

**IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
HIGH COURT OF JUSTICE
(CIVIL)**

GDAHCV2009/0470

**IN THE MATTER OF THE DETENTION OF ALIE BAPTISTE
A PRISONER AWAITING EXTRADITION TO THE UNITED KINGDOM
PURSUANT TO A COMMITAL ORDER MADE ON THE 15TH OCTOBER 2009**

AND

**IN THE MATTER OF AN APPLICATION BY ALIE BAPTISTE FOR A WRIT OF
HABEAS CORPUS AND SUBJICIENDUM**

BETWEEN

ALIE BAPTISTE

Claimant

AND

COMMISSIONER OF PRISONS

Respondent

Appearances:

Mr. R. Ferguson with Ms. A. Johnson for Applicant

Mr. D. Ramdhani with Mr. A. Olowu for Respondent

2012: May 2

JUDGMENT

[1] **PRICE FINDLAY, J.:** This is an application for the following relief:

1. A Declaration that the committal order to extradite the Claimant to the United Kingdom made on the 15th October 2009 is null and void and of no effect.
2. A Declaration that the Claimant is being held unlawfully as a prisoner at Her Majesty's Prisons at Richmond Hill in the parish of Saint George aforesaid.
3. A Declaration that there was no credible and admissible evidence before the committing Magistrate to establish a prima facie case warranting extradition of the Claimant to the United Kingdom.

4. A Declaration that, in all the circumstances of this case, to pursue the trial of the Claimant in the courts of the United Kingdom, on charges arising from allegation of facts known to the prosecution over five (5) years ago, but not acted upon, is an abuse of the process of the Court and a violation of the fundamental rights of the Claimant as guaranteed by the Constitution.
5. An Order directing that the committal order made against the Claimant on the 15th October 2009 be set aside.
6. An order directing that the Claimant be released forthwith from Her Majesty's Prisons at Richmond Hill in the parish of Saint George aforesaid.
7. Such further relief as to this Honourable Court seems just.
8. Cost to the Claimant.

[2] The application is vigorously opposed by the Respondent.

[3] The facts of the case are as follows.

[4] The applicant was arrested on the 25th February, 2009, pursuant to a Warrant of Arrest issued under the Extradition Act 1998 of the Laws of Grenada.

[5] The request for his extradition was made to Grenada by the United Kingdom authorities. They allege that he was involved in a conspiracy:

"A conspiracy to evade the prohibition on the importation of a controlled drug of Class A, namely, cocaine."

[6] The Minister of Foreign Affairs had issued an Authority to Proceed under the Extradition Act 1998 on the 19th February, 2009.

[7] The Warrant directed the Magistrate to consider whether there was sufficient evidence to warrant the Applicant's committal to the United Kingdom, on the basis that in corresponding circumstances the alleged acts would constitute an equivalent offence against the laws of Grenada.

[8] It further stated that the equivalent offence in Grenada was:

“Conspiracy to evade the prohibition on the importation of a controlled drug, namely cocaine, contrary to S.4 (1) (a) and S. 38 of the Drug Abuse (Prevention and Control) Act Cap. 3 of the Laws of Grenada.”

- [9] After his initial arrest, the Applicant was granted bail; and the committal proceedings commenced before the learned Magistrate to determine whether the Applicant ought to be extradited to the United Kingdom.
- [10] At the end of the committal hearing the Magistrate ordered that the Applicant be committed for extradition to the United Kingdom and the Applicant was denied bail.
- [11] The Applicant was subsequently granted bail by the High Court on the 21st December, 2009 and has been free on bail since that date.
- [12] In their submissions to the Court, Counsel for the Applicant states that the Committal Order made by the Magistrate was unlawful for the following reasons:
- a. “ There was no credible and admissible evidence to establish a prima facie case against him before he could be extradited as required by the Laws of Grenada:
 - b. The evidence produced during the committal proceedings would have been insufficient to make out a case against him on the offence of Conspiracy to Trafficking in a Controlled Drug;
 - c. There was no proper authenticated depositions or statements taken on oath of upon solemn affirmation before a Judge or Magistrate to qualify those documents for admission before a Grenada Court;
 - d. The offence of Trafficking in a Controlled Drug is not an extraditable offence under the Extradition Act 1998, so that the presiding Magistrate had no jurisdiction to make the oral committal order regarding that offence;
 - e. The presiding Magistrate failed to consider and/or to properly consider that the impending charges against Alie Baptiste are an abuse of process and ought not to proceed on that basis in that:
 - I. There was undue delay in bringing the alleged charges against Alie Baptiste;

- II. A trial at this stage would violate Alie Baptiste's constitutional right to a fair trial within a reasonable time;
- III. The conspiracy for which Alie Baptiste is being accused allegedly took place between June 2002 and March 2005, yet he was only arrested in February 2009 to face trial in the United Kingdom more than four (4) years later;
- IV. Since in or about 2003 Alie Baptiste has been living in Grenada, yet no action was taken against him in respect of this matter before February 2009."

[13] He further states that the legal issues for the Court's consideration are as follows:

- a. Whether the Learned Magistrate followed the mandatory procedures prescribed by the Extradition Act 1998 in the issuance of the Committal Order on 15th October 2009;
- b. Whether a prima facie case was made out against the alleged fugitive to stand trial in the United Kingdom;
- c. Whether a conspiracy to traffic in drugs within the United Kingdom has been established;
- d. Whether the evidence presented by the requesting State during the committal proceedings was credible and/or admissible in all the circumstances;
- e. Whether in law, the learned Magistrate was obliged to give reasons for decision to issue the Committal Order;
- f. Whether the proposed trial of the Claimant several years later amounts to an abuse of the process of the Court, and infringes on his constitutional rights to a fair trial."

[14] I must say at the outset that the first time that the Applicant has taken the position that the mandatory requirements of the Extradition Act 1998 were not followed was in his submissions. The Fixed Date Claim form filed by the Applicant did not speak to the grounds of the application and neither was the point of the mandatory requirements addressed in any affidavit filed for and on behalf of the Applicant.

[15] As a result, the Respondent did not have an opportunity to address these issues either by way of affidavit or in their submissions to the Court. This being so, I will

not allow the Applicant to canvass any arguments touching the Extradition Act as it relates to the conduct of the Minister in issuing the Authority to Proceed.

THE CONSPIRACY

- [16] Counsel for the Applicant states that in order to establish the charge against him the requesting State must establish prima facie that he was involved in a conspiracy.
- [17] Counsel further alleges that the requesting State has led no evidence, circumstantial or otherwise, that links him with any unlawful act. No evidence links him with a common design with others to commit an offence in the United Kingdom or elsewhere.
- [18] Counsel asserts that the only evidence linking the Applicant to the alleged 'co-conspirators' is the receipt of £12,570.00 via money transfers, and that he was seen in the company of one Oswin Moore, one of the alleged conspirators.
- [19] Counsel refers to parts of the affidavit of Stephen Moore, the United Kingdom Organised Crime Agency Senior Investigator, which he contends is totally insufficient to find a prima facie case made out against the Applicant.
- [20] He describes the evidence as "wholly inadequate, insufficient and falls far short of what is required to substantiate a prima facie case of conspiracy ..."
- [21] The evidence of Stephen Moore was that between 2002 and 2005 the Applicant conspired with at least 10 United Kingdom based conspirators and 3 further persons in Trinidad and Tobago to import cocaine in large quantities into the United Kingdom.
- [22] The conspirators used couriers to transport the cocaine from the Caribbean to the United Kingdom. Some swallowed the substance; some hid the substance on their persons, others in suitcases.

[23] As a result, several persons were arrested, charged and convicted after their arrival in the United Kingdom.

[24] Certificates of conviction were included in the extradition bundle along with the request for 19 such persons. Mr. Moore further deposed that those co-conspirators in the United Kingdom forwarded monies to associates in Grenada and Trinidad & Tobago via Western Union. These funds, they allege, were for the purchase of the drugs and for the payment of couriers.

[25] The United Kingdom authorities allege that the Applicant played a significant role in the conspiracy, operating out of Grenada.

THE EVIDENCE

[26] The Applicant's actions were listed as follows:

- The receipt of funds totalling £12,570.00 in Grenada, "showing a striking co-relation with the arrests of the couriers coming from that island."
- These monies were sent to Grenada in 12 transactions between 19th July, 2004 and 19th January, 2005. Of these 12 transactions, 9 were to the Applicant. The Crown alleges that these funds were for the purchase of cocaine, and to organise and pay the couriers.
- The Applicant is also linked to two further transfers from the United Kingdom to Grenada, one to Andre Edwards on 23rd August, 2004 and to Mark Cruickshank on 30th August, 2004. Cruickshank was a courier subsequently arrested.
- The Applicant, according to the evidence, received and collected in person the majority of the monies transferred by the conspiracy to Grenada. In the cases where he did not receive the money, the person who did so can be directly connected to him.

- The Applicant had four telephone numbers that could be linked to him. These phone numbers were designated 'BAPTISTE 1-4. There were also phones linked to a United Kingdom based conspirator, one GIBSON.
- There were at least nine phone calls between Gibson and Baptiste in the phones alleged to belong to GIBSON and BAPTISTE at the time the money transfers allegedly took place. These monies were transferred by Gibson and other alleged co-conspirators to the Applicant.
- The phone numbers alleged to belong to Baptiste were found in the mobile phone of the United Kingdom based conspirator Anson Charles at the time of his arrest on 20th June, 2004.
- They produced an extract of phone calls which they allege reveals that within a short space of time, Gibson was in contact not only with the travel agent but also with the Applicant in Grenada just prior to the couriers entering the United Kingdom in August of 2004.
- They further state that Mark Cruickshank, who was arrested as he tried to leave Grenada, received monies via Western Union prior to his aborted departure. The telephone contact he provided to Western Union was one connected with the Applicant.
- Lystra Bain was arrested on her arrival at Gatwick Airport on 1st September, 2004. In a diary seized from her were the names Paul Williams, the head of the conspiracy in the United Kingdom, and two of the numbers connected to the Applicant.
- Jeremy Newton was on the same flight as Ms. Bain. He too was arrested having swallowed powder containing cocaine. He had in his possession a cell phone, upon inspection it was revealed that the last five calls received by Newton prior to his arrest were from the Applicant.

- Keemani Mitchell was arrested at Gatwick Airport on 24th March, 2004. He too had swallowed a white powder. He too had in his possession a cell phone. Upon examination, it was revealed that the last two phone calls he made prior to his arrest were to the phones linked to the Applicant.
- Stephanie Mc Queenie was arrested as she arrived at Gatwick Airport from Tobago. She had a white powder containing cocaine hidden in her suitcase.
- The Crown alleges that even though she travelled from Tobago, she had ties with Grenada and more specifically to the Applicant. She had visited Grenada the preceding August.
- At the time of her arrest she had in her possession a cell phone and a diary. On examination of the cell phone there was saved in the memory a number associated with the Applicant, and listed in the said memory under the name 'Ali Babiste'.
- Also, in the diary, there was recorded a telephone number associated with the Applicant. There were also telephone numbers for one Andre Edwards, Alicia Pascall and the details of Oswin Moore.
- The Crown alleged that these direct links between the Applicant and several of the arrested couriers make a compelling case for conspiracy against the Applicant. They allege that these go beyond chance and coincidence, and in the context of the wire transfer evidence make a compelling case against the Applicant.
- Further they allege that the Applicant met with Oswin Moore, another conspirator in Tobago on at least two occasions. Moore, it is alleged, met the Applicant at the airport and they went to a local guest house. They further state that Moore also visited Grenada.

[27] This represents the crux of the evidence placed before the Learned Magistrate at the hearing.

THE COMMITTAL

[28] It would be prudent to start by looking at the role of the Magistrate in committal proceedings under the Extradition Act:

'S.11 (7) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any representations made in support of the extradition request or on behalf of such person, that the offence to which the authority relates is an extradition offence, and is further satisfied –

- a. Where that person is accused of the offence, unless an order under section 6 giving effect to the general extradition arrangements under which the extradition request was made otherwise provides, that the evidence would be sufficient to warrant his trial if the extradition offence had taken place within the jurisdiction of the Court; or
- b. Where that person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be at large,

The Court, unless his committal is prohibited by any other provision of this Act, shall commit him to custody or admit him to bail -

- i. To await the Minister's decision on his surrender; or
- ii. If the Minister decides that he shall be surrendered, to await his surrender.

8. If the Court commits a person under subsection (7), it shall issue a certificate of the offence against the Laws of Grenada which would be constituted by his conduct."

[29] The Magistrate before committing a person to trial has to be satisfied of three factors:

- a) The offence to which the authority to proceed relates is a relevant offence.

- b) The evidence against the accused person would be sufficient to warrant his trial for the offence if it had been committed within the Court's jurisdiction.
- c) The accused's committal is not prohibited by any other Act.

[30] Section 8 of the Act also falls to be considered when addressing the role of the Magistrate.

"8. (1) A person shall not be surrendered under Part IV, or committed, or kept in custody for the purpose of surrender, if it appears to an appropriate authority that –

- a) The offence of which that person is accused or was convicted is an offence of a political character;
- b) The offence of which that person is accused or was convicted is an offence under military law which is not also an offence under the general criminal law;
- c) The request for his surrender, though purporting to be made on account of an extradition offence, is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality, political opinions, sex or status;
- d) He might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion nationality, political opinions, sex or status;
- e) Final judgment has been given against the person in Grenada or a third country for the offence;
- f) Under the laws of the requesting country or the Laws of Grenada, the person has become immune from prosecution or punishment because of lapse of time or any other reason;
- g) The person has already been acquitted or pardoned in the country making the extradition request or Grenada, or punished under the laws of that country or the Laws of Grenada for the offence or another offence constituted by the same conduct as constitutes the extradition offence;

h) The person has been or would be subjected in the country making the extradition request to torture or cruel, inhuman or degrading treatment or punishment.”

[31] Thus if any of the conditions set out in S.8 of the Act are present, the Court ought not to detain or commit or order the return of the accused.

[32] The task of the Magistrate remains to determine whether sufficient evidence exists as would in a domestic case justify a committal for trial; he does not have to approach the matter as he would approach an actual trial in Magistrate’s Court” ... per Buxton LJ, in **RE-AL-FARWAZ**.

[33] It was further explained in **R v Governor of Pentonville Prison**, ex parte Osman, at pp 299-300:

“It was the Magistrate’s duty to consider the evidence as a whole, and to reject any evidence which he considered worthless ... He was neither entitled or obliged ... to compare one witness to the other ... His duty is to consider the evidence to see whether that evidence is such that upon it a reasonable jury properly directed could convict.”

[34] The evidence in this matter before the Learned Magistrate consisted of a single affidavit sworn to by Stephen Moore along with the accompanying exhibits, which included the conviction sheets of the co-conspirators (including the couriers) and the forensic phone records.

[35] As Justice Belle stated in **Blackman & Ors v Commissioner of Prisons**:

“The issue is whether the facts disclosed in the case presented by the requesting State amount to conduct if committed in Grenada would have been considered a conspiracy to traffic the alleged drug.”

[36] I also agree with the statement of Coleridge, J in **R v Murphy**:

“Though common design is the essence of the charge it is not necessary to prove that the defendants came together and actually agreed, in terms to have that design, and to pursue it by common means. If it is proved that the defendants pursued, by their act the same object, often by the same means, one performing one part and another another part of the same so as to complete it, with a view to the attainment of the same object, the jury will be justified in the conclusion that they were engaged in a conspiracy to attain that object.”

SUFFICIENCY OF THE EVIDENCE

- [37] I find that there was sufficient evidence before the Learned Magistrate for her to find that there was sufficient evidence to commit the applicant. In other words a prima facie case had been made out against the applicant.
- [38] On the facts stated in the affidavit of Stephen Moore, it was enough for the Learned Magistrate to find that the Applicant could be charged with the relevant equivalent offences under the Laws of Grenada if the circumstances were reversed.
- [39] On the evidence led the Applicant would qualify as a conspirator to import cocaine, a controlled substance.
- [40] When one looks carefully at the various strands of evidence connecting the Applicant with the other persons involved in the operation, it would be fair to say that the evidence links him to the offence of importing a controlled drug into the United Kingdom.
- [41] The evidence points to a conspiracy played out over an extended period of time, (some two years) to import the drugs into the United Kingdom. There is evidence linking the Applicant to those persons arrested on arrival in the United Kingdom with drugs either swallowed or in hidden compartments in their luggage.

- [42] To be satisfied that the evidence led is sufficient is a requirement of S.11 (7) of the Extradition Act.
- [43] Whether there is sufficient evidence to establish the alleged conspiracy beyond a reasonable doubt is not a matter for the Magistrate but is a matter for the substantive trial.
- [44] A Court would only be justified in interfering if there was no evidence to support the committal or because no reasonable Magistrate would commit the Applicant on that evidence or because there was an error of law by the Magistrate. I find that the evidence before the Learned Magistrate was both cogent and admissible and made out a prima facie case against the Applicant.

OFFENCES – ARE THEY EXTRADICTABLE

- [45] The sole question to be answered under this head is whether in similar circumstances the equivalent conduct would constitute an offence against the Grenada Laws, which on indictment would be punishable by imprisonment for a 5-year term or any greater punishment.
- [46] The Extradition Act states in S. 4 that an 'extradition offence' means conduct in the territory of a foreign State or Commonwealth country which, if it occurred in Grenada, would constitute an offence which on indictment is punishable with imprisonment for a term of five years or any greater punishment, and which, however described in the laws of the foreign State or Commonwealth country is punishable under those laws.
- [47] The Extradition Act also states that an extraterritorial offence against the laws of a foreign State or Commonwealth country which on indictment is punishable under those laws with imprisonment for a term of five years or any greater punishment and which satisfies (i) the condition set out in subsection (2) or (ii) all the conditions specified in subsection (3) is an extraditable offence.

"4 (2) For the purposes of subsection (1) (b) (i), the condition is that in corresponding circumstances, equivalent conduct would constitute an extraterritorial offence against the Laws of Grenada which, on indictment, is punishable with imprisonment for a term of five years, or any greater punishment.

(3) For the purpose of subsection (1) (b) (ii) the conditions are:

- a. That the foreign State or Commonwealth country bases its jurisdiction on the nationality of the offender;
- b. That the conduct constituting the offence occurred outside Grenada; and
- c. That, if the conditions constituting the offence occurred in Grenada, it would constitute an offence against the Laws of Grenada which, on indictment, would be punishable with imprisonment for a term of five years, or any greater punishment."

[48] I find that S.4 of the Extradition Act creates an extraterritorial jurisdiction since the definition of an extraterritorial offence is one committed outside the territory of any State but over which that State would have jurisdiction to try the offender. The reason generally given is that the extraterritorial act constituting the alleged offence has an effect or impact in the requesting State.

[49] I refer to **Liangsirprasert v The Government of the United States**, where Lord Griffiths stated:

"Unfortunately this century crime has ceased to be largely local in origin and effect. Crime is now established on an international scale and the common law must face a new reality. Their Lordships can find nothing in precedent, comity or good sense that should inhibit the common law from regarding as justiciable in England inchoate crimes committed abroad

which are intended to result in the commission of criminal offences in England. Accordingly a conspiracy entered into in Thailand with the intention of trafficking in drugs in Hong Kong is justiciable in Hong Kong even if no overt act pursuant to the conspiracy has yet occurred in Hong Kong."

ESSENTIAL INGREDIENTS MISSING

- [50] Counsel for the Applicant has argued that the United Kingdom charge omits certain essential ingredients that characterize the equivalent offence under the Grenada Law.
- [51] Those elements being the relevant date, time and place of the alleged offence and the specific law being contravened.
- [52] The Applicant is aware of the charge which is being levelled against him. He has been informed of the equivalent local offence, that is, "conspiracy to evade the prohibition on the importation of a controlled drug, to wit cocaine."
- [53] I find that at this stage there is no need for the specificity which the Applicant thinks is required. It is sufficient that he is aware in general terms the charge or charges which he will face upon extradition, and that he be made aware of the equivalent local charge.
- [54] At the stage of his extradition when he is to be formally charged by the requesting State, all the relevant particulars will and must be provided to him.
- [55] When one peruses the affidavit of Stephen Moore, the particulars of the alleged conspiracy, as to date/s, time and place/s are easily discernable and therefore no prejudice is visited upon the Applicant as a result of the lack of particulars.

FAILURE OF MAGISTRATE TO GIVE REASONS

[56] The Learned Magistrate did not give written reasons for her decision and the Applicant submit that this failure is a fundamental error and has seriously compromised the fairness of the proceedings.

[57] In **Aqui v Pooran Maharaj**, the Trinidad Court of Appeal found “that although there was no express statutory provision requiring a Magistrate to state the reasons a decision, the practice of doing so had grown up and had been adhered to over the years so that it is now regarded as a rule of law and it is now a principle of justice that parties to litigation were entitled to know the reason for the decision of a Court of law.”

[58] In the case of **Rey v Government of Switzerland** Lord Steyn opined as follows:

“Despite a growing practice in England of stipendiary Magistrate giving reasons in extradition proceedings, it has not been held that Magistrates are under a legal duty to do so. And the legal position in England is perhaps justified by the right of the fugitive to apply for habeas corpus to the Divisional Court if the decision of the stipendiary Magistrate goes against him.”

[59] The Court went on to examine S.11 of the Extradition Act of the Bahamas which gives the right to apply for habeas corpus. This section is similar to S.13 of the Extradition Act of Grenada.

[60] He continued:

“In these circumstances Their Lordships are not prepared to hold that there is a general implied duty on Magistrates to give reasons with respect of all disputed issues of fact and law in extradition proceedings. But Their Lordships must enter a cautionary note: It is unnecessary in the present case to consider whether in the great diversity of cases which come before Magistrates in extradition proceedings the principles of fairness

may in particular circumstances require a Magistrate to give reasons. It did not so require in this case. It follows that in the present case the Magistrate's failure to give reasons on disputed issues of fact was not unlawful."

[61] I find that in the present case, that while it may have been prudent for the Magistrate to render her reasons in writing, that there is no inherent unfairness to the Applicant. There is no dispute as to the facts put forward by the requesting State; what the Applicant disputes at this stage is its sufficiency.

DELAY/ABUSE OF PROCESS

[62] The Applicant submits that the alleged conspiracy having taken place between 2002-2005, the requesting State has delayed too long and this delay, with a trial so long after the alleged events amount to an abuse of process and the Applicant ought not to be extradited.

[63] They further argue that the 'material' evidence against him was available at the trials of the co-conspirators, and therefore he would have been tried along with the alleged United Kingdom co-conspirators.

[64] To put him on trial now, several years later, puts him on a prejudicial position.

[65] While there has been some delay in this matter, the request having come some five years after the alleged conspiracy occurred, one has to look at all the attendant circumstances of the case.

[66] The Learned DPP in his affidavit attested to the fact that the requesting State wanted to secure the conviction of the co-conspirators and examine the evidence in order to support the extradition request.

[67] While the delay is one of the less welcomed aspects of this case, the Applicant has been on bail since 29th December, 2009.

[68] In the case of **Kakis v Government of the Republic Of Cyprus**, Lord Diplock stated that the passage of time to be considered is that between the date of the offence and the date of the extradition hearing.

[69] The question which has to be asked and answered is: whether in all the surrounding circumstances has there been such inordinate delay as would entitle the Court to put a stop to these proceedings.

[70] I cannot say that I find here that there has been such inordinate delay. It has taken some time for the request to be forwarded and for the extradition hearing to take place, but in all the circumstances, I do not find that this delay would hinder the Applicant from getting a fair hearing at his trial.

[71] While the United Kingdom does not have a written Constitution, the right to a fair hearing is a fundamental pillar of English jurisprudence.

[72] I adopt the words of La Forest, J in **Mellino's** case:

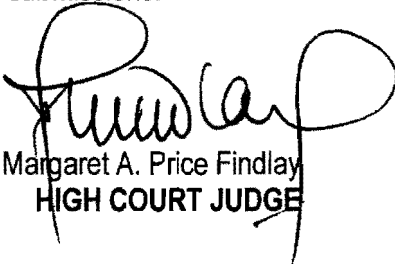
“Our courts must assume that the fugitive will be given a fair trial in the foreign country. Matters of due process are to be left for the Courts to determine at the trial there as they would be if he were to be tried here. Attempts to pre-empt decisions on such matters through delay or otherwise would directly conflict with the principles of comity on which extradition is based.”

[73] I also find that the deposition of Stephen Moore along with the accompanying exhibits were all properly authenticated in accordance with the requirements of the Extradition Act. The bundle presented to the Court, the deposition of Mr. Moore was duly authenticated and certified by a District Judge in the United Kingdom as were the attached exhibits.

THE CERTIFICATE

[74] I find that the failure to provide a certificate in accordance with S.50 of the Drug Abuse (Prevention and Control) Act is not fatal to these proceedings.

- [75] The applicant here is well aware of the "corresponding law" under which he will be charged in the United Kingdom. It is clearly set out in the Authority to Proceed, and is clearly discernable in the evidence contained in the deposition of Stephen Moore.
- [76] For the aforementioned reasons, I find the order of committal made against the Applicant to be lawful and the application for habeas corpus is hereby dismissed.
- [77] The Applicant will pay costs to the Respondent in the sum of \$3,000.00.
- [78] I apologize for the delay in the delivery of the judgment as the file along with Counsel's submissions were apparently 'lost' in the Registry for an extended period of time.
- [79] I wish to express my thanks to Counsel for their insightful submissions.



Margaret A. Price Findlay
HIGH COURT JUDGE