



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO/269/2021

**In the matter of an application for permission to appeal pursuant to the
Extradition Act 2003**



SALVATORE BERTINO

Appellant

-and-

PUBLIC PROSECUTOR'S OFFICE, ITALY

Respondent

**On the Appellant's application for certification of a point of law of
general public importance, and permission to appeal**

Following consideration of the documents lodged by the Appellant and the
Respondent

ORDER by the Honourable Mr Justice Swift

1. The following questions are certified as raising points of law of
general public importance

(1) For a requested person to have deliberately absented
himself from trial for the purposes of section 20(3) EA, must the
requesting authority prove that he has actual knowledge that he
could be convicted and sentenced in absentia?

(2) Where the requesting authority asserts that it can be
demonstrated by inference that a requested person could
reasonably foresee that he could be convicted and sentenced in
absentia, must the inference be the only reasonable inference?

2. The application for permission to appeal is refused.

Dated 19 May 2022

BY THE COURT

Reasons

1. I accept that the issues stated above (slightly re-formulated from the
versions proposed by the Appellant, to reflect the submission as it
was put at the appeal hearing) would, if arguable, raise points of
importance and general application.

2. However, I do not consider it is appropriate to grant permission to appeal. The Supreme Court should have the opportunity to decide for itself whether there is any arguable issue of law.

Signed

A handwritten signature in black ink, appearing to be 'SMFT'.

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent to the Appellant, and Respondent on

Date: 19 May 2022