

PROTOCOL FOR THE HEARING OF CASES UNDER THE EXTRADITION ACT 2003
DURING THE COVID 19 EMERGENCY PERIOD

1. Article 17 of the Framework Decision of 13th June 2002 (Reference 2002/584/JHA) provides that “a European arrest warrant shall be dealt with and executed as a matter of urgency”.
2. Consistent with that provision, Belfast County Court will treat all hearings under the Extradition Act 2003 as urgent and will endeavour to list cases for hearing as soon as the judge considers it is possible to proceed.
3. Depending on the nature of the issues in the case, the judge will determine whether the case can proceed wholly or in part, by remote link, or whether attendance at the courthouse is required by some or all of the participants. Such hearings shall be convened under the Coronavirus Act 2020.
4. If any party wishes to make any submission to the judge relevant to the listing of the case they should do so by email to Belfast Court Office, and the judge shall take into account such submissions when determining whether a case can be listed, and if so, when it should be listed.
5. If a hearing proceeds either in full or in part with anyone’s physical presence in the courtroom, social distancing based on the then current advice from the Northern Ireland Executive shall apply to the hearing in the courtroom, and in accordance with the courtroom layout as directed by NICTS.
6. If English is not the mother tongue of the requested person and an interpreter is required to facilitate the translation of the proceedings, if on bail, the requested person must answer his bail and attend the courthouse where an interpreter will also be present. It is highly desirable in such circumstances, but not mandatory, that either the solicitor or counsel for the requested person is also present at the courthouse.
7. If an interpreter is required, it is the responsibility of the requested person’s solicitor to ensure that any affidavit or statement of evidence is provided to the interpreter to be lodged with the court 72 hours in advance of the hearing in a sealed envelope.

8. If the requested person is in custody, he or she will attend by Sightlink, however if an interpreter is required the judge will determine if it is feasible for a hearing to proceed, and if so, on what basis it will proceed.
9. If the requested person or a witness on his or her behalf, is intending to give evidence it is the duty of the solicitor for the requested person to provide to the requested person or the witness a copy, including any translation if required, of his or her statement or affidavit of evidence. If the requesting state wish to cross examine the requested person out of any other document it shall be the duty of the Crown Solicitor's Office to provide a copy of that document, including any translation if required. All documents must be prepared and submitted in a sealed envelope to the court office at least 72 hours before the hearing.
10. In advance of any hearing it is the responsibility of the requested person's solicitor to ensure that the requested person has had the opportunity to refresh his memory from his or her affidavit or statement.
11. The requesting state and the requested party shall provide such written submissions as shall be directed by the judge. If either party does not submit written submissions as directed by the judge it shall be deemed by the judge that no submission is being made.
12. Oral submissions shall be kept brief and to the minimum, and shall be strictly controlled as to length and content, by the judge.

Dated 15th June 2020

His Honour Judge McFarland

Recorder of Belfast