

IN THE SUPREME COURT OF NEW ZEALAND

**SC 64/2009
[2009] NZSC 96**

BETWEEN	SLAWOMIR RYSZARD BUJAK Applicant
AND	THE DISTRICT COURT AT CHRISTCHURCH First Respondent
AND	THE REPUBLIC OF POLAND Second Respondent

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: F C Deliu for Applicant
A Mobberley for Second Respondent

Judgment: 15 September 2009

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B Any application for costs by the second respondent must be made within 10 working days of this judgment.**

REASONS

[1] The applicant seeks leave to appeal against the dismissal by the Court of Appeal of his appeal against the High Court's refusal of judicial review of an order made in a District Court for his extradition to Poland on fraud charges.

[2] The arguments sought to be raised are without merit. The reasons given by the Court of Appeal are cogent. In these circumstances we can reserve for another day the question of this Court's jurisdiction to hear the proposed appeal.¹

[3] The arguments raised by the applicant concern whether the documents supporting the extradition application are copies of the originals, whether they have been properly authenticated and whether they involve impermissible hearsay.

[4] There is no sound reason for confining a “copy” to a photocopy. As the Court of Appeal has pointed out, a copy can be made in a number of forms including, as in this case, a typewritten copy.

[5] The authentication made it plain that the documents conformed with, i.e. that they corresponded in form with, the originals. That is simply another way of saying that they are true copies. The Extradition Treaty with Poland calls for a certification that the documents are the originals “or true copies thereof”. As the applicant's own submissions note, *Black's Law Dictionary*² defines a true copy as “[a] copy that, while not necessarily exact, is sufficiently close to the original that anyone can understand it”. That requirement was certainly met.

[6] The proposed hearsay argument is equally fallacious. Obviously, as copies of originals are permitted by the Extradition Act 1999 and documents in a foreign language require translation for use in New Zealand, certified materials cannot be rejected on the basis that accordingly they are in form hearsay, assuming that to be the case. And contrary to the submission of the applicant, there is no requirement that the translator should have been sworn in the particular case. He has actually stated that he is a sworn translator and has certified his translation.

¹ See *Edwards v United States of America* (CA 6/02, 22 August 2002) and compare s 69 of the Extradition Act 1999 which applies s 144 of that Act relating to appeals to the Court of Appeal but does not apply s 144A which gives this Court power to grant leave for a further appeal.

² (9th ed, 2009).

Solicitors:
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