



Benjamin Seifert

Year of Call: 2007

Practice Areas

- Extradition
- Inquests
- Inquiries
- Public International Law
- Public Law

Attorney General Panel

Appointed to C panel

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Awards

Experience

Benjamin is a specialist extradition and public law practitioner.

He has appeared in the Supreme Court, Court of Appeal, High Court, Crown Court, County Court, Magistrates' Court, the Upper Tribunal and First Tier Tribunal. He represents UK and foreign government departments, requesting judicial authorities and individuals. He acts for interested parties at Inquests, often concerning deaths in custody, and advises on unlawful detention, prison law and national security.

Since March 2017 he has been appointed to the Attorney General's Civil Panel of Counsel, C Panel.

Benjamin's extradition practice concerns the validity of European Arrest Warrants, rights to retrial, dual criminality, passage of time, decisions to charge or try and also habeas corpus. In the past year he has appeared in a number of cases concerning prison conditions and the rights of individuals pursuant to Article 3 and 6 of the European Convention on Human Rights ("ECHR") in Hungary, Poland and Italy. He appeared in the only extradition case to be heard in the Supreme Court in 2018. He has had several successes recently in cases concerning Article 8 of the ECHR representing individuals whose rights to a private and family life outweighed the public interest in extradition.

Benjamin has written articles and given many seminars on



extradition law.

Since his appointment to the Attorney General's panel Benjamin has regularly appeared in the Upper Tribunal (Immigration and Asylum Chamber) and in the High Court in applications for judicial review. He has also appeared on behalf of the Ministry of Justice at inquests and in the County Court in relation to civil claims made by prisoners.

Directories

Chambers & Partners 2020: Extradition- Band 3

Respected practitioner who is highlighted for his experience of handling leading prison conditions cases and difficult extradition matters. He represents foreign states, judicial authorities and individuals in extradition proceedings. Seifert is additionally praised for his complementary strength in immigration law.

Strengths: "He fights tirelessly and is extremely knowledgeable about extradition."

Chambers & Partners 2019: Extradition- Band 3

"Extremely passionate and comes across very well in court; he presents in a very succinct way."

"He is a pleasure to work with as he's very helpful and always on top of the law."

Chambers & Partners 2018: Extradition- Up and coming

"Respected practitioner who is highlighted for his experience of handling leading prison conditions cases and difficult extradition matters. Interviewees note that he is "quick to take things up" and "very strong with clients."

Strengths: "Dedicated and enthusiastic." "He had a very complex case with a very demanding client and the facts he had to work with weren't great, but he was able to make the best out of what he had."

Legal 500 2020- Level 2- Leading Junior

"He is unafraid to explore novel arguments in extradition cases"

Legal 500 2019- Level 2- Leading Junior

"Hardworking, affable and conscientious"

Legal 500 2017- Level 3- Leading Junior

"Represents requested persons in High Court cases"

Appointments

- Crown Prosecution Service Advocate Panel – General Crime –

Grade 2

- Crown Prosecution Service Advocate Panel – Extradition – Grade 3

Education

- GDL and BVC, BPP
- BA (Hons) Modern Languages, University of Oxford, St Peter's College
- President of the Oxford Union (1999)

Memberships

- Elected member of the Bar Council: 2017-2019
- Young Barristers' Committee of the Bar Council: 2015-2019
- Defence Extradition Lawyers' Forum
- Extradition Lawyers' Association
- Criminal Bar Association
- South Eastern Circuit

Languages

French and Italian

Cases

VA v the Prosecutor of the Regional Prosecutor's Office in Ruse, Bulgaria

CO/1965/2019

Ongoing

Barristers involved: Benjamin Seifert

In the first and, perhaps, only UK extradition case to be considered by the Court of Justice of the European Union ("CJEU") the Divisional Court (Simon LJ and William Davis J) has referred the following questions;

"Where surrender is sought in order to prosecute a requested person, and where the decision to issue an underlying national arrest warrant ("NAW") and the decision to issue a European arrest warrant ("EAW") are both taken by a public prosecutor, without any involvement of a Court prior to surrender, does a requested person receive the dual level of protection envisaged by the Court in Bob-Dogi C-241/15 if:

- (a) The effect of the NAW is limited to detaining the individual for a maximum of 72 hours for the purpose of bringing him before a Court; and
- (b) On surrender, it is solely a matter for the Court whether to order release, or to continue detention, in light of all the circumstances of the case?"

The question of what is a judicial authority, pursuant to Article 6(1) of Council Framework Decision 2002/584/JHA, which brought about the EAW system, has already been considered by the CJEU in relation to Germany, Lithuania, France and Belgium. However until now the Court has never before considered an EAW from Bulgaria.

An "issuing judicial authority" is a concept which is defined by European Union law. It cannot be determined by individual member states.

In Bulgaria neither the national detention warrant nor the EAW itself are founded on a decision of a court. Neither of these decisions can be subject to judicial oversight before the individual is extradited. The prosecutor has the power to detain the person for 72 hours and then can issue an EAW.

For this reason, given the lack of judicial oversight, the Divisional Court has referred the above questions to the Court of Justice

which has never before considered such a case in relation to the Bulgarian prosecutor.

VA is a Bulgarian national, living in London, who is accused of a burglary which is said to have taken place in 2011. His extradition is sought by the Bulgarian prosecutor.

Benjamin is led by Helen Malcolm QC of 3 Raymond Buildings.

Taylor & Anor v The Prosecutor General's Office of Florence

[2019] EWHC 2938 (Admin)

06.11.2019

Barristers involved: Benjamin Seifert Emily Wilsdon

The two requested persons appealed to the High Court against the decision to order their extradition to Italy. The case concerned the application of section 20 of the Extradition Act 2003 where the requested persons' conviction in Italy became final following a hearing at the Court of Cassation (the highest court in Italy), at which they were unexpectedly not represented because their Italian lawyers attended a strike.

The requested persons argued that the relevant court for the purposes of section 20(1) was the Court of Cassation; neither of the appellants had been present at the hearing of that court on 18 July 2017; they had not deliberately absented themselves from the hearing; and they would not be entitled in Italy to a retrial or (on appeal) a review amounting to a retrial. In addition, they argued that pursuant to section 21 of the 2003 Act and Article 6 of the ECHR, the District Judge had erred in finding that there had been no flagrant denial of justice.

Hamblen LJ and Lane J sitting in the Divisional Court found that the appellants' appeal to the Assize Court of Appeal was a full "merits" appeal against both conviction and sentence. However, proceedings in the Court of Cassation were "of a significantly different nature" because "only issues on points of law are examined".

The Court found that the proceedings in the Court of Cassation did not amount to "the trial resulting in the decision".

This was because the Court considered that the expression "trial resulting in a decision" in Article 4a(1) means a trial that has the characteristics described in Article 4a(1)(c) of the 2002 Framework Decision on the European arrest warrant and the surrender procedures between Member States, as amended.

The Court also found that there had been no flagrant denial of justice.

Benjamin Seifert represented Alex Foster Taylor, and Emily Wilsdon represented Victoria Foster Taylor, both led by Jonathan Hall QC.

BY v District Court in Paphos, Cyprus

[2019] EWHC 2637 (Admin)

10.10.2019

Barristers involved: Cathryn McGahey QC Benjamin Seifert

The Divisional Court (Rafferty LJ and J) found that the father of five children, all of whom have significant medical problems should not face prosecution in Cyprus for a fraud which is said to have taken place in 2016.

Considering Article 8 of the European Convention on Human Rights the Court found that it was a "highly unusual case concerning the interests of five children with complex personal, emotional, behavioural and psychological needs." The Court added "it would be difficult to imagine a case involving children who are more vulnerable and needy."

XY v Public Prosecutor's Office, Oost Nederland

[2019] EWHC 624 (Admin)

14.02.2019

Barristers involved: Benjamin Seifert

The Court allowed an appeal against extradition in relation to a UK citizen whose surrender was sought by a court in the Netherlands for an offence of armed robbery for which he had already served a sentence which was increased on an appeal.

Whilst in custody in that country he had been raped and was suffering from PTSD. Elisabeth Laing J found that it would be oppressive to order his extradition back to the place where the Dutch authorities had failed to protect him from such a traumatic experience.

Konecny v District Court in Brno Venkov (Czech Republic)

UKSC 2017/0200

27.02.2019

Barristers involved: Benjamin Seifert

The Supreme Court has given judgment in the case of Konecny v District Court in Brno Venkov, Czech Republic UKSC 2017/0200.

The appeal considered whether or not an individual can properly be described as an accused person when he had been convicted but the conviction is not final because he has an unequivocal right to a retrial.

The Court found that, given that the EAW system, which is founded on the high level of mutual trust and confidence between member states of the EU, a court will give considerable weight to the description given by the requesting judicial authority. In these circumstances, as a matter of EU law, it is not right to characterise a person with such a right to a retrial as an accused person. This is because EU law, by means of the EAW Framework Decision draws a dichotomy between accusation and conviction EAWs. Whilst the Framework Decision does not have direct effect national legislation should be interpreted in conformity with its terms. If a conviction is binding and enforceable the person should be regarded as convicted. In any event it is not a requirement that a conviction is final or irrevocable as the person may have a right to a retrial. But this will depend on the law of the member state. Domestic jurisprudence on this issue which predated the Extradition Act 2003 did not assist because it is inconsistent with the statutory scheme.

However the court agreed that such a person with a right to retrial is unable to rely on the passage of time since the commission of the offence, for the purposes of Section 14 of the Act. The Court suggested that until Parliament has amended this provision Article 8 of the ECHR can provide an appropriate and effective alternative means of addressing the passage of time in relation to injustice or oppression.

Lis, Lange and Chmielewski v Polish Judicial Authorities

[2018] EWHC 2848 (Admin)

31 October 2018 and ongoing

Barristers involved: Benjamin Seifert

Landmark decision of the Lord Chief Justice in the Divisional Court concerning the allegations of a break down in the rule of law in Poland. Led by Helen Malcolm QC.

Attila Imre v the District Court in Szolnok (Hungary)

[2018] EWHC 218 (Admin), [2018] All ER (D) 79 (Feb)

14.02.2018

Barristers involved: Benjamin Seifert

Appearing as sole counsel against Mark Summers QC, Benjamin acted on behalf of the judicial authority in Hungary, successfully resisting an appeal against the order of extradition of a Hungarian national, Attila Imre.

Mr Imre's extradition had been ordered on an accusation EAW when it appeared that he had already been convicted and sentenced for an offence of blackmail. However his conviction was subject to an appeal.

The Court found that notwithstanding a first instance conviction it was indeed an accusation warrant as information provided by the Hungarian court indicated that there would be a full trial in the appellate court after his surrender. Furthermore there was no reason to suggest that the trial would be limited or would not comply with Article 6 of the European Convention on Human Rights.

Greco & Bagarea

[2017] 4 WLR 139, [2017] EWHC 1427 (Admin)

20th June 2017

Barristers involved: Benjamin Seifert

Landmark decision on Romanian prison conditions. Benjamin represented the first Appellant, led by Jonathan Hall QC. The Court found that, following the judgment of the Grand Chamber of the European Court of Human Rights in the case of *Muršić v Croatia*, there is a strong presumption of a violation of Article 3 of the European Convention on Human Rights where the personal space available to a detainee falls below 3m² in multi-occupancy accommodation. Such a presumption can only be rebutted when the reductions in the required minimum personal space are accompanied by various cumulative mitigating factors.

Raimundo Felix v Comarca de Lisboa, Portugal

[2016] EWHC 3518 (Admin)

6th December 2016

Barristers involved: Benjamin Seifert

In a technical case with an appeal raised under Section 2 of the Extradition Act, as well as under Article 8, Benjamin successfully acted for a Portuguese national whose extradition was sort for offences concerning an allegation of forging identity documents.

Zagrean, Sunca and Chihai v Romanian Judicial Authorities

[2016] EWHC 2786 (Admin)

4th November 2016

Barristers involved: Benjamin Seifert

Led by Ben Emmerson QC, Benjamin represented Mr Chihai. The court considered an acceptance, by the Romanian judicial authorities, that they had not complied with a general assurance issued in February 2015 that there would be a minimum space requirement for prisoners extradited from the UK. The assurance was reaffirmed and therefore was still reliable. Furthermore the court reconsidered Section 20 of the Extradition Act in light of the decision of the Court of Justice of the EU in the case of *C-108/16 PPU, Openbaar Ministerie v. Dworzecki*.

Marku & Murphy v Greek judicial authorities

[2016] EWHC 1801 (Admin)

20th July 2016

Barristers involved: Benjamin Seifert

Led by Edward Fitzgerald QC, Benjamin represented Mr Murphy. The Divisional Court found that no one could be extradited to two Greek prisons (Napflion and Korydallos), unless and until there was evidence of significant improvement due to clear breaches of Article 3 of the European Convention on Human Rights.

Puceviciene, Conrath and Savov v three judicial authorities

[2016] 1 WLR 4937; [2016] EWHC 1862 (Admin)

22nd July 2016

Barristers involved: Benjamin Seifert

Representing the first appellant Benjamin was led by David Perry QC before a Divisional Court including Lord Thomas LCJ. It is the leading case on Section 12A of the Extradition Act 2003. Requesting judicial authorities must have made sufficient progress in a prosecution against an accused individual before that person can be extradited from the UK under a European Arrest Warrant.

Decisions to charge and to try must have been made, except where the sole reason for the failure to make those decisions is the absence of the individual from the jurisdiction. The Court also considered mutual legal assistance. If the judicial authority states that it cannot charge or make a decision to try the individual because she is absent from the jurisdiction, then there should be no further questions and the issue of mutual legal assistance is irrelevant to the bar under Section 12A.

Spain v Warne

[2015] EWHC 981 (Admin)

25th February 2015

Barristers involved: Benjamin Seifert

A successful appeal against discharge of a European Arrest Warrant issued in order to prosecute a British citizen for conspiracy to transport a large amount of cannabis into Spain in 2007. The Divisional Court found that the judge at first instance erred in finding that extradition would be oppressive. The matter was remitted to Westminster Magistrates' Court and, after a further appeal, the appellant was extradited to Spain.'

R. v Lenton (Ryan)

[2015] EWCA Crim 1812

9 June 2015

Barristers involved: Benjamin Seifert

A sentence of 10 years was reduced to one of seven-and-a-half years' imprisonment in the case of an individual who had pleaded guilty to robbery after taking part in a night-time attack on a homeowner which involved significant violence.

France v Charbit

[2015] 1 W.L.R. 2359

14 October 2014

Barristers involved: Benjamin Seifert

The European Arrest Warrant did not comply with Section 2 of the Extradition Act 2003 and the Court lacked jurisdiction to deal with it. The information in the annex did not form part of the warrant.

News

The Coronavirus Act 2020: What Extradition Practitioners Need to Know

27/03/2020

Barristers involved: Daniel Sternberg Kathryn Howarth Émilie Pottle Saoirse Townshend Benjamin Seifert
The Act makes substantial changes to the use of live links at extradition hearings.

A full briefing note has been prepared by Daniel Sternberg. It is available [here](#).

On 12 March 2020 Lord Hodge, Lord Sales and Lord Hamblen granted permission to appeal to the Supreme Court in a case will deal with the viability of assurances which purport to guarantee compliance with Article 3 of the European Convention on Human Rights. [Please see link](#).

On 18 February 2020 the Divisional Court referred the first and perhaps only UK extradition case to the Court of Justice of the European Union. [Please see link](#).

Chambers is very pleased to welcome Kathryn Howarth, Emilie Pottle and Saoirse Townshend to the [extradition team](#).

[Kathryn Howarth](#) specialises in public international law, extradition and public law. She is on the Attorney General's Public

International Law Panel of Counsel and the Attorney General's Civil Panel of Counsel. She is instructed by UK and foreign government departments and individuals. Kathryn is described in the Legal 500 as combining "intellectual strength with an imperturbable, yet reassuring, court manner".

Émilie Pottle is an extradition, public and international law specialist. She is recommended in the directories across multiple practice areas and has appeared before the Supreme Court, Court of Appeal and Divisional Court. She represents UK and foreign government departments, individuals and NGOs.

Saoirse Townshend is described in Chambers & Partners 2020 as "A brilliant lawyer with a sharp mind and an unwavering determination to protect her clients." Saoirse has a dynamic court and advisory practice specialising in extradition and public law. Saoirse is instructed alone and is led in complex and novel points of law before the Supreme Court and the Divisional Court. Saoirse is ranked in both Legal 500 and Chambers and Partners.

Benjamin Seifert secures permission to appeal to the Supreme Court in landmark extradition case on prison conditions

12/03/2020

Barristers involved: Benjamin Seifert

On 12 March 2020 Lord Hodge, Lord Sales and Lord Hamblen granted permission to appeal in a case which is the first extradition appeal concerning prison conditions to be heard by the Supreme Court.

On 1 September 2017 a Ukrainian individual's extradition was ordered by a District Judge at Westminster Magistrates' Court. He is accused of attending a government office in Hungary on 15 April 2015 and, conspiring with a public official, submitting a fraudulent application for a passport under a different name.

Among several bars to extradition which were raised it was submitted that there was a real risk that his extradition to Hungary would result in a breach of his right to protection from inhuman or degrading treatment contrary to Article 3 of the European Convention on Human Rights.

There have recently been many extradition cases where the courts have been required to consider allegations of breaches of Article 3. The most common issue raised concerned overcrowding. In its landmark ruling of *Muršić v Croatia* (2017) 65 EHRR 1 the Grand Chamber of the Strasbourg Court ruled that a prisoner must be accorded personal space of at least 3 m² and it had become the practice for several countries to issue assurances to the domestic court which guaranteed compliance with Article 3.

After the hearing before the Magistrates' Court and before the appeal was heard the Hungarian Ministry of Justice gave assurances that the Appellant would be held in satisfactory prison conditions and he would be guaranteed at least a personal space of 3 m²

On 16 April 2019 judgment was given by a three-judge Divisional Court (Irwin LJ, Simler J and Sir Kenneth Parker). The Court held that some categories of evidence were inadmissible for the purpose of testing assurances.

The Appellant sought to rely on evidence from various individuals who had been extradited to Hungary from both the UK and Germany. They had complained that they had been subject to assurances which had not been honoured. The Hungarian Ministry of Justice refused to give information about the individuals extradited from Germany because it was said that Hungarian domestic law prevented it from providing information to the UK. A distinction was drawn between assurances given to the UK and breached and those given to other Member States. The Court therefore concluded that the assurances were reliable.

Having dismissed the appeal the Divisional Court certified the following question of public importance:

"Where a Court is obliged to assess an assurance given to the United Kingdom relevant to extradition, is it correct that the Court should exercise very considerable caution before admitting evidence which does not relate to an alleged previous breach of an assurance to the United Kingdom, but rather to an alleged breach of assurance to another EU member state? If yes, is it a correct approach that the Court should satisfy itself that such evidence is manifestly credible, directly relevant to the issue to be decided and of real importance for the decision in question?"

Permission to appeal was sought by the Supreme Court which granted leave today, 12 March 2020.

Benjamin is led by Jonathan Hall QC of 6KBW College Hill.

Benjamin Seifert in first UK extradition case to be considered by the Court of Justice of the European Union

26/02/2020

Barristers involved: Benjamin Seifert

“Where surrender is sought in order to prosecute a requested person, and where the decision to issue an underlying national arrest warrant (“NAW”) and the decision to issue a European arrest warrant (“EAW”) are both taken by a public prosecutor, without any involvement of a Court prior to surrender, does a requested person receive the dual level of protection envisaged by the Court in Bob-Dogi C-241/15 if:

- (a) The effect of the NAW is limited to detaining the individual for a maximum of 72 hours for the purpose of bringing him before a Court; and
- (b) On surrender, it is solely a matter for the Court whether to order release, or to continue detention, in light of all the circumstances of the case?”

The question of what is a judicial authority, pursuant to Article 6(1) of Council Framework Decision 2002/584/JHA, which brought about the EAW system, has already been considered by the CJEU in relation to Germany, Lithuania, France and Belgium. However until now the Court has never before considered an EAW from Bulgaria.

An “issuing judicial authority” is a concept which is defined by European Union law. It cannot be determined by individual member states.

In Bulgaria neither the national detention warrant nor the EAW itself are founded on a decision of a court. Neither of these decisions can be subject to judicial oversight before the individual is extradited. The prosecutor has the power to detain the person for 72 hours and then can issue an EAW.

For this reason, given the lack of judicial oversight, the Divisional Court has referred the above questions to the Court of Justice which has never before considered such a case in relation to the Bulgarian prosecutor.

VA is a Bulgarian national, living in London, who is accused of a burglary which is said to have taken place in 2011. His extradition is sought by the Bulgarian prosecutor.

Benjamin is led by Helen Malcolm QC of 3 Raymond Buildings.

Cathryn McGahey QC and Benjamin Seifert successful in extradition appeal

11/10/2019

Barristers involved: Cathryn McGahey QC Benjamin Seifert

Considering Article 8 of the European Convention on Human Rights the Court found that it was a “highly unusual case concerning the interests of five children with complex personal, emotional, behavioural and psychological needs.” The Court added “it would be difficult to imagine a case involving children who are more vulnerable and needy.”

The judgment can be viewed [here](#).

Supreme Court judgment

27/02/2019

Barristers involved: Benjamin Seifert

The appeal considered whether or not an individual can properly be described as an accused person when he had been convicted

but the conviction is not final because he has an unequivocal right to a retrial. The Court found that, given that the EAW system, which is founded on the high level of mutual trust and confidence between member states of the EU, a court will give considerable weight to the description given by the requesting judicial authority. In these circumstances, as a matter of EU law, it is not right to characterise a person with such a right to a retrial as an accused person. This is because EU law, by means of the EAW Framework Decision draws a dichotomy between accusation and conviction EAWs. Whilst the Framework Decision does not have direct effect national legislation should be interpreted in conformity with its terms. If a conviction is binding and enforceable the person should be regarded as convicted. In any event it is not a requirement that a conviction is final or irrevocable as the person may have a right to a retrial. But this will depend on the law of the member state. Domestic jurisprudence on this issue which predated the Extradition Act 2003 did not assist because it is inconsistent with the statutory scheme.

However the court agreed that such a person with a right to retrial is unable to rely on the passage of time since the commission of the offence, for the purposes of Section 14 of the Act. The Court suggested that until Parliament has amended this provision Article 8 of the ECHR can provide an appropriate and effective alternative means of addressing the passage of time in relation to injustice or oppression.

You can view the publication at <https://www.supremecourt.uk/cases/uksc-2017-0200.html>

Benjamin Seifert appears in the Supreme Court

06/12/2018

Barristers involved: Benjamin Seifert

Benjamin Seifert is appearing in the Supreme Court in *Konecny v District Court in Brno Venkov, Czech Republic* UKSC 2017/0200. It is an important extradition case which will determine whether or not an individual who is convicted of a criminal offence but is not a fugitive, or deliberately absent from his trial can properly be described as “accused” for the purposes of the Extradition Act 2003 in full consideration of the provisions of Council Framework Decision of 13 June 2002 (2002/584/JHA).

Rule of Law - Impact of legislative amendments in Poland on extradition

08/06/2018

Barristers involved: Myles Grandison Benjamin Seifert

The Court heard argument as to whether the recent changes to the rule of law in Poland could lead to a breach of Article 6 ECHR and whether the courts that issued the European Arrest Warrants would now satisfy the definition of a ‘Judicial Authority’.

The Court has reserved its judgment.

Benjamin Seifert secures leave to appeal to the Supreme Court in an extradition appeal

26/03/2018

Barristers involved: Benjamin Seifert

On 27th April 2017 A Czech individual’s extradition was ordered by a District Judge at Westminster Magistrates’ Court. He had been sentenced to a term of eight years for three offences of fraud which are said to have taken place in 2004 and 2005. He was convicted in his absence on 12th May 2008 and has a right to a retrial in the Czech Republic. He was not considered to be a fugitive from the Czech justice system.

The learned judge found that, as this was a conviction case, any passage of time to be considered was from the date of the conviction in 2008. He did not accept that the time from the alleged commission of the offences should be taken into account.

Benjamin appeared to represent the Appellant before Sir Wyn Williams, sitting as a High Court Judge, who dismissed the appeal on 27th September 2017 (*Konecny v District Court in Brno Venkov, Czech Republic* [2017] EWHC 2360 (Admin)).

However on 7th November 2017, Sir Wyn certified the following question of general public importance:

“In circumstances where an individual has been convicted, but that conviction is not final because he has an unequivocal right to a retrial after surrender, is he “accused” pursuant to s.14(a) of the Act, or “unlawfully at large” pursuant to s.14(b), for the purposes

of considering the “passage of time” bar to surrender?”

The Court refused leave to the Supreme Court.

On Friday 23rd Marcy 2018 the Supreme Court granted permission to appeal the decision of Sir Wyn Williams.

Benjamin is instructed by Deborah Hogg of Freemans Solicitors and will be led in the Supreme Court by Mark Summers QC of Matrix Chambers.

The Divisional Court rules on the validity of a European Arrest Warrant

23/02/2018

Barristers involved: Benjamin Seifert

Mr Imre’s extradition had been ordered on an accusation EAW when it appeared that he had already been convicted and sentenced for an offence of blackmail. However his conviction was subject to an appeal.

The Court found that notwithstanding a first instance conviction it was indeed an accusation warrant as further information provided by the Hungarian court indicated that there would be a full trial in the appellate court after his surrender. Furthermore there was no reason to suggest that the trial would be limited or would not comply with Article 6 of the European Convention on Human Rights.

The Judgment can be viewed [here](#).
