APPEAL COURT, HIGH COURT OF JUSTICIARY

[2026] HCJAC 48
HCA/2026/8/XM

Lord Matthews
Lady Wise
Lady Carmichael

OPINION OF THE COURT

delivered by LORD MATTHEWS

in

Appeal under section 26 of the Extradition Act 2003

by

AB

Appellant

against

THE LORD ADVOCATE
(representing the Republic of Lithuania)

Respondent

Appellant: Party
Respondent: McKenzie (sol adv); Crown Agent

10 November 2026

Introduction

[1] On 26 March 2026 at Edinburgh Sheriff Court the sheriff ordered the extradition of the appellant, a Lithuanian national, to Lithuania, pursuant to a European Arrest Warrant issued on 2 June 2016. The appellant had appeared in court on charges of bribery and pleaded not guilty. His case was adjourned to another date 4 months later and he was

released from custody on the basis that he had to sign on at a police station every 2 weeks. He was not allowed to leave Lithuania. However, the appellant's father passed away and he travelled to the United Kingdom for the funeral, staying on thereafter. He had not contacted the authorities to let them know that he was living in the United Kingdom. It was not seriously suggested that he did not fall into the category of fugitive, as that category has been developed and explained in a number of authorities.

[2] Before the sheriff, he challenged his extradition on three grounds. The first was that it would be incompatible with his rights under Article 8 of the European Convention on Human Rights (ECHR). The second was that it would be a breach of his rights under Article 3 of the ECHR because of prison conditions in Lithuania. In addition, remand in Lithuania or a custodial sentence there would jeopardise his safety and well-being because he was in a significant amount of debt to a group of individuals who had connections within the custodial environment as well as generally. He would face physical harm and a threat to his life from this group should he be extradited. The third ground was that extradition was barred by reason of the passage of time, in terms of section 14 of the Extradition Act 2003.

[3] The sheriff heard evidence on 12 February and 26 March 2026. The appellant had the benefit of a Lithuanian interpreter and evidence was led from him, from his nephew and from a George Tugushi, an expert witness on prison conditions in Lithuania.

[4] The appellant said that he was single and had five children all of whom were living in Lithuania, although his son had been living with him in Glasgow before he was remanded. He had left Lithuania 8 or 9 years previously and had always lived thereafter in Scotland. His four daughters lived with his first wife in Lithuania. His son now lived in that country with his mother, another partner of the appellant, from whom he was now separated. He was no longer in contact with any of his daughters. He had always worked

since he came to Scotland. He had relatives in London, a sister and a cousin, and had a brother in Scotland. He was hopeful that he might be able to obtain contact with his son. He had been granted settled status before his remand in custody. He had been fined and disqualified for 12 months for a motoring offence in 2020 in Scotland.

[5] He had borrowed from a criminal gang and run up a debt in Lithuania. It had initially been in the sum of £5,000 but had increased to £70,000. His nephew had received phone calls from a member of the gang with threats about what would happen if the money was not paid. This happened about 3 or 4 months before the hearing. He had had no contact himself with the gangsters. He was concerned that if he went back to Lithuania he would be at risk from the people concerned.

[6] In cross-examination he confirmed that, on adjourning the case, the Lithuanian court had fixed a signing on day at the police station. He confirmed that he had only heard from the criminal gang a few months previously although he had borrowed the money 9 years ago. For 8½ years the criminal gang had made no effort to contact him and he did not know how they found out where he was. They had not tried to do anything to him while in prison but they could reach into Lithuanian prisons.

[7] His nephew is now 28 years old and came to the UK from Lithuania when he was 6 or 7. He had maintained contact with the appellant while he was in prison with meetings and some phone calls. He became aware that the appellant was involved with people in Lithuania to whom he owed money. He found out about this when the appellant told him that he was on the run and owed money. The witness had never met the people personally but he had received phone calls and WhatsApp messages from them. He recognised the Lithuanian telephone code. He had taken over the appellant's debt. He was expecting a phone call as the appellant had told the gang member that he was handling the problem.

The last payment he had made was on 2 January 2026. The phone calls had included threats. He thought he had paid about £3,000 to £4,000 but was not sure how much of the debt was left.

[8] George Tugushi produced a report and referred to reports by the European Committee for the Prevention of Torture (CPT) published on 18 July 2024 and 23 February 2023. He had been a member of the CPT since 2005 and had last visited Lithuania in 2018. There were problems of poor facilities, inadequate healthcare and inter-prisoner violence based on a prisoner hierarchy. According to him there was a serious risk that the appellant's rights under Article 3 of the ECHR would be violated. He did not know the details of the alleged debt but money was often the main reason for prisoner violence. Criminal organisations had well-established networks within prisons. Within prison one could seek to be isolated in a secure unit and that would reduce the risk of being approached. The witness was unable to comment on the specifics of the appellant's case. The risk to him would depend on a number of factors. It would need to be true that he owed money, and, the people to whom he owed money would need to know where he was, although that was possible if they had associates in prison. It was possible to separate prisoners who had concerns about their safety and for the prison to do some kind of vetting to decide whether the appellant should be kept away from particular prisoners.

[9] As far as statistics relating to prisoner violence were concerned, he said that they did not show the true picture because very often prisoners would say something like "I fell out of bed" rather than complain about a fellow prisoner when they had been assaulted.

Submissions before the sheriff

[10] The appellant's agent relied on Article 8. The appellant had lived in Scotland for some time and his family circumstances had been explained to the court. The offences for which he was sought in Lithuania dated back to 2013 and were now of some age. No substantive argument was put forward on the question of whether or not he was a fugitive. As far as Article 3 was concerned, it was suggested that the appellant had given credible evidence that he had borrowed from a criminal gang and had support from a witness who had received ongoing communications from that gang. The risk from that gang melded into a broader Article 3 argument about prison conditions. Reliance was placed on the evidence of Mr Tugushi. The appellant was at particular risk in prison because of the debt.

[11] For the Lord Advocate, the procurator fiscal depute referred, in connection with the Article 8 argument, to *Norris* v *United States (No 2)* [2010] 2 AC 487 at paragraph 56. One had to carry out a balancing exercise: *Poland* v *Celinski* [2015] EWHC 1274 (Admin) at paragraph 16. In this case the factors against extradition could include the period of time the appellant had resided in Scotland with his son, but he was now in Lithuania. The only other positive point was that the appellant had a good employment history and had not been a drain on the state. Weighing these factors against the public interest in the state honouring its treaty obligations, and the need for persons accused of crimes to be brought to trial, there was insufficient impact on the appellant's Article 8 rights to bar extradition.

[12] As far as section 14 and the passage of time was concerned, it was clear on the evidence that the appellant was a fugitive. On his own account he had gone to court in Lithuania and the court had adjourned the case for 4 months on the basis that he had to sign on. He left the country in the knowledge that he was involved in the process of justice and even his own nephew said he had been told by the appellant that he "was on the run".

Being a fugitive would operate as an almost automatic bar to reliance on delay save in exceptional circumstances: *Lagunionek* v *The Lord Advocate* [2015] HCJAC 53 at para [16].

[13] It was accepted that Mr Tugushi was qualified to offer an opinion on prison conditions. However, his last inspection of a Lithuanian prison had been in 2018. In the case of *Criminal Proceedings* v *Aranyosi* [2016] QB 921 it was noted at paragraphs 88 and 89 of the Grand Chamber judgment that the court had to assess whether there was a real risk of torture or inhuman or degrading treatment on the basis of evidence which was objective, reliable, specific and properly updated. In this case the information was not specific and not updated and therefore it fell short. In any event, the court had the benefit of assurances from the Lithuanian government dated 10 June 2025 in respect of the requested person. These provided guarantees of minimum space, training within prison and rights of association. They noted that there would be an assessment of a prisoner's vulnerability on admission and that if he was isolated he would still be afforded the same living conditions as other prisoners. Weight should be placed on these assurances and Mr Tugushi had accepted that they were offered in good faith. The court required to consider the factors set out in *Othman* v *United Kingdom* (2012) 55 EHRR 1 at paragraph 189. These were, in brief, that the assurances were specific, that they came from an appropriate authority and that there was no history of breaches of the assurances. In this case the assurances were specific, they came from the deputy director of the Lithuanian prison service and there was no history of breaches of assurances by the Lithuanian state.

[14] As far as the criminal gang was concerned, reference was made to *R* v *The Secretary of State* [2005] UKHL 38 at paragraph 24. Harm inflicted by non-state agents would not constitute Article 3 ill-treatment unless the state had failed to provide reasonable protection. No such failure was established in this case. The appellant would be able to report any

threats made to him and seek protection. The Lithuanian prison service were doing all they could to mitigate the risk of harm. There was insufficient evidence of a real risk of torture or inhuman or degrading treatment and the evidence to support the Article 3 ground was insufficient.

The sheriff's findings

[15] The sheriff did not find the appellant to be credible or reliable. There were contradictions between his account of his contact with the criminal gang and that of his nephew. The appellant said he had only heard from the criminal gang a matter of 3 or 4 months ago while his nephew said that he had heard from them from 2023 onwards. The appellant said that he had never heard from them directly while his nephew said that the appellant had told a group member that the nephew was handling the problem. Furthermore, he had been in Scotland for 8 or 9 years but had not received any contact from the criminal gang for most of that time. It was inconceivable that the nephew had been paying the debt since 2023 and had never mentioned that to the appellant. All that having been said, the sheriff was prepared to assume that the threat was genuine.

[16] As far as Article 8 was concerned, placing all the circumstances in the balance, the sheriff considered that there would be limited impact on the appellant's Article 8 rights due to the lack of close family connections in Scotland. There was very little by way of interference with the appellant's private or family life to weigh in the balance against the need for the UK to stand by its treaty obligations. There was no exceptionally compelling feature, as it was put in *Norris* v *United States (No 2)*.

[17] There was nothing to support a section 14 argument. The passage of time was substantial, but the sheriff was wholly satisfied that the appellant was a fugitive. Even if

that were not the case there was no credible evidence that it would be unjust or oppressive to extradite him.

[18] As far as prison conditions generally were concerned, the sheriff preferred the submissions of the Crown. The critical issues were the general living conditions in the prisons in Lithuania and the risk of inter-prisoner violence in respect of someone who had incurred a substantial debt to an organised criminal gang. The sheriff noted the evidence of Mr Tugushi but treated it with caution, given that he had not visited any Lithuanian prison for around 8 years, although he was able to deal in his report with the work of the CPT since then. Since Mr Tugushi last visited there had been significant improvements about which he was unable to speak. Mr Tugushi's evidence was not specific to the appellant, nor up-to-date on prison conditions. There was not enough to establish a risk of torture or inhuman or degrading treatment sufficient to engage Article 3 in respect of general prison conditions.

[19] The sheriff accepted that a risk of violence was present within the Lithuanian prison system. Mr Tugushi did not know the details of the appellant's circumstances and his evidence on that was, again, neither specific nor up-to-date. The sheriff was satisfied that Lithuania had sufficient measures in place against inter-prisoner violence notwithstanding the background of an embedded prison hierarchy. The service offered screening for new prisoners to minimise risk, staff numbers were being increased, and prisoners could elect to be placed in a protected environment. In any event, the sheriff would have been satisfied with the written assurances in the letter dated 10 June 2025. It was in specific terms as to the conditions under which the appellant would be detained and as to the quality of the conditions of detention when a prisoner was isolated for his own security. The tests in *Othman* were met.

The Note of Appeal

[20] The Note of Appeal sets out various grounds, not all of which were prefigured at the hearing before the sheriff. The grounds are as follows:

Ground 1: Extradition would violate the appellant's rights under Articles 2 and 3 of the ECHR. The appellant faced real and substantiated danger to his life in Lithuania, confirmed by the evidence of his nephew and the expert evidence.

Ground 2: The appellant suffered from serious cardiac and neurological conditions, requiring continuous medical monitoring. He had required frequent nurse interventions, being hospitalised during his detention in Scotland. Extradition of a seriously ill person without proper medical safeguards could violate Article 3; *Paposhvili* v *Belgium* [2016] 12 WLUK 304.

Ground 3: The appellant's right to a fair trial under Article 6 had been fundamentally compromised. He did not speak Lithuanian, only Russian, but was repeatedly provided with Lithuanian interpreters instead of Russian ones. He did not understand proceedings, could not properly instruct his lawyer and was effectively unable to participate in his defence.

Ground 4: Extradition was barred by the passage of time. The alleged offences dated back approximately 12 years and the delay undermined fairness, affected the reliability of evidence and caused serious prejudice to the appellant.

Ground 5: There were serious concerns regarding detention conditions in Lithuania and extradition would breach the appellant's rights under Article 3. There was a real risk of inhuman or degrading treatment: *Mursic* v *Croatia* [2016] 10 WLUK 454.

Ground 6: The appellant had established a private and family life in Scotland. He had close family (siblings), residing in Scotland and had a fixed address in Glasgow. Extradition would disproportionately interfere with his Article 8 rights.

Ground 7: The appellant's legal representation was defective. His agent failed to address the issue of the interpreter and to ensure that the appellant understood proceedings. He failed properly to prepare the defence.

[21] We shall deal with each of these matters in turn.

The appeal itself

[22] The case called before us on 26 June 2026. The appellant told us that he wanted a lawyer. The details he was given were all of Glasgow lawyers who said they could not help. Mr MacKenzie, for the Lord Advocate, indicated some sympathy for the appellant's position and consented to an adjournment on the undertaking that the Crown would provide names of lawyers for the appellant.

[23] The case called again on 9 October 2026 when the appellant still had no lawyer. We were not prepared to adjourn the matter any further. The appellant tendered a number of copies of extracts of medical records and then presented his own appeal. He said that he was in danger in Lithuania. He said his brother and father were here (presumably meaning in the UK). His sister and his family were here as well. He wanted to reject Lithuania. He would really appreciate it if he could stay here. As far as the medical papers were concerned, he said he had asthma. He had coughed blood and he was ill. He had issues with his kidneys. He kept on telling the people in prison that he had health issues but no one cared about them. He was happy to accept release on a tag or on the basis of signing on

somewhere so that he could go and seek medical help. He had been to see the prison doctor but only received medications like Panadol.

[24] Mr MacKenzie said that the Crown had provided various telephone numbers as well as the Law Society's general number to allow the appellant to look into obtaining assistance. That was one of the reasons why the case had previously been adjourned. It was also adjourned to allow the appellant to produce further vouching for his medical condition and for the Crown to obtain more specific information from the Lithuanian authorities considering the generic nature of some of the previous assurances.

[25] Obviously, no lawyer had been appointed. Until the morning of the hearing the Crown had not seen any further information from the appellant in relation to his medical condition. Further information had been provided by the Lithuanian authorities on 26 July 2026. It was not possible to specify the likely prison in which the appellant would be detained but information had been obtained on the prison services decision-making criteria and processes. A decision on the choice of specific prison was made on the basis of all the available information, including the alleged risks posed to an appellant. The Crown had previously lodged written submissions dealing with each ground of appeal and these were adopted. As it happens, the interpreter had been spoken to and she advised that the appellant did not speak full Russian or full Lithuanian. She switched between them. There was reference to interpreting in the medical documents, which indicated that he struggled with a Lithuanian translator and, during a particular consultation, he had struggled before having better success with a Russian translator. It was noted that the appellant complained of chest pains and on 14 March 2025, and, according to the records, the appellant indicated that he had not seen a doctor in 20 years but had episodes of cardiac pain for 15 minutes at a

time before they stopped. Unfortunately, the notes did not indicate what these pains might be.

Analysis

The statutory framework

[26] Section 27 of the 2003 Act sets out the court's powers on an appeal under section 26 as follows:

> "(1) On an appeal under section 26 the High Court may—
> (a) allow the appeal;
> (b) dismiss the appeal.
>
> (2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.
>
> (3) The conditions are that—
> (a) the appropriate judge ought to have decided a question before him at the extradition hearing differently;
> (b) if he had decided the question in the way he ought to have done, he would have been required to order the person's discharge.
>
> (4) The conditions are that—
> (a) an issue is raised that was not raised at the extradition hearing or evidence is available that was not available at the extradition hearing;
> (b) the issue or evidence would have resulted in the appropriate judge deciding a question before him at the extradition hearing differently;
> (c) if he had decided the question in that way, he would have been required to order the person's discharge.
>
> (5) If the court allows the appeal it must—
> (a) order the person's discharge;
> (b) quash the order for his extradition."

[27] We shall deal with each ground in turn.

Ground 1 – Violation of Articles 2 and 3 ECHR

[28] We have set out above the sheriff's findings in relation to both the risk from the criminal gang and prison conditions in Lithuania generally. We are quite satisfied that the findings made by the sheriff were open to him based on the evidence of Mr Tugushi and the reports to which he referred, as well as on the assurances given by the Lithuanian prison service. As we have indicated, certain further assurances were provided to us. These are contained in a letter dated 10 July 2026 and are signed by the deputy director of the Lithuanian prison service. Were the appellant to be surrendered in terms of the European Arrest Warrant he would be detained in the first instance at the Kaunas prison.

[29] If he was sentenced to imprisonment, consideration would be given to the danger "raised" by him (presumably meaning the risk he presented), the need to guarantee public safety, the nature of the criminal act committed, the duration of the sentence and whether there was any data showing that he could not serve his sentence at a certain prison or be kept with certain persons due to safety or other objective reasons. Consideration would be given to his age, the state of his health and the likely need for specific medical treatment or care as well as psychological characteristics and other individual traits.

[30] Consideration would be given to his work capacity, his education, profession, or any speciality he had and the ability of a specific prison to offer suitable work, training or participation in resocialisation programmes.

[31] Where possible, consideration would be given to the interests of any minor children and his own and his family's domicile. The aim was to create more favourable conditions for family members to visit and maintain social ties to help the inmate to integrate more successfully into society after serving a sentence. Consideration might also be given to other circumstances of significance in a specific case, including prison occupancy rates and the

number of available beds as at the date of the decision, the regime in effect at the specific prison, the available infrastructure and the capacity to ensure the conditions necessary for the individual's detention, care and rehabilitation.

[32] The previous assurances were contained in a letter of 10 June 2025 and we have already referred to them.

[33] Having regard to all the circumstances, it cannot be maintained that the sheriff erred in holding that there was no real risk of a breach of the appellant's rights. We shall return to this.

Ground 2 – The appellant's medical condition

[34] As the sheriff points out, there was no evidence led before him to the effect that the appellant suffered from any cardiac or neurological conditions or required any special medical treatment. The point was not argued before him. Insofar as it was argued before us, we are prepared to allow the appellant to lodge the various medical documents which he tendered at the bar. These consist of copies of records of the prison where he is currently held. On 14 March 2025 he complained of suspected heart disease but stated that he had not seen a doctor in 20 years. Episodes of pain lasted for 15 minutes before going away. It was indicated the same day that he would need a Russian translator. On 13 April 2025 he complained of ankle and back pain. On 5 May 2025 he complained of itchy skin and again it is noted that he requires a Russian translator. On 8 May 2025 he had spots and an itch over his forehead and chest and was prescribed an emollient. On 4 June 2025 he complained of a lump on his right arm and pain on the left side of the chest, possibly palpitations. He mentioned a drug which he took in Lithuania and that turned out to be for anxiety, stress or insomnia. It was noted that he stated he was fluent in both Russian and Lithuanian. He

again complained of chest pain on 2 July 2025 and he also said that he was struggling to mobilise due to shortness of breath and back pain. He was noted to "mobilise" well into the room with no signs of discomfort while doing so. Chest pain thereafter was a constant complaint. On 13 November 2025 there was a consultation to discuss his blood results, which were more or less normal. The consultation started with a Lithuanian translator who seemed to struggle but better success was had with a Russian translator. He appears to have had some sort of bacterial infection in his nose. There were further complaints about his skin and back pain as well as vomiting and chest pain. On 12 December 2025, using a Russian translator, he said that his chest pains started 4 or 5 years ago, settled down 3 years ago and were now coming back more often. The pain happened when he was coughing. It was situated on the right-hand side of his chest under his breast, flank and back. It is noted that it does not seem like heart pain although the appellant said that his father had a history of cardiac problems.

[35] On 20 January 2026 he was complaining of vomiting, chest pain when coughing and ankle pain. The sickness had settled, the chest pain came and went. It was only there when he coughed. There was no asthma, no COPD and he did not have a chest infection often. From time to time he complained of depression. On 11 March 2026 he complained that he had pain in his shoulder and back for about 6 months. On examination he had stiffness but a full range of movement upon flexion and extension. He was not tender to the touch and had no heat to the touch and no obvious swelling.

[36] In short, the records showed a history of various aches, pains and complaints but no diagnosis of any particular illness, certainly not heart disease or any neurological conditions. There is simply insufficient evidence to allow us to find this ground established. In any event it is to be presumed that medical issues would be dealt with appropriately in the

requesting state: *W* v *Spanish Authority* [2020] EWHC 2278 (Admin) at paragraph 59. No attempt was made to rebut this presumption.

Ground 3 – Breach of Article 6 ECHR

[37] This ground relates to the appellant's inability to speak Lithuanian. He claims he was provided with Lithuanian interpreters instead of Russian ones and did not understand the proceedings. The sheriff points out that he was represented at the time by an experienced agent who could be expected to be aware of the need to ensure that an appropriately qualified interpreter was provided. He gave evidence to the sheriff through an interpreter and the interpreter seemed to be able to translate his evidence fluently and without difficulty. There was no suggestion at any stage that there were any difficulties on this issue and the point was not argued before the sheriff. No further submissions were made in this regard to us. We note what Mr MacKenzie said about speaking to the interpreter but we can attach little weight to that. Nevertheless, we see from the medical notes which the appellant himself provided that he stated he was fluent in both languages. This point now comes far too late and we do not consider it to be well-founded.

Ground 4 – Passage of time

[38] We have already set out the evidence, the authorities and the sheriff's findings in this regard. No further submissions were made to us on the point. It is quite clear that the appellant was a fugitive and that there are no exceptional circumstances. The point is unarguable.

Ground 5 – Conditions in Lithuanian prisons generally

[39] Mr Tugushi's report is dated 27 October 2025. He advised that he had visited prisons in Lithuania in 2012, 2016 and 2018 and acknowledged at paragraph 27 of the report that some measures had been taken by Lithuania to improve conditions in places of deprivation of liberty. The UN Committee Against Torture and Inhuman and Degrading Treatment considered in its concluding observations adopted in November 2021 that conditions in some facilities continued to fall short of international standards with regards to food, hygiene, ventilation and access to natural light. There was concern about the use of violence by prison staff, inter-prisoner violence and lack of adequate healthcare provisions. Mr Tugushi's view was that the report of the 2021 visit demonstrated that there was still cause for concern with regard to prison conditions.

[40] The CPT made an *ad hoc* visit to Lithuanian prisons in 2024. There had been some positive developments. There had been a reduction in the prison population, and an increase in the accessibility of addiction treatment services. The letters of assurance also undermine any suggestion that there is a risk to the appellant. In the concluding remarks of the 2024 CPT report the following is stated:

> "82. To conclude, the committee notes positive actions taken by the Lithuanian authorities since the last CPT visit in 2021 as well as following the 2024 visit. This includes a further decrease in the prison population, the adoption of a new penitentiary code (which has introduced a range of measures to motivate prisoners to be more actively involved into re-integration into the community), a sharp decrease in the number of prisoners receiving the disciplinary sanction of confinement for refusal to live in their assigned unit, together with increased efforts to provide prisoners with alternative solutions to their difficulties. It also welcomes steps to enhance the assistance offered to prisoners with addictions and to improve the effectiveness of investigations into inter-prisoner violence.
>
> 83. The committee further notes that interviews with prisoners have indicated that the rules dictated by the informal prisoner hierarchy are changing and potentially even slowly weakening (albeit mainly due to general societal and generational changes). However, the informal prisoner hierarchy remains the key

> element in the persistence of the illegal trade in drugs (and mobile phones) in prisons, and in their use to facilitate new crimes. In many cases, these activities are closely linked to organised crime in the community and, as such, need to be tackled much more vigorously by the Lithuanian authorities.
>
> Therefore, the committee remains concerned that there is no targeted action plan from the Ministry of Justice dedicated to combating the informal prisoner hierarchy and its malignant activities and effects and thereby providing prison management teams with clear and concrete practical guidance and support in terms of human and further resources.
>
> 84. There clearly remains much more to be done to significantly reduce the influx of illicit drugs into prisons and to eradicate the influence of the informal prisoner hierarchy, these being the key causes of the endurance of widespread, endemic inter-prisoner violence (facilitated by the dormitory-type accommodation), under the shadow of which many prisoners live in fear. Without a carefully thought out strategic approach and a radical and urgent increase in the numbers of custodial staff, who must be adequately remunerated, appropriately trained, and motivated, the dark situation found in Lithuanian prisons will persist, with very harmful consequences for so many individuals and for Lithuanian society more generally.
>
> The committee trusts that the Lithuanian authorities will invest greater resources in addressing the challenging issues raised in this report and implementing the recommendations set out above."

[41] The particular prisons which the delegation visited were Alytus, Marijampolė, Pravieniškės second prison and Vilnius. We note from the assurances that the likelihood is that the appellant could be sent to the Pravieniškės prison, but they also indicate certain specific measures which are taken to ensure the safety of prisoners. As we have indicated the sheriff was entitled to rely on these. In short, we do not find this ground to be established.

Ground 6 – Breach of Article 8 ECHR

[42] No further submissions were made to us in this regard. Given the evidence that the sheriff accepted and the findings which he made, it is quite impossible to maintain that extradition would disproportionately interfere with the appellant's rights under Article 8.

The sheriff's decision was not only one which he was entitled to reach but which was entirely correct.

Ground 7 – Defective legal representation

[43] No further submissions on this were made to us. The Note of Appeal refers to the interpreter issue, coupled with a failure to ensure that the appellant understood the proceedings, and a failure to prepare the defence properly.

[44] We have already dealt with the question of the interpreter and ground 7 adds nothing. No specific or detailed criticism is made of the solicitors in this regard and we can find none established. Neither is there set out a specific respect in which the solicitors failed to prepare the defence. This ground is so lacking in specification as to be irrelevant.

[45] For all the above reasons we are not satisfied that there is any merit in any of the grounds of appeal. Leave to appeal is accordingly refused.