly sent and the email addresses from which they were sent. The legislation which is relied upon is set out within the AW for offences of stalking and/or harassment along with the maximum sentence. Accordingly, I am satisfied to the criminal standard, there are sufficient particulars to meet the requirements of s.2(4)(c) of the Act for this case file. I find there is sufficient and unambiguous information for the RP to understand the offences to which the extradition requests related and raise any bar to her extradition.
>
> [33] I make a similar finding for M/70/2023 [ie the Limassol Proceedings], the specific messages relied upon were received on 17 and 18 March 2023. The time at which the messages were received is set out within the AW. A total of three messages are detailed. I find the details contained within the AW are sufficient to make out the harassment/stalking and threatening behaviour offences alleged within the AW and confirmed by FI2 [ie the response to the second RFI]. I am satisfied to the criminal

standard, there are sufficient particulars to meet the requirements of s.2(4)(c) of the Act for this case file. FI2 confirmed the location of the offending as Limassol, Cyprus. I find there is sufficient and unambiguous information for the RP to understand the offences to which the extradition requests related and raise any bar to her extradition.

[34] For CID S246/2023 [ie the First Nicosia Proceedings], Ms Collins's submissions regarding the conduct are set out at paragraph 43 of the ON and within the table replicated above, contained in her document of 25 January 2024. She submitted there was sufficient detail for the RP to understand the nature and extent of the allegations against her. In his submissions dated 20 January 2024, Mr Hepburne Scott maintained the description of the conduct for each of the offences was vague, incoherent, and fundamentally defective, there being no specific date, time or place provided for the acts. He submitted, akin to **Blanchard**, there was no clarity for the accusation AW as to the charges faced by the RP. Each document received from the JA contained a different number – does she face 3, 5, 7 or 15 offences? It is impossible for the reasonable reader to know what offences the RP will face.

[35] I reject this submission. I am entirely satisfied that a reasoned analysis of all the information provided enabled the RP to consider what it is that is alleged against her. She has clearly been able to do so given the volume of documents she provided to counter the allegations. I concede the lack of clarity in the AW did not assist the JA in the early stages. The AW stated 3 offences but cited 5 different pieces of legislation. Ms Collins valiantly attempted to decipher the AW and FI1 to propose 7 offences. Absent FI2, there may have been force in Mr Hepburne Scott's submission. However, FI2 is available. There was no objection to the late admission of FI2. In my view, FI2 provided ample clarity as to the location of the offending – paragraph 3, Nicosia, Cyprus. FI2 separated the particulars of the offending provided in the AW, to link the conduct described with the legislation / offence set out in the AW. Dates are provided for each set of offending in FI2, bar the last allegation on this file, of the harassment of [the Complainant's daughter] by posting adoption paperwork on social media and sending the same to a friend of [hers]. However, I find I can rely on the information provided in FI1 which set out the date range for the offending behaviour overall as 'from the end of 2020 until March 2022'. I find it is not uncommon for harassment offending to take place over a period, whether there is sufficient nexus between the periods to amount to harassment is a matter for the Cypriot trial court. The cumulative effect, when I considered the AW, FI1 and FI2, is such that I find there is sufficient information for

> the RP to understand the offences she may face in Cyprus and sufficient particulars for her to raise bars to her extradition.

(d) The challenge on appeal

31. Permission for this ground of appeal was given on the basis of a challenge to the entitlement of the District Judge to her conclusions in light of the discrepancy between (i) the mention of three offences in the Warrant; (ii) the mention in the reply to the First RFI of 'three cases' each relating to five offences; (iii) Ms Collins's opening note for the extradition hearing mentioning 7 offences and (iv) the reply to the Second RFI mentioning 15 offences.

32. Mr Perry KC's written submissions cite the decision of the Divisional Court in *Blanchard v Spain [2021] EWHC 1776 (Admin)* at [60] to the effect that '*it is essential for the Applicant (and others) to know precisely what offence(s) he will be prosecuted for if he is extradited to Spain*'. They also cite the observations of Singh LJ in that case at [74]:

> I have reached the conclusion that the EAW is incoherent and fundamentally defective. It purports to refer to only one offence but in fact sets out five and possibly six separate offences … [particularised] … The Judge held that the 'one' offence was a continuous fraud but Mr Sternberg submitted to us that it was participation in a criminal organisation. It is impossible for the reasonable reader to know for what offence or offences the Applicant is to be extradited.

33. The written submissions propose a similar problem here. They also point to the rigour of the test that the requested person is entitled to know precisely what offences they will be prosecuted for if extradited, and propose that the District Judge applied the wrong test in asking whether Ms Omirou *understood* what offences she *may* face if extradited. They propose that there was and is reasonable doubt as to the number of offences she faces and it is not possible for her to know with any real precision what they are. If the District Judge had applied the correct test, it was not open to her to find the Judicial Authority's burden discharged to the criminal standard of proof.

34. At the appeal hearing, Mr Perry KC spent time taking me through a close comparison between the content of the warrant on the one hand, and the table Ms Collins had put before the District Judge on the other. His overarching submission was that the key questions in the First RFI – seeking specificity about the conduct or course of conduct giving rise to each offence, and in particular asking in relation to the First Nicosia Proceedings when the harassment started and what the dates were for key instances of harassment – had not been properly answered. Ms Collins's table had omitted some of the conduct set out in the warrant. Many of the dates specified related to the complaints rather than the underlying conduct. There was an aura of doubt and uncertainty about the whole matter. The District Judge had not been entitled to conclude otherwise.

(e) Consideration

35. I begin by accepting Mr Perry KC's submissions about the principles underlying section 2(4)(c). They have two main strands. The first is about fairness to the individual.

Requested persons are entitled to clarity about the allegations they face, so they have a clear basis on which to address the request for extradition in detail and with precision. The second is about specialty. The individual is entitled to protection from ultimately facing criminal jeopardy on any basis other than that on which extradition has been requested, and that in turn also requires clarity and precision. It is indeed a rigorous test.

36. I am unpersuaded the District Judge erred by applying the wrong test. She addressed herself correctly to the relevant law and to Mr Hepburne Scott's submissions on ***Blanchard***. The language in the judgment to which exception is taken on appeal ('*sufficient information for the RP to understand the offences she may face…*') is, I am satisfied, reading the judgment fairly as a whole, referable to one of the underlying policy strands discernible in the caselaw on the test, rather than a purported statement of the whole law on the matter.

37. The real question on this ground of appeal, as presented, is whether the District Judge was *entitled* to find the test satisfied. Could she, and did she, identify with certainty precisely what offences Ms Omirou was accused of? Or was the warrant documentation incoherent and defective as in ***Blanchard***?

38. There is no dispute that the District Judge needed to be sure the underlying conduct was clearly identified, including by dates, and the corresponding accusations specified. I am not persuaded of the assistance to be derived in the end from Ms Collins's table, however. I can see that it was intended to help the extradition hearing by way of a proposed synthesis of the conduct description in the warrant and the overlay of the material in the RFI replies. But it was after all selective commentary, and it is the source material that really matters. And it is the source material to which the District Judge properly addressed herself. That is apparent from her judgment at [34], where she identified the table as representing Ms Collins's *submissions*, and at [35], where she cited all the information provided.

39. The First RFI had identified a problem with the original warrant's specification of '*3 offences*' but reference to five offence specifications. It was clear from the outset that the warrant's *three offences* were simply a reference to the three case files or sets of criminal proceedings, and the *five offences* to the relevant statutory provisions. The response to the First RFI did not advance matters materially: the five offence specifications referred across all three files. So the question is whether the conduct description in the original warrant, and the overlay of the reply to the Second RFI, combine to produce sufficient specificity.

40. Before trying to answer that, it is essential to note the distinctive *kinds* of offences identified in the source material. The principal offences are harassment and stalking. Both of these offences, as set out by reference to Cypriot statute, are *constituted* by a *course of conduct* – as indeed they are in English law. The other offences – data protection breaches, computer forgery and threats – may or may not be so constituted; those may relate to single incidents *or* a course of conduct. But harassment and stalking cannot be constituted by single incidents; they are intrinsically longitudinal offences. That point was a little understated by the District Judge when she observed (at [35]) that '*it is not uncommon for harassment offending to take place over a period*'. The period may be long or short, but it is *always* a *course of conduct* over a period of time which is in issue.

41. So Mr Perry KC put it to me that, where an offence constituted by a course of conduct is concerned, what is necessary is a conduct description with a start and end date and an identification of the principal constituent incidents. (To that I would add an identification of the victim or victims.) His principal challenge on this score was to the First Nicosia Proceedings.

(i) The First Nicosia Proceedings

42. The description of the course of conduct in the warrant is set out by reference to the statements made by the alleged victims on three occasions. The first was the 4th December 2020 complaint, precipitated by Ms Omirou's discovery of the daughter's Instagram account and her first contact by that medium the previous day, using a fake account. This first complaint set out extensive history of persistent conduct more generally towards the Complainant and her daughter. The second statement, a year later on 29th January 2022 identified '*on the same case*' a continuing course of conduct since the previous complaint with particular reference to the daughter. The third statement, shortly afterwards on 28th February 2022, widened the perspective to both alleged victims.

43. The conduct description in the warrant compiled from these statements is of a protracted course of conduct, carried out over months and years, alleging a campaign of oppressive, threatening and abusive communications by Ms Omirou, both direct and indirect, targeting the Complainant and her daughter, and largely but not exclusively conducted by email and social media. The course of conduct so set out is full of identified constituent incident, some of it specifically dated and some of it not.

44. So far as the course of conduct is concerned, the Response to the First RFI indicates an overall timeframe *from the end of the year 2020 until March 2022*. In other words, the history set out in the first statement was being regarded as background to a course of conduct beginning with the multiple messages to the daughter identified as sent on 3rd December 2020. The Response to the Second RFI is also consistent with the identification of a continuing course of conduct in the warrant ('*harassment is constant*') and with those dates.

45. These source materials, taken together, set out a relatively detailed course of conduct, within an identified timeframe, which is referable to the indicated charges of stalking and harassment. Within the period in question, the Response to the Second RFI draws attention to the dates and details of some of the constituent incidents of the course of conduct, and relates them to those charges. As I read the source materials (including their maintenance of a clear distinction between the three sets of proceedings), that level of particularisation is not intended to be understood as the segmentation of the course of conduct into distinct and exclusive sub-offences of harassment or stalking. That also appears to have been the understanding of the District Judge (see her comment that whether there was sufficient nexus between the periods was a matter for the Cypriot trial court). But the particularisation requirement does not in any event demand the resolution of any ambiguity there may be about that in relation to offences constituted by a course of conduct. It is a conduct-based test. A detailed course of conduct is set out in the source materials on the First Nicosia Proceedings.

46. The particularisation of some of the constituent incidents of the harassment and stalking course of conduct serves a distinct function in any event. It pinpoints the constituent

conduct of the offences of computer-related forgery (by the use of fake accounts), issuing threats, and data protection breaches. The fake accounts are identified by name, by reference to their use within the period of the overall course of conduct and by reference to individual examples of messages sent from them to the Complainant and her daughter. The data breaches are identified as constituted by the public posting of the Complainant's contact details and the disclosure of the adoption papers – in each case on more than one occasion within the relevant period. A specific threat is identified as having taken place on 3rd December 2020.

47. The District Judge was satisfied in these circumstances that this was *not* a case like ***Blanchard*** of uncertainty and incoherence as to what was being charged. In my judgment she was entitled to that conclusion. The warrant and the further information, taken together, particularise a course of conduct being charged as harassment and stalking. A start and end date are specified. Significant incidents within that period are specified, some by reference to specific dates of their own and some as continuing or repetitive conduct. Some of those incidents are identified as constituting the further offences charged. The District Judge was entitled to declare herself satisfied to the criminal standard that the particularisation requirements of section 2(4)(c) were satisfied in these circumstances.

(ii) The Limassol Proceedings and the Second Nicosia Proceedings

48. Each of these Proceedings is plainly being charged as a separate course of conduct. Different victims are involved. By contrast with the First Nicosia Proceedings they lack the extensive domestic history and context and are focused on a much shorter period of time. That makes them simpler to analyse. But the analysis is essentially the same.

49. The Limassol Proceedings are stated in the warrant to relate to a course of conduct in the period between the time the tenant left Ms Omirou's property (February 2023) to the date of the statement (May 2023). The course of conduct is set out as constituted by social media messages to the tenant's specified account of an insulting and offensive nature. It is referable to charges of harassment and stalking.

50. Particular constituent incidents are described. They include messages on 17th March 2023 and 18th March 2023. These are identified as also amounting to issuing threats (of violence).

51. The Second Nicosia Proceedings are stated in the warrant to relate to a course of conduct against the two individuals identified, comprising offensive and abusive emails received between 30th January 2023 and 9th March 2023. Particular constituent incidents are described, including messages sent on those dates and on 1st February 2023. The course of conduct is referable to charges of harassment and stalking.

52. The District Judge was entitled to declare herself satisfied to the criminal standard that the particularisation requirements of section 2(4)(c) were satisfied in relation to both of these courses of conduct.

(f) Conclusion

53. In these circumstances, and for these reasons, I am dismissing the appeal on Ground 1.

Ground 2 – Prosecution decision

(a) The law

54. Section 12A of the Act provides as follows:

> **12A Absence of prosecution decision**
>
> (1) A person's extradition to a category 1 territory is barred by reason of absence of prosecution decision if (and only if)—
>
> (a) it appears to the appropriate judge that there are reasonable grounds for believing that—
>
> (i) the competent authorities in the category 1 territory have not made a decision to charge or have not made a decision to try (or have made neither of those decisions), and
>
> (ii) the person's absence from the category 1 territory is not the sole reason for that failure,
>
> and
>
> (b) those representing the category 1 territory do not prove that—
>
> (i) the competent authorities in the category 1 territory have made a decision to charge and a decision to try, or
>
> (ii) in a case where one of those decisions has not been made (or neither of them has been made), the person's absence from the category 1 territory is the sole reason for that failure.
>
> (2)In this section "to charge" and "to try", in relation to a person and an extradition offence, mean—
>
> (a) to charge the person with the offence in the category 1 territory, and
>
> (b) to try the person for the offence in the category 1 territory.

(b) The evidence

55. The arrest warrant in this case states, in the standard terms, that Ms Omirou is wanted '*for the purposes of conducting a criminal prosecution*'.

56. It also states that the warrant '*pertains also to the seizure and handing over of property which may be required as evidence: mobile phones, computers, laptops, other electronic devices that may be used to commit the offences under investigation,*

anything else that may be connected to the offences under investigation and used as evidence in relation thereto'.

57. The RFI asked: '*The requested person has provided a witness statement in the context of the extradition proceedings in which she asserts that she has never been questioned or arrested in relation to the alleged offences. Please can you confirm if this is accurate?*'

58. The First RFI response confirmed that Ms Omirou had not been questioned. The first complaint was received on 4th December 2020. It was established shortly afterwards, in January 2021, that she was in the UK. An Interpol alert led to the confirmation of her UK address on 1st March 2023. It was confirmed on 18th April that she had been arrested in the UK, '*was informed of the report of the Cypriot Authorities and a relevant remark was made to her*'.

59. The Second RFI response, having dealt with the particularisation of the First Nicosia Proceedings at [2] over several pages, said this:

> [3] It should be noted that in regard to the criminal case of the Nicosia Crime Investigation Department S.246/2023, there is a lot of evidential material and the Cypriot Authorities have a complete and satisfactory testimony for the criminal prosecution of the suspect. This is also confirmed by the Law Service of the Republic, to which the file was forwarded and the application for issuing the said arrest warrant was approved. All the offences were committed in Cyprus, Nicosia.

60. A request had been made on Ms Omirou's behalf in the extradition hearings under section 21B of the Act, which was refused by the Cypriot authorities in a letter dated 9th November 2023 in the following terms:

> I am directed to refer to the Arrest Warrant (Annex 43) issued by Nicosia District Court on 28/06/2023, against the Cypriot national OMIROU ANTONIA, signed by the Nicosia District Judge Angeliki Karnou, and as to the request submitted by the Westminster Magistrate's Court with reference number 86P13231123 dated 25/10/2023, please be informed that the person sought is wanted for criminal prosecution and therefore her presence before Court in Cyprus is mandatory. Her request for being interviewed in the United Kingdom either by a Cypriot Investigator or via video link from the United Kingdom, cannot be accepted.

(c) The District Judge's decision

61. The District Judge's decision on this point went as follows:

> **Section 12A**
>
> [40] Extensive guidance as to the approach to be taken was set out in **Kandola v Germany [2015] EWHC 619 (Admin)** in

paragraphs 28-34 of the judgment. The approach in **Kandola** was approved in **Puceviciene v Lithuania [2106] EWHC 1862 (Admin)**. The key principles derived are that there are two stages to the application of this section. Firstly, the onus is on the RP to establish to the Judge that there are reasonable grounds for believing a decision to charge or try has not been made; and the RP's absence from the receiving state is not the reason for this. The RP must base the challenge on more than assertion. The starting point for the Court is the AW read as a whole, which included any FI. The authorities recognise the decision to charge or try may be informal. If stage one is established, then the Court will proceed to consider stage two of the test, whereby the JA is required to prove to the criminal standard that the receiving JA have decided to charge and decided to try the RP; or if the decision has not been made, the RP's absence from the receiving JA is the sole reason for this.

[41] I had regard to the written and oral submissions of both advocates which I will not replicate. The AW contained the usual declaration that it had been issued for the purposes of conducting a criminal prosecution or executing a custodial sentence. Given this is an accusation AW, I can safely conclude the earlier part of the declaration is correct, that the AW is issued for the purposes of conducting a criminal prosecution. Thereafter, the only reference to an investigation is within part (g) of the AW, whereby the JA have requested seizure of mobile phones, laptops, computers and other electronic devices that '*may be used to commit the offences under investigation*' or that '*may be connected to the offences under investigation and used as evidence in relation thereto*'. FI1 described the matters as criminal cases filed against the RP with five offences under investigation. FI2 again referred to the offences under investigation before listing the particulars and linking them with the relevant legislation in paragraph 2. Paragraph 3 of FI2 stated the '*Cypriot Authorities have a complete and satisfactory testimony for the criminal prosecution of the suspect. This is also confirmed by the Law Service of the Republic, to which the file was forwarded and the application for issuing the said arrest warrant was approved.*' Paragraph 5 of the same document again referred to offences under investigation. The response to the s.21B request dated 9 November 2023 stated the RP '*is wanted for criminal prosecution and therefore her presence before Court in Cyprus is mandatory*'.

[42] In my view, the two reference in the AW, one reference in FI1 and two references in FI2 to offences under investigation are wholly negated by the clear statements in FI2 and the response to the s.21B request. These being that the '*Cypriot Authorities have a complete and satisfactory testimony for the criminal prosecution of the suspect. This is also confirmed by the Law*

> *Service of the Republic, to which the file was forwarded and the application for issuing the said arrest warrant was approved*' and that the RP '*is wanted for criminal prosecution and therefore her presence before Court in Cyprus is mandatory*'. I find there is a clear indication within these statements that a decision to charge or try the RP has been made. I find that indication is not undermined by the request for the RP's electronic devices to be seized. The allegations largely centre around social media / email messages, evidence of which would be available on the RP's electronic devices. It would be a reasonable line of enquiry for the Cypriot authorities to pursue. I am not persuaded that a request for the seizure of her devices is sufficient to raise reasonable grounds to believe a decision to charge or try has not been made, considering the statements in FI" and the s.21B response. I note the FI2 statement confirmed the file had been considered by the Law Service of the Republic. I infer this is a separate department / body from the police who investigate such offences, again supporting the fact that a decision to charge or try the RP has, in fact, been made.
>
> [43] I find the challenge to extradition pursuant to s.12A of the Act was not successful.

(d) The challenge on appeal

62. Giving permission to appeal on this ground, the Order of Hill J dated 24th May 2024 recorded that '*permission is granted for funding for an expert report relating to the s.12A ground, to consider the relevant paperwork in this case including on the court file in Cyprus as appropriate, to provide an opinion on the question of whether a decision has been taken to charge and/or prosecute the Appellant*'. A Cypriot lawyer was duly instructed and produced a report dated 11th November 2024. It appears that an appointment was set up for the lawyer to inspect the court files, but was later cancelled and not reinstated. But he inferred that, on the assumption that he had had an appointment to inspect the file at police headquarters, the file remained with the police and had not been referred to the Attorney General in Cyprus, and therefore no decision to charge and/or prosecute had yet been taken. He could neither confirm nor deny that the absence of a decision would be because of its subject's absence from the UK.

63. Mr Perry KC put it to me, in all the circumstances, there were *reasonable grounds for believing* that a charging decision had not been taken. He points to the references in the warrant and the further information to Ms Omirou, or the alleged offences, being '*under investigation*'. And he draws attention to the subsequent evidence.

(e) Consideration

64. I start with the District Judge's decision. I can see that she addressed herself correctly to the authorities on section 12A. The Divisional Court in ***Kandola*** in particular gives detailed guidance on the correct approach (at [31]-[33]). The first step is to look at the warrant documentation as a whole and see whether it is clear that the decisions have, or have not, been taken. The court is entitled to a '*high degree of trust*' in the fact that a warrant is declared in the standard terms, by a judicial authority, that it is issued '*for*

the purposes of conducting a criminal prosecution'. The reply to the Second RFI confirmed that the First Nicosia Proceedings file – by a long way the most complex matter of the three – was evidentially complete for prosecution and had been transferred to the Law Service of the Republic which had also confirmed the same. The section 21B letter also confirmed that Ms Omirou was wanted for prosecution and her appearance before a court was now mandatory. The District Judge was satisfied on this basis that it was *clear* that the decisions had been taken.

65. She rejected the contention that references to being *under investigation* introduced doubt. Those references in the context of the desired seizure of personal electronic devices from Ms Omirou required her submission to that jurisdiction, and those references – and others – were consistent with the pursuit of further evidence post-charge.

66. I cannot find fault with the District Judge's decision. It discloses no error of law or approach. I cannot see that she was given any basis for considering that the use of *under investigation* was, in these translated documents, properly to be understood as referring to pre-charge investigations. That is an inherently unlikely meaning in context in any event. But in circumstances in which the documentation explicitly confirmed that the prosecution file had been transferred complete, and endorsed as such on transfer, the District Judge was entitled to discount such a contended meaning altogether.

67. Does the subsequent expert evidence make a difference? I bear in mind this, from *Kandola* at [32]:

> …extraneous evidence from a requested person should not be permitted to throw doubt on a clear statement in the warrant that the two decisions have, in fact, been made. Furthermore, we suggest that the production of elaborate 'expert' evidence from lawyers or others on what, under the relevant domestic law, might constitute a 'decision to charge' or a 'decision to try' is not to be encouraged, particularly at the 'reasonable grounds for believing' stage, or else hearings on this issue will become long, complicated and very costly. It may be necessary in rare cases, but it should not be regarded as the normal practice...

68. I received no submissions that this was, relevantly, a *rare case*. The expert report which was prepared last November does not in any event significantly advance matters. The lawyer had not seen the file. No clear explanation for that appears. The lawyer evidently made a formal request to the police on 8th July 2024 and was contacted the following day with an appointment to attend police headquarters on 15th July. That appointment was cancelled on the day. The lawyer sent a chasing email on 10th September. His report gives no explanation for this history or any account of further attempts made to obtain information about the current state or whereabouts of the Ms Omirou's file, and contains no direct evidence at all about its content. The fact that an appointment was fixed in the first place is not in all the circumstances capable of raising an inference that the police retained an untransferred investigation file. If anything, the apparent failure of the police to action the request might raise an inference to the contrary. The rest of the lawyer's report is, in these circumstances, entirely speculative and of no real assistance.

69. I do not regard this report as capable of introducing doubt that the file had been transferred to and confirmed by the Law Service of the Republic as a prosecution file, when the reply to the Second RFI had explicitly confirmed that it had. The expert report states itself that the 'Legal Service of the Republic' is the prosecution authority under the Attorney General – confirming the very inference that the District Judge had made. It is not controversial that a charging or prosecution decision need not be distinguished by formal procedural accoutrements; it is enough that there has been a decision '*to go ahead with the process of taking to trial the defendant against whom the allegation is made*' (*Puceviciene* at [55]). The District Judge was clear about that. She was entitled to be. The subsequent evidence makes no material difference.

(f) Conclusion

70. In these circumstances, and for these reasons, I am dismissing the appeal on Ground 2.

Ground 3 – passage of time

(a) The law

71. Section 14 of the Act provides as follows:

> **14 Passage of time**
>
> A person's extradition to a category 1 territory is barred by reason of the passage of time if (and only if) it appears that it would be unjust or oppressive to extradite him by reason of the passage of time since he is alleged to have—
>
> (a) committed the extradition offence (where he is accused of its commission), or
>
> (b) become unlawfully at large (where he is alleged to have been convicted of it).

72. The leading authority on the correct approach to '*unjust or oppressive*' remains the decision of the House of Lords in *Kakis v Cyprus [1978] 1 WLR 779* at pp782-783:

> "Unjust" I regard as directed primarily to the risk of prejudice to the accused in the conduct of the trial itself, "oppressive" as directed to hardship to the accused resulting from changes in his circumstances that have occurred during the period to be taken into consideration; but there is room for overlapping, and between them they would cover all cases where to return him would not be fair. Delay in the commencement or conduct of extradition proceedings which is brought about by the accused himself by fleeing the country, concealing his whereabouts or evading arrest cannot, in my view, be relied upon as a ground for holding it to be either unjust or oppressive to return him. Any difficulties that he may encounter in the conduct of his defence in consequence of the delay due to such causes are of his own

> choice and making. Save in the most exceptional circumstances it would be neither unjust nor oppressive that he should be required to accept them.
>
> As respects delay which is not brought about by the acts of the accused himself, however, the question of where responsibility lies for the delay is not generally relevant. What matters is not so much the cause of such delay as its effect; or, rather, the effects of those events which would not have happened before the trial of the accused if it had taken place with ordinary promptitude. So where the application for discharge under section 8 (3) is based upon the "passage of time" under paragraph (b) and not on absence of good faith under paragraph (c), the court is not normally concerned with what could be an invidious task of considering whether mere inaction of the requisitioning government or its prosecuting authorities which resulted in delay was blameworthy or otherwise. Your Lordships have no occasion to do so in the instant case.

(b) The District Judge's decision

73. The District Judge's decision on this point of challenge was as follows:

> **Section 14**
>
> [44] The RP is not a fugitive. She is entitled to raise the passage of time since the earliest offence date on the AW. Response 3 in FI1 confirmed some of the information contained with the AW for CID S.246/2023 was background; the complaint of [the Complainant] and [her daughter] focussed on events since the end of the year 2020 until March 2022. I find the relevant date for consideration of the passage of time argument is December 2020. This was confirmed by the dates provided within FI2. The complaint itself was initially made to police in December 2020. The police then attempted to locate the RP within Cyprus. They received information that the RP was living between the UK and Cyprus and in January 2021 place the RP's details on an alert list for action to be taken if she travelled to Cyprus. In January 2021, the Cypriot police also contacted Interpol Manchester to ascertain Ms Omirou's whereabouts and request that she be served with a notice to stop the harassment of [the Complainant] and [her daughter]. Her UK address became known to the Cypriot police by response from the UK on 1 March 2022, and confirmation that she had received the warning requested on 1 April 2023. The other two files contained complaints dated early 2023. The domestic warrants were issued by the Nicosia or Limassol District Court in March 2022, May 2023 and June 2023. The AW was issued on 28 June 2023. It was certified in the UK by the NCA in September 2023.

[45] I am not persuaded there is any strength to the submissions that extradition would be unjust for the RP. The timeline summarised above, in my view, demonstrated timely action taken by the Cypriot police force. There is no culpable delay. Since her arrest, the RP has managed to consider her email / social media and obtain evidence to counter the allegations made against her by [the Complainant] and [her daughter]. The RP is articulate, and comprehensively able to express her views as to why allegations have been made against her. These are all matters properly considered by the Cypriot trial court.

[46] As to the oppression limb. The RP stated she moved to the UK in December 2014 with her partner. She has been in continuous employment since 2015, most recently within local government, building her career. She bought a property with her partner in 2020. Her partner worked as a driver. He is currently unemployed but in the process of searching for employment. They both contribute towards the mortgage and upkeep of the property, along with caring for their pet dogs. If she is extradited, there will be an impact on her career and professional development. Her partner will be unable to afford the property outgoings on a single salary.

[47] I find the financial impact of extradition does not amount to oppression for the RP or her partner. The RP's partner explained he intended to remain I the UK at the property, with the couple's dogs. The RP's partner gave evidence that when employed, he earned approximately £2,000 a month, their joint household outgoings were £2,800 which included a mortgage of £800 a month. In my view, there are steps that can be taken by the RP's partner to make up the shortfall either by reviewing his outgoings or else pursuing alternative income streams, eg a lodger. I had no evidence as to the couple's finances aside from their current income. I accept, on the figures provided, the RP's partner may find himself in financial difficulties. However, I am of the view that any financial difficulties that may arise from extradition do not amount to oppression caused by the passage of time from December 2020.

[48] I have no documentary evidence as to the RP's career progression. She gave evidence that she worked for local government, had moved between two local authorities, and achieved certain benefits (not defined) from her continuous service. If she left to address these matters in Cyprus, upon her return she would be classed as a new starter by the local authority and lose the benefits she had previously built up. Her current role was project managing for an 18 month contract which commenced in November 2023. She hoped to attend a further professional development course once her current contract ended. Again, I concede extradition will have an impact on the

> RP's professional development. Naturally, any gap in her employment history would require an explanation. However, on the evidence before me, she has failed to establish that extradition would be oppressive. The RP would be entitled to return to the UK and resume her life with her partner. There is no evidence before me to suggest to the contrary. The RP did not claim that she could not obtain employment within local government again, simply that she would lose her continuous service benefits. I agree this is an unfortunate consequence of extradition, but it does not, in my view, amount to oppression. The RP would still be able to obtain employment within local government. There is no evidence before me to suggest otherwise.
>
> [49] I find there is no bar to extradition pursuant to s.14 of the Act.

(c) The challenge on appeal

74. There were two principal limbs to Mr Perry KC's written submissions. The first is that the harassment allegations date back as far as 2008, and obtaining evidence at that sort of distance of time is now a practical impossibility. And the complaints made in December 2020 dating so far back were oppressively brought in the first place. The allegations should have been made in 2008 or shortly thereafter. So there has been unexplained and culpable delay in the matter. The '*passage of time'* properly refers to the entirety of a period of offending, including the date it started, so the District Judge was wrong to have focused on the end date in this case.

75. The second is that the District Judge was in error in under-analysing the harm that extradition would inflict on Ms Omirou. Interruption to her employment would have serious detrimental consequences on her NI and pension entitlements and place her future employment in jeopardy.

76. Mr Perry KC now asks me, with particular reference to this second limb, to have regard to an addendum proof of evidence from Ms Omirou dated 6th January 2025. Permission to adduce fresh evidence updating the court on matters relating to her employment, health and marriage had been granted by Hill J in giving permission to appeal.

77. The addendum evidence recounts Ms Omirou's marriage to her partner in March 2024, her husband's employment with a local company from October 2024 and their renewal of their mortgage with effect from 1st March 2025. She has a permanent post with Kent County Council and there is an annex setting out a large number of online and other training courses she has been undertaking (with particular reference to the Procurement Act 2023). Last year the couple undertook major house renovations and took out a loan agreement for a new car. She is under medical care for asthma and other respiratory conditions. She says the extradition proceedings have '*seriously impacted on my life*'. She has not been able to pursue a buy-to-let opportunity or go on honeymoon because of the uncertainty. She fears spending a considerable time in custody in Cyprus before her trial. She is (now) exclusively a British citizen.

78. (For completeness, I mention in this connection the application before the court for the admission of a further short proof of evidence, which I deal with in more detail in connection with Ground 5. I have had regard to it in the present context also. But for the reasons explained below, I do not consider it materially to affect my analysis of the present Ground.)

(d) Consideration

79. The first step is to identify the relevant period of 'delay'. It appears now to be agreed between the parties that it does *not* begin in 2008. That must be right. No part of the charges Ms Omirou faces goes back that far. And I see no force in the contention that there is potential abusiveness in the Complainant not having gone to the police before December 2020. There was a clear proximate explanation for that date: it was the beginning of the alleged campaign of online harassment of the vulnerable teenage daughter.

80. I return to the point that the warrant documentation in this case identifies three *courses of conduct* charged as harassment and stalking, together with further charges relating to individual components of that course of conduct. The First Nicosia Proceedings course of conduct ran from December 2020 to March 2022. The Second Nicosia Proceedings course of conduct ran from January to March 2023. And the Limassol Proceedings course of conduct ran from February to May 2023.

81. The District Judge took as the relevant starting point for the purposes of section 14 the date of the first alleged components of, or the beginning of, the First Nicosia Proceedings course of conduct – December 2020. That is the earliest date for any of the offending charged – most of which long postdates it – and the District Judge cannot be faulted for beginning her analysis there. She noted, in relation to the First Nicosia Proceedings, that the Cypriot police made immediate efforts to locate Ms Omirou. They had within a month issued a domestic alert and contacted the UK through Interpol. As soon as Interpol identified her address in March 2022, the domestic warrant was issued. The extradition arrest warrant was issued in June 2023 immediately after the complaints raised in the other two Proceedings.

82. The District Judge found in these circumstances no culpable delay, and that there was no evidence before her of potential trial *injustice*. These were findings which were open to her on the materials before her. Nor was it argued before me that there was any respect in which Ms Omirou would be disadvantaged at trial by reason of this history.

83. Mr Perry KC instead emphasised the evidence for *oppression*. This is, as set out in *Kakis* a test focused on any '*hardship to the accused resulting from changes in her circumstances that have occurred during the period*'. I can see from her judgment that the District Judge focused on the materials put forward in support of this. She found them relatively limited in themselves, both as to Ms Omirou's career and as to financial impact, but she considered them carefully so far as they went. Her conclusion was that Ms Omirou had not established *oppression* at all, and had not established material *change of circumstance* attributable to the passage of time since December 2020.

84. I cannot conclude that the District Judge went wrong on the materials before her. She addressed herself to the right legal test. *Oppression* or *hardship* sets a bar somewhat above *impact, difficulties* or *unfortunate consequences*. And applying the test is an

evaluative matter. The District Judge was well within the range of evaluative decisions properly available to her on the evidence she was given of oppression or hardship, and for the reasons she gave in her judgment.

85. I am asked now to consider the test afresh in the light of Ms Omirou's recent proof of evidence (and the application for a further proof of evidence). Mr Perry KC put it to me that extradition now would have a *devastating* effect on Ms Omirou's career and mortgage. She does not of course need to establish that to address the s.14 bar. But the new material remains light on relevant detail and still does not give any clear picture of the couple's overall financial position.

86. I note, for example, that Ms Omirou's husband is now in secure employment – an improvement on their previous situation. I note that further substantial mortgage, loan and expenditure obligations have been incurred during the year since the District Judge ordered Ms Omirou's extradition in February 2024, free choices made in the knowledge that Ms Omirou was subject to an extradition order. I note that no clear basis is set out for her subjective fears of future delays in detention awaiting trial.

87. I am unpersuaded that, had this material been before the District Judge in addition to the evidence she considered at the extradition hearing, she must have concluded that *oppression* had been made out – or that any adverse impact greater than she had found at the time was attributable to *delay* or the passage of time. I was shown no authority establishing the section 14 bar on facts coming anywhere close to those now put forward for my consideration. The period of time involved in the present case is relatively short. There is no clear or persuasive basis for finding any delay to be either culpable or causative of hardship at a level amounting to *oppression*. I find no basis for allowing an appeal on this ground.

(e) Conclusion

88. In these circumstances, and for these reasons, I am dismissing the appeal on Ground 3.

Ground 4 – disproportionality

(a) The law

89. Section 21A of the Act provides as follows:

> **21A Person not convicted: human rights and proportionality**
>
> (1) If the judge is required to proceed under this section (by virtue of section 11), the judge must decide both of the following questions in respect of the extradition of the person ("D")—
>
> (a) whether the extradition would be compatible with the Convention rights within the meaning of the Human Rights Act 1998;
>
> (b) whether the extradition would be disproportionate.

> (2) In deciding whether the extradition would be disproportionate, the judge must take into account the specified matters relating to proportionality (so far as the judge thinks it appropriate to do so); but the judge must not take any other matters into account.
>
> (3) These are the specified matters relating to proportionality—
>
> > (a) the seriousness of the conduct alleged to constitute the extradition offence;
> >
> > (b) the likely penalty that would be imposed if D was found guilty of the extradition offence;
> >
> > (c) the possibility of the relevant foreign authorities taking measures that would be less coercive than the extradition of D.
>
> (4) The judge must order D's discharge if the judge makes one or both of these decisions—
>
> > (a) that the extradition would not be compatible with the Convention rights;
> >
> > (b) that the extradition would be disproportionate.
>
> …

(b) The District Judge's decision

90. The District Judge addressed the question of the application of S.21A(1)(b) – disproportionality – as follows:

> [57] S.21A(1)(b) of the Act required consideration of whether extradition would be disproportionate, having regard only to the specified factors set out in s.21A(3).
>
> [58] The first is the seriousness of the conduct alleged to constituted the extradition offence. The allegations are largely forms of indirect contact/harassment with the various complainants. I find the offences against [the Complainant] and [her daughter] (CID S.246/2023) to be serious, given the persistent and repeat nature and the 2-year period to which the complaint related. The nature of some of the threats, inciting a vulnerable minor to commit suicide, is particularly serious. The allegations contained in the remaining two case files I find are less serious given they occur over a shorter time span. However the messages are still threatening, offensive and abusive. The allegations are aggravated, in my view, because the recipients were either doing their job in a public service role and should not be expected to encounter abuse (M/25/2023) or the RP abused her position of power and trust over the tenant whilst making

> threats of violence to the tenant and her son (M/70/2023). I do not find any of the offending to be of a minor or trivial nature.
>
> [59] In respect of the likely penalty that would be imposed if the RP was found guilty of the extradition offences. I have no information as to the potential sentences if convicted from Cyprus, nor is there an expectation that I obtain such information applying the principles of mutual confidence and respect. I acknowledge M/23/2023 and M/70/2023 may not cross the custody threshold in the UK if considered individually. I take the view that there are features within CID S.246/2023 which do, as set out by Ms Collins within the ON. In my view, if the conduct across all three case files was collectively sentenced in the UK, there is a realistic prospect of the RP receiving a custodial sentence given the similarities in the nature of the conduct and the persistence of the RP.
>
> [60] The authorities in Cyprus have indicated by way of letter dated 9 November 2023 that the RP is wanted for criminal prosecution and her presence before the Court is mandatory. Accordingly, the request for measures that would be less coercive than the extradition of the RP was not successful.
>
> [61] Having considered the specified factors set out in s.21A(1)(b), I find extradition would not be disproportionate.

(c) The challenge on appeal

91. The focus of the challenge on this ground is principally on the '*likely penalty*' consideration in section 21A(3)(b). Mr Perry KC submits that the District Judge was wrong to take the view that there was a realistic prospect of Ms Omirou receiving a custodial sentence if convicted as charged. He submits that, having regard to the Sentencing Council Guidelines that would be applicable in an English court, and having regard to all the relevant facts to which those Guidelines would apply, Ms Omirou's alleged offending would, if it crossed the custody threshold at all, inevitably lead to a suspended sentence.

92. He draws my attention in this context to Criminal Practice Directions Amendment No.2 *[2014] EWCA Crim 1569* containing guidance from the Lord Chief Justice on assessing the seriousness of conduct alleged to constitute an extradition offence, and to *Miraszewski v Poland [2014] EWHC 4261 (Admin)* on applying that guidance.

93. He also draws my attention to the detail of the Sentencing Council Guidelines on harassment and stalking. He submits that the offending alleged in the present case would be categorised as of medium culpability and category 2 harm, producing a starting point of a medium level community order, with a category range from a low level community order to 12 weeks' custody. Even at the top end of that range, a sentencer, having proper regard to Ms Omirou's age, personal circumstances and exemplary previous character, would be bound not to impose an immediate custodial sentence.

(d) Consideration

94. It was not argued before me at the hearing that the District Judge's assessment of the seriousness of the alleged offending itself was otherwise than in accordance with the CrimPD guidance and the authorities. She considered the allegations in the First Nicosia Proceedings to be serious. They set out a protracted course of oppressive, abusive, threatening and destabilising conduct targeted at two victims, one of whom was a particularly vulnerable minor. The consequences for the child were said to be acutely psychologically harmful, long-lasting and life-changing, including affecting her study plans. There were a number of other aggravating features present: the deceptive use of fake accounts, the involvement of third party friends, family and business colleagues, persistence in the face of attempts at self-protection. The Limassol course of conduct, though brief, was aggravated by threats of violence against the tenant and her son, and by the abuse of the power imbalance inherent in the relationship. The Second Nicosia Proceedings targeted two victims who were public service employees.

95. Mr Perry KC put it to me that the District Judge took insufficient account of the full context of the First Nicosia allegations, a context including counter-allegations of harassment of Ms Omirou by the Complainant. It is not clear what, if any, documentary evidence in support of these counter-allegations there was before the District Judge. But in any event, the 'domestic' context of the First Nicosia allegations, including the alleged intrusion into the new family's adoption proceedings, was itself capable of aggravating the conduct alleged. I cannot in all the circumstances conclude that it was not properly available to the District Judge to evaluate the courses of conduct before her as amounting to *serious* offending within the categories alleged. This was not 'minor' offending comparable to the examples given in the guidance and authorities.

96. I turn then to the issue of the likely penalty. There can be no question but that, in the case of offences of harassment and stalking, this is a highly evaluative and fact-sensitive matter – and very properly so. That is reflected in the statutory provision made in both countries for both simple and aggravated offences, the latter involving fear of violence or serious alarm or distress. Mr Perry KC put it to me that it was difficult to give much weight to threats of personal violence when the alleged perpetrator was in a different country. But that fact was not necessarily known to all the victims at the point of the issue of the threats. It also overlooks the uniquely intrusive, intimate and destabilising nature of this kind of offending.

97. The District Judge would have been entitled to consider the First Nicosia Proceedings allegations as of high culpability on either set of Guidelines (that is, for the simple or aggravated offences) by reason of persistence over a prolonged period, the sophisticated manipulation of fake accounts, and the maximisation of distress. The District Judge was also entitled to consider the level of harm alleged as being medium to high in the case of the First Nicosia Proceedings. The allegations in relation to the young daughter are of exacerbation of her underlying medical condition, psychological trauma, very serious distress, family disruption, and impact on daily life and future plans.

98. Additional aggravating features of the offending are also present in the allegations: in the First Nicosia Proceedings the vulnerability of the daughter is a highly salient feature, and the District Judge identified vulnerabilities in the other complainants. Mitigating features would have been present also, including Ms Omirou's otherwise blameless life and positive good character.

99. At the same time, the issue of totality is an obvious one. Three courses of conduct are alleged. Each involved more than one victim. They set out recognisably similar conduct in three entirely different sets of circumstances, suggesting the conduct in question was not context-specific.

100. There is a limit to the level of inevitably speculative detail that can be engaged with in an effort to refine the process of taking into account likely penalty. Depending on the detailed factual findings at trial, but taking a broad perspective, sentence ranges indicated by the allegations on their face are well into the custodial ranges of the Sentencing Guidelines on the simple offences for the First Nicosia Proceedings, and realistically within the exclusively custodial ranges of the aggravated offences, with additional aggravation for totality across three offences against a range of disadvantaged victims also a realistic prospect. I can see that suspension could also be a realistic prospect (a suspended sentence is still of course a custodial sentence). But the precise outcome depends on too many variables to be able to say with any confidence that suspension must be considered an *inevitable* outcome on the allegations in the warrant, even in the important context of Ms Omirou's positive good or exemplary character.

101. I cannot in these circumstances conclude that the District Judge was *wrong* to find there was a *realistic prospect* of Ms Omirou receiving a custodial sentence if convicted on all counts, including an immediate custodial sentence. That was not a conclusion outside the spectrum of those properly available to her. She *might* have taken a different view. But I cannot conclude that she *had* to – in other words that she went wrong here and reached an evaluative conclusion not properly available to her. In these circumstances, I cannot conclude that, considered over the three factors specified in section 21A(3), the District Judge was *wrong* to conclude that extradition would not be disproportionate.

(e) Conclusion

102. In these circumstances, and for these reasons, I am dismissing the appeal on Ground 4.

Ground 5 – Article 8

(a) The law

103. An individual's extradition will be barred if, in all the circumstances of the case, that would be inconsistent with their and others' rights, protected by Article 8 of the European Convention on Human Rights, to private and family life. The relevant legal framework within which decisions about Art.8 incompatibility must be taken is well established.

104. A judge at first instance approaching a question of Art.8 incompatibility in an extradition case must proceed by identifying relevant factors in favour of extradition, and relevant factors against, and then performing an evaluative overall balancing exercise to reach a proportionality assessment (*Celinski v Poland [2015] EWHC 1274 (Admin)*).

105. On an appeal against an Art.8 compatibility determination, the starting point is that the single question for the appellate court is whether or not the District Judge made the wrong decision (*Celinski* [24]). The Supreme Court put it this way in *Re B [2013] UKSC 33* at [93]-[94]:

> An appellate judge may conclude that the trial judge's conclusion on proportionality was (i) the only possible view, (ii) a view which she considers was right, (iii) a view on which she has doubts, but on balance considers was right, (iv) a view which she cannot say was right or wrong, (v) a view on which she has doubts, but on balance considers was wrong, (vi) a view which she considers was wrong, or (vii) a view which is unsupportable. The appeal must be dismissed if the appellate judge's view is in category (i) to (iv) and allowed if it is in category (vi) or (vii). …So far as category (v) is concerned, the appellate judge should think very carefully about the benefit the trial judge had in seeing the witnesses and hearing the evidence, which are factors whose significance depends on the particular case. However, if, after such anxious consideration, an appellate judge adheres to her view that the trial judge's decision was wrong, then I think that she should allow the appeal.

106. If, however, fresh evidence postdating the extradition hearing is admitted into appeal proceedings, it may be necessary for the appeal court to conduct the *Celinski* exercise afresh. That requires resolving the tension between the starting point of a strictly historical approach to whether the District Judge's decision was 'wrong' at the time, and a dynamic approach to the evaluation of the decision based on taking into account subsequent developments – or at least potentially doing so. Appellate courts in these circumstances inevitably have to enter into some sort of re-evaluation of the first instance *Celinski* balancing exercise to determine whether the extradition order should be set aside as wrong or unsupportable – then or now. The nature and extent of that re-evaluation is sensitive to the facts and merits of individual cases, including whether supervening evidence and events do on examination fairly require an entirely fresh *Celinski* balancing exercise to be undertaken at the appeal stage.

(b) The District Judge's decision

107. The decision under challenge was as follows:

> **Article 8**
>
> [63] I have considered and have in mind the general principles in relation to the application of Article 8 in the context of extradition proceedings as set out in **Norris v Government of USA (No.2) [2010] UKSC 9**, **HH v Italy [2012] UKSC 25** and **Polish Judicial Authorities v Celinksi & Others [2015] EWCH 1274 (Admin)**.
>
> [64] In **Celinski** a balance sheet approach was recommended. I must then set out reasoned conclusions as to why extradition should be ordered, or the Requested Person discharged.

Article 8 balancing exercise

[65] **Factors said to be in Favour of Granting Extradition**

(i) There is a strong and continuing important public interest in the UK abiding by its international extradition obligations.

(ii) There is a strong public interest in offenders being brought to justice.

(iii) The decisions and processes of the JA should be afforded mutual confidence and respect.

(iv) The collective offending behaviour is serious.

[66] **Factors said to be in Favour of Refusing Extradition**

(i) The RP has lived a law-abiding life in the UK since December 2014.

(ii) The RP's partner resides in the UK.

(iii) The RP's career is in the UK.

(iv) The RP's responsibilities towards the mortgage and dogs in the UK

Article 8 Findings and Ruling

[67] I have firmly in mind the guidance which is given to these courts by the former Lord Chief Justice in *Celinski* in considering whether it is incompatible with the RP's Article 8 rights to order her surrender. I have reminded myself that there is a very high public interest in ensuring that extradition arrangements are honoured, as well as the public interest in discouraging persons from seeing the UK as a state which is willing to accept fugitives from justice. The request of the JA should be afforded a proper degree of mutual confidence and respect.

[68] I echo my findings at paragraphs 47, 48, 58 and 59 above. Overall, I find the offending is serious and there is a realistic prospect of a custodial sentence based on UK sentencing guidelines particularly for CID S.246/2023. The other two case files are less serious and individually would be unlikely to attract a custodial sentence in the UK which weighed against extradition. However, when the totality of the offending behaviour across the three files is considered, given its persistence, similar nature and the number of offences the Cypriot authorities propose to pursue, in my view a custodial

> sentence in Cyprus is a realistic possibility, which weighted in favour of extradition.
>
> [69] The JA acknowledged the RP has established a private life in the UK. She has a career, long-term partner, mortgaged home, and dogs. Extradition will be an interference with the Article 8 rights of the RP and her partner. The RP's partner is of Cypriot origin and can travel to Cyprus. He has family in Cyprus – his sister. He gave evidence that he would likely remain in the UK to manage the couple's mortgaged property and care for their dogs. The RP's partner is not reliant on the RP financially, he is currently unemployed but normally employed as a driver with a reasonable income. I recognise that the RP's extradition may cause some financial difficulties, but on the evidence before me, these are not insurmountable.
>
> [70] The RP has no financial dependants in the UK or Cyprus. She is employed in the UK and previously was employed in Cyprus. The impact on the RP's career has not been clearly evidenced. Her current role incorporated project management in local government. When her current project ends, she planned to pursue a further course. If extradited she will lose her continuous employment benefits, which have not been defined. There was no evidence she could not obtain employment within local government again. There was no evidence she could not attend the course once proceedings in Cyprus had concluded. If the RP's partner chose to leave the UK with her, the couple have options in respect of their mortgaged property – rent or sell. The RP's partner is able to care for the couple's dogs. There is no evidence before me that the extradition of the RP will cause her or her partner any hardship beyond that normally associated with extradition, such that it will have exceptional consequences for the RP or her partner.
>
> [71] I find that it will not be a disproportionate interference with the Article 8 rights of the RP for extradition to be ordered. On balance, the individual or combined weight to be attributed to the main factors militating against extradition: the RP's private life in the UK, the impact on her career and the lesser seriousness of the offending in M/70/2023 and M/25/2023, are not such that they outweighed the weighty public interest in favour of extradition. The evidence of hardship and the impact which will result from extradition does not, in my view, go beyond that which is often present when extradition is ordered. I find the consequences of extradition are not so significant that they will have a disproportionate impact on the Article 8 rights of the RP.

(c) The challenge on appeal

108. Mr Perry KC criticises the District Judge's analysis on a number of grounds.

109. First, he says the District Judge failed to weigh in Ms Omirou's favour that she was a British citizen, a matter evidenced before her and a central plank of the Art.8 argument.

110. Second, the District Judge understated the factor that Ms Omirou had lived a law abiding life – she was of exemplary good character.

111. Third, the District Judge understated the impact of extradition on Ms Omirou's employment and career. Her evidence had been it had taken her years to secure public sector employment; she had worked for Kent County Council for 5 years and at Medway Council for 5 months, working on complex projects and furthering a cherished career. The authorities (*Geidrojc v Poland [2023] EWHC 863 (Admin)*, at [20]) are clear that '*"Private life" includes the right of an individual to form and develop relationships with others, including at work, since work is, in many ways, the very significant avenue where people develop important relationships*'.

112. Fourth, the District Judge was wrong to refer to Ms Omirou planning to pursue 'a further course' rather than continue working in local government, as she very much intended.

113. Fifth, the District Judge wrongly cited the public interest in the UK not being seen as a haven for fugitives from justice, when Ms Omirou was not a fugitive.

114. Sixth, the District Judge was wrong to refer to a realistic prospect of a custodial sentence as a factor in favour of extradition.

115. Seventh, the District Judge had no basis for assuming the couple had options to rent or sell their mortgaged property.

116. Standing back, Mr Perry KC submitted the allegations were not of the most serious nature and were the subject of counter-allegations, there had been significant delay in pursuing them, Ms Omirou had lived continuously in the UK for a decade (spending only 14 days in Cyprus), she had medical issues, and extradition would be *exceptionally emotionally devastating* – she would lose her job, most likely her home, and would be likely to spend many months on remand in Cyprus awaiting trial.

(d) Consideration

117. My first task is to consider whether, simply on the materials she had before her, the District Judge went wrong in her conduct of the *Celinski* exercise. And I do so consistently with the views I have already reached on the matters considered under the other grounds of appeal and which overlap with this one.

118. As regards the matters she identified as favouring extradition, I cannot fault the District Judge's identification of the factors set out at [65] of her judgment. She was entitled to regard the general public interest considerations mentioned there as heavily weighty. Her later reference to a general public interest in the UK not appearing to be willing to accept 'fugitives' was a misstatement; but she was very clear in her judgment that Ms Omirou was not a fugitive, and the public interest in alleged offenders being brought to justice, which she stated correctly at [65] itself, remains a properly weighty consideration. The judgment, read fairly as a whole, does not err on this point.

119. I have already dealt with the District Judge's entitlement to regard the 'collective offending behaviour' as a properly serious set of allegations, engaging the realistic possibility of a custodial sentence. She was entitled to weigh that in favour of extradition.

120. As I have also explained, she was entitled not to regard the weight of the factors in favour of extradition as alleviated by any material delay, or by the merits of any potential defences or counter-allegations available to Ms Omirou (matters for the trial court, not the extradition court).

121. Turning to the list of factors favouring discharge in [66], these are easily recognisable as aide-memoire cross references to all the evidence the District Judge had received relating to Ms Omirou's home life and relevant history as a long-term law-abiding resident, and latterly a citizen (although according to her subsequent proof of evidence her status as a sole British national was not regularised until June 2024); to the interests of her partner; to the interests she had in her work and career; and to her financial responsibilities. Again, this bullet point list cannot be faulted as such.

122. The District Judge's performance of the overall balancing exercise was an evaluative matter within which she had a broad discretion as to how the various matters she had identified were weighed and balanced. She noted that Ms Omirou had established a stable, settled and prospering life in the UK since 2014; that the impact on her partner and her life with him, while relevant, were no more than the inevitable concomitants of a period of absence and separation; that she had no financial dependants and no otherwise unmanageable financial commitments; that the impact on her career of extradition had '*not been clearly evidenced*' but that there was no proper basis for thinking it could not in due course be resumed in one way or another, albeit with some loss of continuity and benefits thereby (the reference to a 'further course' is plainly in context a reference to planned further training, not to a plan for a different career path).

123. I cannot find that the District Judge's conduct of the ***Celinski*** balancing exercise was, in these circumstances, vitiated by error, or that it was not open to her to weigh and counterweigh, and ultimately balance, all the factors as she did. She acknowledged all the relevant interests in play in Ms Omirou's favour, on the materials before her: her personal and working life, her partner's interests; her financial position. She might have given these more weight than she apparently did, but it cannot be concluded that she was obliged to, much less that she was obliged to give them determinative weight. So I cannot find the District Judge to have reached a conclusion not properly available to her - one which was *wrong* or *insupportable*.

124. I turn then to the material postdating the extradition hearing. Giving permission to adduce further evidence by way of an update, Hill J had limited Ms Omirou as to subject matter (employment, health and marriage) and as to length (no longer than 5 pages). This was an important opportunity for Ms Omirou to address these matters at the appeal stage. In the event, the document produced runs to some two pages of substance and a long list over a page and a half of training and accreditation modules (many or most of which appear to be online exercises) recently undertaken.

125. Hill J also placed a deadline for filing this updated material to be provided no less than 21 days before the appeal hearing. The update provided was dated 6th January 2025.

On the day before the hearing, 24th February 2025, an application was filed on Ms Omirou's behalf to admit a further four-paragraph proof of evidence.

126. I take the January update first, and begin by looking at the *individual* matters introduced in it. I have already made a number of relevant observations about them, and about this document more generally. To the extent that they canvas matters, for example about her home and working life, or her health, which are not updates but bring in pre-existing context which could have been, but was not, put before the District Judge, no explanation for that is offered. To the extent that they address matters arising after the extradition hearing, then the following points arise.

127. First, in relation to her own personal life in the UK, it confirms her stable home and private arrangements, now enhanced by marriage and renunciation of Cypriot nationality.

128. Second, it states that, as regards her own employment, she now has a *permanent* contract at Kent County Council (which she did not have before) and has been investing in her career, including by doing a lot of modular training. It does not say anything about the possible or probable impact of extradition on her employment position.

129. Third, it states that her husband's employment position is now improved: he has a permanent position, greater job security and a steady income.

130. Fourth, it states that, in the months *since* the extradition hearing, the couple have taken on substantial financial commitments to home improvements and a new car as well as mortgage obligations.

131. Fifth it sets out something of the continuing stress of these prolonged extradition hearings, including lost or postponed opportunities for holidaying and for a buy-to-let investment.

132. Sixth, she has been under medical observation and treatment for asthma and related symptoms.

133. And seventh, she has expressed subjective fears of long remand and ultimate injustice if extradited, not further supported.

134. The proposed second addendum proof of evidence adds the following. Ms Omirou has been enrolled by her workplace in a 4-year diploma programme. Her particular area of work is set to increase in prominence as a result of a major restructuring exercise. If her employment is interrupted the benefits of 10 years of NI and pension contributions '*could be detrimentally affected*'. She has an expected timeline for 29 weeks for possible nasal surgery. She has recently had a tooth extracted and follow-up procedures have been scheduled over the coming months.

135. I was invited by the parties to undertake a fresh ***Celinski*** exercise, taking the factors cited by the District Judge as my starting point (I was not provided with all the evidential material before the District Judge) and with this further information included. Doing so would thus be along the following lines.

(i) Factors favouring extradition

136. My starting point would be to affirm the constant, weighty and important public interest in the UK supporting its international extradition arrangements. That includes affording the decisions and processes of partner judicial authorities the full measure of confidence, respect and support that UK authorities and courts would expect to be shown in turn. And it includes giving full effect to the public interest in alleged offenders being brought to due justice, which is a fundamental UK value in its own right.

137. I also consider the charges in this case to amount to allegations of serious criminal misconduct. The protracted course of conduct alleged against the Complainant and her vulnerable child would, if proven, amount to the sort of unwarranted oppressive, intrusive and abusive behaviour that causes misery and blights lives. It is a pattern of behaviour reproduced in small scale in the courses of conduct alleged in relation to her former tenant and her son, and against two public service employees. The *overall* picture of this alleged offending is one which is habitual, predatory, frightening and destructive of others' entitlements to privacy and peace, directed to the less powerful and triggered by perceived grievances of a range of kinds, great or small.

(ii) Factors against extradition

138. Ms Omirou has no shadow on her character other than the present allegations. She has become a UK citizen, living and working here peacefully and constructively since 2014, in what I have no reason to doubt is an exemplary manner.

139. She has married her long-term partner; their shared life in the UK engages both of their Art.8 rights.

140. They have acquired property and incurred financial obligations together.

141. Ms Omirou has invested in, and is set to prosper in, a local government career.

142. She has ongoing health concerns as an asthmatic and in relation to recent dental procedures.

(iii) The proportionality balancing exercise

143. The factors in favour of extradition are, and always have been, weighty in this case. On the other side of the balance Ms Omirou is entitled to have placed her ties to this country and the peaceful enjoyment of her married and home life and her fulfilling work and career.

144. At the appeal hearing, Mr Perry KC particularly emphasised the *devastating* impact extradition would have on her career, prosperity and home life. I have to say that that is simply not evidenced in the materials with which I have been provided. Certainly, disruption, disappointment and disadvantage to at least some extent either appear or may readily be inferred from the simple fact of absence during extradition and trial. I can and do factor that in, albeit it is of uncertain dimensions on the evidence. Ms Omirou gives evidence, in her recent proof, of problems of uncertainty and stress arising out the extradition proceedings themselves. She gives evidence of deferred hopes of investment opportunities and holiday plans. But the submissions I received as to the *destruction* of a career and a home life are not substantiated on the materials

before me, as they were apparently not in the materials before the District Judge. The new evidence neither asserts nor evidences that. It gives no explanation of how an interruption to the performance of her duties and the pursuit of her opportunities in her present employment position would be dealt with in practice. It gives next to no information about her wider financial position or that of her husband. It provides little to work with altogether by way of matters or information of real substance capable of affecting the *Celinski* balancing exercise. I cannot simply speculate about these matters or assume the worst imaginable. As I say, the first new proof of evidence was an important opportunity for Ms Omirou to give me her best evidence, and I must take it that what she has chosen to provide is just that. The proposed second new proof does not materially change that analysis.

145. Ms Omirou is a graduate in her mid-40s. She has no dependants. Her husband appears to be self-sufficient. No wider family or social ties are mentioned either at home or at work. To the extent that the couple have freely chosen to take on fresh financial obligations over the past year, including mortgage obligations, in the full knowledge that Ms Omirou was at the time subject to an extradition order, that cannot by itself fairly generate significant weight in the balance against that order. Nor in those circumstances can deferred hopes of further financial investments or of holidays.

146. I take into account the health issues cited. Ms Omirou's symptoms and treatment are currently being monitored, including with a view to possible further interventions. They are not positively said to be inconsistent with extradition nor that they would be materially aggravated by it. Nothing is said to the effect that they cannot continue to be satisfactorily managed and treated, including if appropriate by hospital care, in Cyprus.

147. Taking into account all of the material before me which is relevant to Ms Omirou's and her husband's private and family life, therefore, I do not consider the factors against extradition to be of sufficient weight, set against the factors indicating it, to bring down the balance in favour of discharging her.

148. I am encouraged finally to stand back and look at this case in the round. The Divisional Court in *Love v USA [2018] EWHC 712 (Admin)* at [26] said this:

> The appellate court is entitled to stand back and say that a question ought to have been decided differently because the overall evaluation is wrong: crucial factors should have been weighed so significantly differently as to make the decision wrong, such that the appeal should in consequence be allowed.

149. Mr Perry KC put to me that the Art.8 question ought to have been decided differently in this case because the overall evaluation was wrong. Crucial factors ought to have been weighted significantly differently. He provides an aide memoire list. Of the matters mentioned there, I have explained why I consider the alleged offending both relatively serious and recent, the prospect of a custodial sentence realistic, and the claimed impact on her home life and working life under-evidenced. Ms Omirou is a British citizen of otherwise exemplary character. She and her husband will undoubtedly suffer a material degree of hurt, harm and disappointment as a result of extradition. At

the same time, the public interest in the proper facilitation of extradition, and in the international administration of justice in relation to accused individuals, is properly weighty, not excluding in the case of our own citizens and those being formally accused for the first time. I cannot say that the overall evaluation in favour of extraditing Ms Omirou as requested was or is wrong in these circumstances.

(e) Conclusion

150. In these circumstances, and for these reasons, I am dismissing the appeal on Ground 5.

Decision

151. Ms Omirou's appeal is dismissed. There is in consequence no further impediment to her extradition on the accusation warrant before the courts.