



Neutral Citation Number: [2023] EWHC 1537 (Admin)

Case No: CO/2178/2023

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

Royal Courts of Justice
Strand, London, WC2A 2LL

22nd June 2023

Before:

MR JUSTICE FORDHAM

Between:

KAMEEL SHEHADI
- and -
GERMAN JUDICIAL AUTHORITY

Appellant

Respondent

George Hepburne Scott (instructed by Bark & Co) for the **Appellant**
Tom Davies (instructed by CPS) for the **Respondent**

Hearing date: 22.6.23

Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE HON. MR JUSTICE FORDHAM

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

MR JUSTICE FORDHAM:

1. Having considered “afresh” the question of variation of the conditions of extradition bail, in my s.22(1A) Criminal Justice Act 1967 jurisdiction, I have come to the same conclusion as did District Judge Minhas on 13 June 2023 and am refusing to make the variation sought.
2. The Appellant is a 36-year-old Italian national born in Israel whose family is of Arabian descent. He was a consultant radiologist before, as he puts it, transitioning out of medicine having come to the UK in October 2020. He has business interests abroad including in Dubai, which is where he was headed when arrested at Gatwick in July 2022. He and his Partner and their young child have a mobility, have multiple links to other jurisdictions, and have access to very significant means.
3. The alleged offences to which the Extradition Arrest Warrant relates are a ringleader role in an organised criminal group (OCG) committing online trading fraud between 2019 and 2022 inducing German investors to sustain overall losses of €2.7bn. The Appellant is said – with his brother – to have laundered the money for the benefit of the OCG via numerous accounts belonging to dummy companies. The offences are strenuously denied by the Appellant. This is an ‘accusation’ case, which attracts the statutory presumption in favour of the grant of bail. Bail was granted.
4. Mr Hepburne Scott submits as follows. The Appellant is of good character with no convictions here or elsewhere. He and his partner are here and settled, with their young daughter born in May 2022. He has fully engaged with the proceedings. Importantly, the Appellant has bail and, even more importantly, has fully complied with the bail conditions imposed in the 11 months since July 2022. A very substantial pre-release security of £300,000 would stand to be lost if he were to abscond. The serious knee injury which the Appellant sustained in August 2021 in Italy has needed surgery which, after two cancellations, eventually took place on 26 May 2023. That was the context in which District Judge Tempia and then District Judge Clarke (on 19 and 28 April 2023 respectively) decided to vary the conditions of bail to remove the electronically monitored tag component for securing the curfew requirement that the Appellant be at his home address between 10pm and 3am each night. The tag was eventually removed on 28 April 2023. Electronic monitoring was replaced with a ‘doorstep’ curfew mechanism, to enforce the same nightly curfew requirement. The tag and electronic monitoring was lifted to allow the surgery to take place unimpeded. It remained lifted, by a further decision of District Judge Law, for a period of recovery from the surgery. In the unexpectedly lengthy period of 6½ weeks to 12 June 2023 when the tag was reattached, there continued to be full compliance and no attempt to abscond. The Appellant’s Partner’s passport had been returned to her back on 7 October 2022. By best evidence, of his actions, he demonstrates insight and complete adherence, fully respecting the trust placed in him by the court. The tag with electronic monitoring is completely unnecessary. There are no substantial grounds to believe that the Appellant would fail to surrender if the tag were removed. There are very substantial grounds to believe that he will fully comply. All the evidence points that way.
5. In my assessment there was a compelling and evidenced case for the full suite of bail conditions as a necessary and appropriate protective package of conditions requiring effective and efficient enforceability. That included the tag and electronic monitoring.

There was also then a compelling and evidenced case, and a clear rationale, for the temporary variation of bail conditions. It was clear what was being sought and it was clear what was being granted. The tag was removed at the time when the Appellant had imminent need of his necessary surgery, which on the evidence involved a delay causing physical and emotional distress, and then while he was recovering (and, I am told, on crutches). The removal of the tagging was temporary and targeted. Notwithstanding the impact of wearing a tag in the present period through to his September 2023 extradition hearing – on which impact there is no direct evidence but Mr Hepburne Scott has described today “this hard plastic device pressing into his ankle” – I am quite satisfied that it would not be appropriate to direct any further variation. I am satisfied, rather, that the tag and electronic monitoring condition remains justified as necessary.

6. Mr Hepburne Scott, in my judgment rightly, accepts that the bail condition requirement that the Appellant should be at his home address between 10pm and 3am every night, as an enforceable condition with authorities knocking on the door to check, is a justified curfew. Indeed, he emphasises that curfew, with that ‘doorstep’ mode of enforcement. He accepts that that condition, enforced in that way as a ‘doorstep’ bail condition, should appropriately continue. Once that position is recognised it does bring into sharp focus what, in my judgment, is a short but important step to the position of most effective monitoring and enforceability. In my judgment, there is a very clear justification and necessity for that curfew obligation – to be at home between the hours of 10pm and 3am every night – to be enforceable in the best and most effective way, with electronic monitoring and a tag.
7. Put another way, the open-ended removal of the enforcement mechanism of a tag – not linked to any medical necessity or any physical impairment or incapacity – when viewed against the features and circumstances of the case, would in my judgment remove an important and necessary layer within the suite of protective conditions by reference to which bail was granted and is being maintained. As Mr Davies has pointed out, a doorstep enforcement condition in practice stands to leave blind spots in monitoring and enforcement, at a time when the Appellant is no longer physically compromised, impaired or incapacitated.
8. In those circumstances, and for those reasons, the application for a variation is refused.

22.6.23