

IN THE SUPREME COURT OF NEW ZEALAND

**SC 113/2009
[2010] NZSC 8**

BETWEEN SLAWOMIR RYSZARD BUJAK
Applicant

AND THE MINISTER OF JUSTICE
Respondent

Court: Blanchard, McGrath and Wilson JJ

Counsel: F C Deliu for Applicant
V E Casey for Respondent

Judgment: 11 February 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed with costs of \$2,500 to the respondent

REASONS

[1] The applicant, having failed in his attempt to judicially review the decision of a District Court that he should be extradited to Poland, now seeks leave to appeal against the rejection of his application for judicial review of the Minister's decision under s 30 of the Extradition Act 1999 that he should be surrendered to the Polish authorities. The applicant argued in the Court of Appeal that the Minister had failed to take account of certain humanitarian considerations. He contended unsuccessfully that the Court should not follow its decision in *Yuen Kwok-Fung v Hong Kong Special Administrative Region of the People's Republic of China*.¹ He seeks to have that decision considered by this Court.

¹ [2001] 3 NZLR 463.

[2] However, even if this Court were minded to overrule *Yuen* – a case on which we should not be taken to be casting any doubt – it would not avail Mr Bujak. This is because, as the Court of Appeal also concluded, the humanitarian arguments would certainly fail on the facts. The matters raised were, as the Court said, “well short of the standard of seriousness required on the overseas authorities”.² The Minister could not reasonably have assessed them as requiring him to decline to surrender Mr Bujak.

Solicitors:
Crown Law Office, Wellington

² At para [56].