



The Court of Magistrates (Malta)
As a Court of Preliminary Inquiry
(For purposes of the Extradition Act referred to as a Court
of Committal)

Magistrate Francesco Depasquale

Sitting of Thursday eighteenth (18) February, 2016

Extradition number 85/2016

The Police
Inspector Dr. Mario Cuschieri
Inspector James Grech

vs

Kajetan Karol Poznanski

The Court,

Having heard the Prosecution arraign under arrest Kajetan Karol Poznanski, 26 years, Polish national, born on 6 October 1989 in Poznan, Poland, son of Krysztof and Anna, holder of Polish identity card ASA740452 residing at 50-287 Poznan Belwederska 17, with not fixed place of residence in Malta.

Having heard submissions by the Prosecution on the European Arrest Warrant and having seen the Certificate of the Attorney General in terms of Article 7 of Legal Notice 320 of 2004;

Having heard submissions by defense counsel for the requested person;

Having heard the requested person confirm that the person referred to in the warrant is indeed himself;

The Court,

The Court having asked various questions to the accused retains that on a balance of probabilities the accused is certainly the same person indicated in the European Arrest Warrant.

The accused confirmed to the Court that the Prosecution gave him a copy of the European Arrest Warrant both in Polish as well as in English. They also advised him of all his rights both under the local legislation as well as under the European Arrest Warrant Legislation. They also explained to him the consequences of the European Arrest Warrant and he declares that he is aware of the consequences that such will have on him.

The accused was informed of the contents of the Warrant in terms of Article 11(1)(b) of subsidiary legislation 276.05 and having asked the accused whether he gives his consent for extradition, the accused once again confirmed that he is giving his consent to being extradited back to Poland.

The Court notes that in terms of subsection 2(a) of subsidiary legislation 276.05 the accused has given his consent to his return to Poland.

The Court having heard the declaration made before it that he willingly is extradited back to Poland, is satisfied of the voluntariness of such declaration and in terms of section 15(5) of Chapter 276 it commits him to custody with the competent authorities to await his return back to Poland and the Court is satisfied that all the provisions of the Act for his extradition have been followed.

The Court explained the procedure that will apply once the accused has given his consent and the accused confirmed once again that his consent is final and the Court informed the accused that his consent is irrevocable.

The Court explained to the accused the rights he has in terms of section 16 of Chapter 276.

The Court,

Commits to custody and orders the return of the requested person Kajetan Karol Poznanski to Poland on the basis of the European Arrest Warrant issued against him on the 8th February, 2016 in terms of Article 44 of LN 320 of 2004.

Magistrat Francesco Depasquale

Nadia Ciappara
Deputy Registrar