ISSUE 33: September 2024

DELF

DEFENCE EXTRADITION LAWYERS FORUM

NEWS

We are very pleased to bring you edition 33 of the Defence Extradition Lawyers Forum newsletter. We bring you our usual updates on on-going activities, CPT reports and social events. We are delighted to include the John Jones QC competition-winning essay, as well as a deep-dive into the plight of elderly prisoners, an overview of the educational event held in March and an article about a recent Greek extradition case. Thank you to all our contributors. For the first time we have a quiz and welcome your answers for the chance to win major prizes.

A message from the Chair

Welcome to the 33rd edition of the DELF newsletter to ease us all back in after the summer break. It includes a reminder of our recent educational event and a case update from our fantastic international officer Alexis Anagnostakis. We are also delighted to include the winning entry from this year's John Jones KC Essay competition, which is well worth a read. The standard of this year's entries was incredibly high which bodes well for the future of the extradition community! Also, for a bit of fun, we have our first ever DELF quiz – I understand our editor, Ben Seifert, is promising "major prizes" for the winner, which sounds too good to miss.

We also have a summary of our wonderful DELF dinner which took place back in May. I hope you agree that it was a great event. It was a real pleasure to see so many new and familiar faces. I am particularly glad that the annual tradition of post-dinner karaoke is still going strong. It was our biggest dinner event yet, which is all down to our members and of course our fantastic organising committee who deserve special thanks.

We are now gearing up for our annual conference in a few weeks. I hope as many of you can join us as possible. We have some fascinating panels and brilliant speakers lined up so please do grab your tickets as they are selling fast.

As ever, if you have any thoughts on how DELF can represent your interests, or if you would like to contribute to this newsletter, please do not hesitate to get in touch.

Catherine Brown
6KBW College Hill

Upcoming Activities

Criminal Procedure Rules Committee

We continue to make representations on behalf of our members to the Criminal Procedure Rules Committee, the LAA, the Administrative Court staff and the Senior District Judge's office. If members have any issues they would like DELF to raise please email enquiries@delf.org.uk

The DELF Annual Conference will take place on Friday 11 October 2024 at IET Savoy Place, 2 Savoy Place, London, WC2R 0BL. A drinks reception will follow. Panel members from across Europe and the United States will discuss:

- Extradition in conflict: an examination of the challenges and realities of surrender during ongoing armed conflict;
- Insights from inside INTERPOL;
- Extradition: the use of politics, diplomacy and the press; and
- An extradition themed wine tasting.

In addition, we are very pleased to confirm that the keynote address will be given by Mr Justice Chamberlain.

Places are limited. Please email: admin@delf.org.uk to book your ticket.

Recent Educational events and socials

The DELF Dinner- 17 May 2024

On a sunny evening in late May we held our annual dinner at Merchant Taylors' Hall. As one of the 12 great livery companies of the City of London, it was a fitting venue for our celebrations. The event started with a splendid champagne reception in the courtyard outside the hall where practitioners swapped war stories, networked and gossiped. From there we proceeded to the hall where a fabulous three-course meal was served.

Our Chair, Catherine Brown, gave a glittering speech and introduced the Lord Chancellor, Alex Chalk KC MP. He spoke about how much the government valued practitioners such as ourselves and joked about his electoral prospects. I doubt he was surprised that, within weeks of speaking to us, he was out of office and no longer representing his beloved seat of Cheltenham. We wish him well for the future.

After dinner more drinks in the courtyard were followed by elaborate and somewhat frenzied, dancing.

Enormous thanks to the DELF committee, and in particular our social secretary Fiona Haddadeen, for organising the event.

BWDS

"Introduction to Extradition Defence: Technical Arguments & Tactical Considerations" 28 March 2024

This was a highly informative evening, beginning with an introduction of the panellists from Chair, Ben Joyes (9BR Chambers). Setting out the aim, Ben outlined that the event would serve as a refresher to some, an educational tool to those new to extradition, and help to put flesh on the bones of the jargon often used.

This purpose was readily achieved, as attendees were treated to invaluable knowledge and insight from esteemed guest speakers, in the elegant surroundings of Gray's Inn.

Hannah Burton of Furnival Chambers kicked off proceedings by exploring the validity of an arrest warrant. This included clarifying, when considering particulars of the offence, where the amount of detail should be the same, regardless of whether it is an accusation or a conviction warrant (*King v France* [2015] EWHC 3670 (Admin).

A key feature of the presentation was whether an arrest warrant could be supplemented by further information from the issuing judicial authority. This, of course, is true however only to fill a lacuna, and not to correct a wholesale failure to provide particulars (*Alexander v France* [2017] EWHC 1392 (Admin) and *Goluchowski v Poland* [2016] 1 WLR 2655.

Katy O'Mara of Hodge, Jones & Allen then led the audience through the principles of dual criminality. When looking at the *mens rea*, conduct and elements of offence, Katy explained how the facts particularised in the arrest warrant must not merely *enable* the inference to be drawn that the Defendant did the act with the relevant *mens rea* but they must be such so as to *impel* the inference that he did so; it must be **the only reasonable inference** to be drawn from the facts alleged. This is from the decision of Sir John Thomas and Ouseley J in the Divisional Court ruling in *Assange v Sweden* [2011] EWHC 2489 (Admin).

Finally, Jonathan Swain of 9BR Chambers addressed section 20, trial in absence and the right to a retrial. The definition of a trial was canvassed, identifying that this may encompass appeals, and aggregation decisions (involving discretion) even if they are in the Requested Person's favour (*Zdziaszek (C- 271/17 PPU*). However decisions to activate suspended sentences are not included, where the sentence is left unchanged- (*Ardic, C-571/17 PPU*).

The recent Supreme Court decisions of *Bertino v Public Prosecutor's Office Italy* [2024] UKSC 9 and *Merticariu v Judecatoria Arad, Romania* [2024], UKSC 10 were touched upon, enough to whet the appetite of those planning to attend a scheduled DELF event dedicated to covering those cases in greater detail.

Following questions and answers, bubbles and beer flowed along with conversation, as attendees and guests enjoyed the joviality of the reception.

Keren Weekes
Pupil at 9BR Chambers

John Jones KC Essay Competition winner for 2023/2024 - James Meredith

Should the courts have a more active role in reviewing which countries are designated under the 2003 Act?

"If it ain't broke, don't fix it." The glimmering allure of enhanced judicial oversight in the designation of extradition partners under the UK's Extradition Act 2003 ("the Act") has mesmerised human rights activists and organisations. It offers the false hope of bolstered human rights, along with illusory promises of greater transparency and accountability in relation to designation decisions. This essay exposes the pitfalls of such judicial oversight on the following grounds: 1. the current designation process is sufficiently accountable and maintains the separation of powers; 2. the courts' role in the certification of extradition requests already provides a sufficient safeguard against human rights abuses; and 3. the current process equips the UK to strengthen diplomatic relations with other countries.

At present, the Secretary of State, acting on behalf of the UK government, categorises a country under Part 1 or Part 2 of the Act[1] but it is not primarily or determinatively the Secretary of State's prerogative. In the first instance, the statutory framework defines the two categories: Part 1 is practically reserved for EU Member States (and Gibraltar) under the arrangements of the EU-UK Trade and Cooperation Agreement, whilst all other countries automatically fall under Part 2.[2] Further, extradition treaties negotiated between the UK and other countries influence their designation e.g. if a treaty simplifies procedures or offers guarantees similar to those with EU Member States, the country may be designated under Part 1. Finally, any amendment to the list of designated countries must be approved by Parliament.

Critics claim that the designation process under the current system is relatively opaque as the Secretary of State is absolved from publicly disclosing the reasons for designating a particular country. They argue that a more active judicial role would require the executive to justify its decisions in court, resulting in greater transparency and accountability. However, these critics overlook the importance of parliamentary scrutiny. Any amendment to the list of designated countries must be laid before Parliament and is, therefore, subject to scrutiny and debate by democratically elected members. This is advantageous for various reasons including: a more diverse critique of the merits of a particular designation, consideration of important non-legal aspects of the designation, and a final decision supported indirectly by the electorate. This ensures greater transparency and accountability than that which could be provided by the courts. It also clearly separates the roles of the executive and the legislature from that of the courts, thereby maintaining the doctrine of separation of powers.

Further, it is an illusory and misguided notion that a more active judiciary with sufficient oversight of the Secretary of State's power to designate countries would increase safeguards against human rights abuses. Proponents tend to cite situations where individuals face the risk of extradition to countries with poor human rights records, unfair legal systems, or a high risk of torture. However, such issues inevitably fall to be considered by the courts in extradition proceedings. In the hearing itself, the judge must be satisfied that the conduct described in the warrant amounts to an extradition offence (including the requirement that the conduct would amount to a criminal offence had it occurred in the UK), and that none of the statutory bars to extradition apply, including that extradition would not breach the person's human rights.[3] Therefore, the courts' role in the certification of extradition requests already provides a sufficient safeguard to human rights abuses.

The proponents' most persuasive argument for an enhanced judicial role is that it would encourage consistency and fairness. Case precedent would in time establish a set of objective and publicly available criteria according to which countries would be designated, ensuring a consistent approach to the exercise. Yet, as previously mentioned, the criteria would undoubtedly be confined to a set of legal considerations and that potentially deprives the designation process of significant utility in international diplomacy.

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[1] Part 1 countries enjoy a more streamlined approach to extradition involving a quicker process and requiring less evidence. There is no requirement for a *prima facie* case i.e. enough admissible evidence that a properly directed jury could convict upon it. The process for Part 2 countries is more cumbersome and bureaucratic, though not all Part 2 countries are required to establish a *prima facie* case.

[2] In principle, non-EU Member States that don't have the death penalty are not precluded from Part 1 status.

[3] Home Office 'Guidance on Extradition: processes and review', published 26 March 2013, updated 15 November 2023 (https://www.gov.uk/guidance/extradition-processes-and-review).
The statutory bars are: rule against double jeopardy; the absence of a prosecution decision (whether the prosecution case against the accused is sufficiently advanced); extraneous considerations (whether the request for extradition is improperly motivated); passage of time; the requested person's age; speciality (the requested person must only be dealt with in the requested state for the offences for which they have been extradited); onward extradition (where the requested person has previously been extradited to the UK from a third county, and consent for onward extradition from that country is required but has not been forthcoming); and forum (whether it would be more appropriate for the requested person to be prosecuted in the UK instead).

In 2020, Dominic Raab as Foreign Secretary informed Parliament that the UK would suspend its extradition treaty with Hong Kong indefinitely:[4]

> *… the imposition of the National Security Law has significantly changed key assumptions underpinning our extradition treaty arrangements with Hong Kong. And I have to say that I am particularly concerned about Articles 55 to 59 of the law, which gives mainland Chinese authorities the ability to assume jurisdiction over certain cases and try those cases in mainland Chinese courts.*
>
> *Mr Speaker, the National Security Law does not provide legal or judicial safeguards in such cases, and I am also concerned about the potential reach of the extra-territorial provisions. So I have consulted with the Home Secretary, the Justice Secretary and the Attorney General, and the government has decided to suspend the extradition treaty immediately and indefinitely. And I should also tell the House that we would not consider re-activating those arrangements, unless, and until clear and robust safeguards which are able to prevent extradition from the UK being misused under the national security legislation.*

The executive's decision demonstrates how extradition treaties with other countries, and, by extension, designations under the Act, can play a pivotal role in diplomacy with states who abuse or may abuse human rights. It is often an effective method of holding other countries to account on the international stage. If the courts were to be involved in the designation process, not only would it cause significant delays and affect the speed at which the government can react to changes of policy carried out by other states in respect of human rights, but it would also represent a significant drain on the court's time and resources, which might be better spent dealing with serious cases. Further, judicial scrutiny of foreign countries' legal systems could be seen as an interference in their internal affairs and could damage diplomatic relations.

Since Part 1 countries are not required to establish a *prima facie* case, they need only provide 'information' rather than 'evidence' for an arrest warrant to be issued[5] and a judge need not require sufficient evidence to be produced before ordering the extradition of a person.[6] Liberty advocated for all designated countries to establish a *prima facie* case on grounds that its omission in respect of Part 1 countries places the judiciary in a straight-jacket and enables "trumped up" cases to form the basis of extradition requests, leading to "serious injustice".[7] This would placate many critics of the current designation process, without providing the courts with a more prominent role, whilst only minimally detracting from the utility of designation in the context of diplomatic cooperation. An in-depth analysis of such an amendment however is outside the scope of this essay.

Whilst human rights are to be staunchly protected and bolstered where possible, providing courts with a more active role in reviewing which countries are designated under the Act would achieve nothing in pursuit of that objective. It would render the process devoid of democratic legitimacy whilst burdening HMCTS with additional costs and less time to hear cases. Further, designation decisions may involve complex political considerations, which are not well-suited for judicial review and the courts should be reluctant to second-guess the government's decisions on such matters. In contrast: the current designation process is sufficiently accountable and maintains the separation of powers; the courts' role in the certification of extradition requests already provides a sufficient safeguard against human rights abuses; and the current process equips the UK to strengthen diplomatic relations with other countries. In short, the system works effectively. Ergo, "If it ain't broke, don't fix it."

James Meredith

Pupil at 9BR Chambers

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[4] Oral statement to Parliament, Hong Kong and China: Foreign Secretary's statement in Parliament, 20 July 2020 (https://www.gov.uk/government/speeches/hong-kong-and-china-foreign-secretarys-statement-in-parliament).

[5] See sections 71(4) and 73(5) of the Act.

[6] See sections 84(1) and 86(1) of the Act.

[7] Liberty's written evidence to the Select Committee on Extradition Law, September 2014 (https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/04/Libertys-written-evidence-to-the-House-of-Lords-Select-Committee-on-Extradition-Sept-2014.pdf).

Older people in prison: making the invisible, visible.

"*My one big fear is dying in prison and all alone…I've never been inside before this conviction and I felt so cut off from my older wife and grandchildren. Because of my heart condition and the need for walking sticks to help me get around I can't get to the library or education, so I have to stay in this unit all day long"*

['Doing Time': the experiences of older people in prison, Prison Reform Trust briefing, 2008]

For many older people in prison, detention can be a humiliating, degrading and dangerous experience with heightened risks of being subjected to human rights violations whilst imprisoned. Such dangers were recently identified by the UN Independent Expert on the enjoyment of all human rights by older persons in a recent report on older persons deprived of liberty, '*Whatever the context in which they are deprived of liberty, older persons are more likely to suffer serious human rights violations, as well as violence, abuse, ill-treatment and even torture'.* (Independent Expert Report, August 2022)

Recent statistics reveal a worrying direction of travel. The 'greying' of the prison population has seen an upward trend as documented by Penal Reform International in its latest Global Prison Trends Report 2023 with known rates of older persons in prison varying from 0.5% in Montenegro, to as high as 20% in Japan. (Global Prison Trends Report, 2023). In Europe, older persons in prison make up 2.7% of the overall prison population. (GPT, 2023). However, it is important to note that data collection on older people in prison is scarse and irregularly collected. The steep rise in this prison population is due to various factors including the imposition of more punitive and harsh sentencing regimes, the use of life imprisonment for less serious and non-violent offences and the increased use of life imprisonment without parole.

The challenges faced by older persons in prison have been well-documented by criminal justice experts, civil society organisations, academics and the United Nations. For the sake of clarity, correctional facilities have traditionally categorised older prisoners as aged 50 plus due, in part, to the phenomenon of "accelerated ageing" in prison. These challenges include acute and ongoing healthcare needs (including cognitive and psychosocial disabilities) and access to age-appropriate healthcare services, poor or limited access to rehabilitative programmes, work or vocational training, greater risks of violence and victimisation and ill or poorly adapted accommodation and infrastructure. Cumulatively, these challenges make older people in prison an extremely vulnerable population within the prison estate.

Whilst there is a robust legal framework in place to protect people in prison through, *inter alia*, "soft law" principles such as the *UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) 2015,* which sets out a *de minimis* standard for the treatment of people in prison, there are no specific binding legal norms protecting older people in prison. Thus, advocacy around older prisoners' rights invariably relies on wider standards, such as the UN Mandela Rules, which place dignity and non-discrimination at their core and call for people in prison to be '*treated with the respect due to their inherent dignity and value as human beings.'* (Rule 1). Moreover, the UN Mandela Rules call for prison administrations to take account of people's individual needs, in particular the '*most vulnerable categories in prison settings'.* (Rule 2.1). Thus, older people in prison should be afforded all rights set out in the Rules, as well as all international human rights standards and treaties. Similarly, the 'inherent dignity' lens is central to the European Prison Rules 2020 which call upon prison administrations to 'treat all prisoners with humanity.' (Rule 72.1).

The CPT has also made clear its reservations on the continued detention of certain vulnerable groups including, '*those who are subject of a short-term fatal prognosis, who are suffering from a serious disease which cannot be treated properly in prison conditions…or of an advanced age*.' (CPT, 1993)

A forward look: geriatric informed policy?

The "ageing crisis" in the prison estate will require States to adapt and adjust their practices, policies and planning to accommodate this ever-expanding prison population. The International Committee of the Red Cross has suggested that corrections services "geriatrize" clinical spaces in correctional facilities and establish a geriatric healthcare policy agenda. (ICRC, 2016). This may include environmental adaptations to the physical infrastructure, developing palliative care programmes or establishing specialist facilities such as hospices in prison. In some countries, prison administrations have created 'age-friendly' geriatric housing units including in Canada, Germany, Belgium and Mauritius which are adapted to the needs of this community. Whilst such units provide a 'safe haven' for older people in prison, there is some thinking that older people in prison have a calming and therapeutic effect on other detainees. The Council of Europe recommends that older persons in prison are housed together with the wider prison population to ensure they lead as normal a life as possible. (Council of Europe, 1998).

There are pockets of good practice and initiatives in relation to end of life care. In several French prisons, 'life support workers' assist detained persons who are old, frail or approaching the end of their life with daily tasks and needs. (GPT 2023). In the United States, a prison hospice project, HUMANE, has partnered with the Californian Department of Corrections and Rehabilitation to train people in prison to provide emotional support and hands-on care for their aging and dying peers. Graduates of the program will be known as palliative care workers/volunteers. (See HUMANE Prison Hospice Project).

In other countries, informal caring arrangements are in place whereby younger prisoners are housed with older prisoners to provide them with practical support such as in India.

In many instances, older people in prison are strong candidates for benevolent release policies such as geriatric release (age dependent) or compassionate release (based on ill health).
However, compassionate release mechanisms are generally underused with restrictive eligibility criteria including age, 'closeness to death' and exclusionary offences acting as a serious bar. Suspended sentences may also be an option for older prisoners who are close to death to be released from prison, but they may still be required to serve the remainder of their sentence in prison if they recover from illness.

Whilst prison administrations are making efforts to adopt age-sensitive policies and create age-friendly detention environments, there is still a long way to go to ensure that this invisible population is afforded the protections to which they are entitled under international human rights law.

***Vicki Prais** is a human rights lawyer and independent consultant with expertise in prisoners' rights, prison reform and dignity behind bars.*

Case Update: Greece

Golby v. Greece: The Epitome of the Reasons that Greek Arrest Warrants Fail Before the UK Extradition Courts

In the recent ruling by the Westminster Magistrates' Court, District Judge John Zani ordered the discharge of Marie Golby from extradition proceedings sought by the Public Prosecutor's Office, Court of Appeal of Athens, Greece. The decision exemplifies the legal nuances and challenges associated with Arrest Warrants (AWs) and the thorough judicial scrutiny required by UK courts in extradition cases. Notably, the ruling also highlights chronic and systemic failures within the Greek judicial system that frequently undermine the efficacy of Greek arrest warrants in the UK extradition context.

Summary of the Case

Marie Golby faced extradition to Greece to answer a charge of child abduction involving a Romanian minor in Athens on December 12, 2006. The AW was issued on February 16, 2010, and Golby was arrested under its terms on November 2, 2018. Despite the seriousness of the offense, several statutory and human rights challenges were raised leading to her discharge.

Key Challenges and Judicial Findings

1. s.2(4)(b) – Particulars of the Warrant:

Golby argued that the AW was invalid, asserting that she had been convicted in absentia in 2017 and sentenced to 8 years' imprisonment. The court, referencing *Zakrzewski v Regional Court in Lodz, Poland* [2013] 1 WLR 324, found that the EAW complied with s.2 provisions, dismissing this challenge but noted potential abuse by Greek authorities in delaying extradition proceedings. This reflects a systemic issue where Greek authorities fail to maintain accurate and current information in their warrants, often causing them to falter under legal scrutiny in UK courts.

2. s.14 – Passage of Time:

The passage of time since the alleged offense and Golby's actions post-offense were scrutinized under *Kakis v Government of the Republic of Cyprus* [1978] 1 WLR 779 and *Gomes v Government of the Republic of Trinidad and Tobago* [2009] 1 WLR 1038, among others. The court concluded that Golby was a fugitive, thus barring her from invoking s.14 protections, leading to the failure of this challenge. This challenge highlights the chronic inefficiency and delays within the Greek judicial process which, in many instances, impede timely legal proceedings and fair extradition.

3. Article 3 – Prison Conditions:

A fundamental argument against extradition was based on the prison conditions in Greece, particularly at Korydallos. The court, relying on reports by Professor Konstantinos Tsitselikis and the CPT, found substantial risk of inhuman or degrading treatment. Other cases set the precedent for considering systemic issues in Greek prisons. This challenge succeeded, highlighting sustained and systemic concerns over Greek prison standards, which consistently fail to meet international human rights standards as per numerous reports and repeated findings by the European Committee for the Prevention of Torture (CPT).

4. Article 8 – Right to a Private / Family Life:

The court conducted a detailed balancing exercise, guided by rulings in Norris v Government of USA (No 2) [2010] UKSC 9; *HH v Italy* [2013] 1 AC 338 and *Polish Judicial Authorities v Celinski* and others [2015] EWHC 1274. Despite acknowledging the public interest in fulfilling international obligations, the impact of extradition on Golby's private life, due to her health and the prolonged delay from offense to arrest, was deemed disproportionate. This challenge, therefore, succeeded. The court's decision illuminates a systemic failure within the Greek judicial process to consider the lengthy delays and their disproportionate impact on individuals' private and family life.

5. s.20 – Right to a Re-trial:

Examining Golby's trial in absentia, the court referenced the Council Framework Decision (2002/584/JHA) and cases like *Dziel v* Poland [2019] EWHC 351 (Admin). The court found that Golby had not been properly informed and served, denying her fair recourse to a re-trial. This key challenge succeeded, reinforcing the systemic deficiencies in the Greek system where the rights of individuals tried in absentia are inadequately protected, and the procedural requirements for fair trials are frequently unmet.

6. s.25 – Health:

Golby's mental health, notably the substantial risk of suicide as confirmed by Dr. Andrew Forrester, was crucial. The judgments in *Wrobel v Poland* [2011] EWHC 374 (Admin) and *Poland v Wolkowicz; Lithuania v Rizleriene; Poland v Biskup* [2013] EWHC 102 (Admin) set important tests for assessing risk. The court ruled that extradition

would be oppressive and unjust due to her severe mental health issues. This challenge succeeded. This decision underscores the chronic failure of the Greek system to account for and appropriately address the mental health conditions of individuals subject to extradition proceedings.

7. Abuse of Process:
The court found that extradition would abuse the judicial process. The Greek authorities' handling of the AW and subsequent conviction in absentia without adequate legal recourse constituted an abuse of process. This argument furnished a final ground for Golby's discharge. The case illustrates systemic abuse and procedural flaws by Greek authorities in handling legal processes, which repeatedly manifest in similar extradition challenges before UK courts.

Expert Testimony and Acceptance
Chronic and Systemic Failures of the Greek Judicial System
The grounds for refusal in Golby's case are symptomatic of deeper, chronic issues within the Greek judicial and penal systems that repeatedly cause Greek arrest warrants to fail in the UK extradition courts. Key systemic failures include:

- Inefficient and Delayed Judicial Processes: Chronic delays and inefficiencies hinder timely proceedings and the proper administration of justice, undermining trust in the Greek judicial system.
- Inadequate Prison Conditions: The recurring inhuman and degrading conditions in Greek prisons, as consistently reported by international bodies like the CPT, demonstrate systemic failures that pose substantial risks to extradited individuals.
- Fair Trial Violations: Greek authorities frequently fail to uphold fair trial standards, particularly in cases involving trials in absentia, where procedural safeguards are often disregarded.
- Mismanagement of Warrants: Inaccurate and outdated information in AWs reflect poor legal and administrative management within the Greek system, leading to frequent invalidation of warrants.
- Health and Human Rights Concerns: Chronic neglect of the physical and mental health needs of individuals subject to extradition further undermine the credibility and fairness of the Greek judicial process.

Conclusion
The case of *Golby v. Greece* demonstrates critical judicial principles in extradition law and illustrates the chronic and systemic failures within the Greek judicial system that contribute to the repeated discharge of Greek arrest warrants. The detailed judgment underscores the importance of safeguarding human rights, ensuring fair trial rights, and addressing the systemic inefficiencies and deficiencies that impede justice. This ruling highlights the intricate balance between international legal cooperation and fundamental human rights protections within UK courts.

Alexis Anagnostakis, a member of the Athens Bar and a member of the Advisory Board of the European Criminal Bar Association, attended the court as an expert witness. His detailed report on Greek criminal law and procedure was admitted into evidence, and the court accepted many of his key points. Anagnostakis's analysis, which included a critique of the procedural handling of Golby's case by the Greek authorities and the prison conditions in Greece, played a pivotal role in the court's decisions under Article 3, s.20, and the abuse of process considerations. His expertise underscored the systemic issues within the Greek judicial system that compromise the validity and fairness of AWs.

The first ever DELF quiz, with thanks to Richard Evans (6KBW College Hill)

1. Who is the longest-standing extradition judge?
2. Which airport is closely associated with military flights to Poland?
3. What is the name of the longest-standing Police Liaison Officer at Westminster Magistrates' Court?
4. Who is the most recently appointed extradition judge?
5. Which prison housed female extraditees until it closed in 2016?
6. Where was the City of Westminster Magistrates' Court formally based?
7. Who officially opened Westminster Magistrates' Court?
8. What is currently the longest-running extradition case?
9. Where was the CPS based when the Extradition Act 2003 came into force?

Answers to benjamin.seifert@1cor.com by 1 November 2024. The winners and prizes will be announced in the next issue.

CPT Updates

The Council of Europe Committee on the prevent of torture and inhuman and degrading treatment or punishment (CPT) has recently published its reports on:

- Luxembourg (the Government's response) – see article here
- Ukraine – see article here
- North Macedonia – see article here
- Cyprus – see article here
- Lithuania – see article here

The CPT has announced it has undertaken the following visits:

- Switzerland – see article here
- Italy – see article here
- Czechia – see article here
- Latvia – see article here
- Norway – see article here
- Ireland – see article here
- Denmark- see article here

In addition, the CPT has published a public statement on Azerbaijan- see article here

Membership

Membership runs from January to December annually. If you wish to join DELF, please e-mail your name, professional title, firm / chambers / employer, e-mail address and the category of membership that you wish to join DELF under, with "DELF Membership" in the subject heading to the e-mail address membership@delf.org.uk and follow the payment instructions set out below.

Fees for 2024 are as follows:

£75 – Full membership: Silks/Partners - Open to practising lawyers who are Partners in a law firm or Barristers who have taken Silk, whose practice includes representing requested persons in extradition cases. Full membership is also open to Senior lawyers in equivalent positions practising outside of England and Wales whose practice includes representing requested persons in extradition cases.

£60 - Full Membership: Barristers/Solicitors/Legal Executives/Advocates - Open (subject to approval by the Committee) to any Solicitor, Junior Barrister or member of the Institute of Legal Executives practising in the field of extradition and legal academic staff, whose practice includes representing requested persons in extradition cases. Full membership is also open to lawyers practising outside of England and Wales whose practice includes representing requested persons in extradition cases.

£25 - Associate Membership - Trainee Solicitors, Pupil Barristers and Paralegals

£15 - Correspondent Membership - Open to court staff and other lawyers practising in the field of extradition

Fees can be paid in a group payment by an orgsnisation, or can be paid individually. If you are paying for more than one member in the same transfer, please email the details of who you have paid for and at what levels of membership they are joining by emailing membership@delf.org.uk after you have transferred the membership fees.

If you are simply paying for your own membership fee, please use your name as a reference on the bank transfer. There is no need to email to confirm transfer in this case.

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