



**In 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 Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

**The Police
(Inspector Roderick Spiteri)**

-vs-

Michael SCHMITT

Extradition (EAW) Proceedings No. 1070/2023

Today the 12th day of December, 2023

The Court,

Having seen that on the same day, the 12th December 2023, the prosecution arraigned under arrest **Micael SCHMITT**, a **German and Croatian national**, born in **Aschen, Germany**, on the **29th January 1971**, holder of **Maltese Residence Document no. MT6009971 (316714A)**, **German Identity Card No. L4VL152PK** and **German Passport No. C7ZH6VP6P**, hereinafter referred to as 'the person requested';

Having seen the European Arrest Warrant issued by the Municipal Court of Pula-Pola, Croatia dated 12th January 2022, and the Schengen Information System Alert number HR0000001740774000001 dated the 7th February 2022;

Having heard submissions by the Prosecution on the European Arrest Warrant and having seen the Certificate of the Attorney General in terms of Regulation 7 of the Extradition (Designated Foreign Countries) Order, S.L. 276.05, hereinafter referred to as 'the Order';

Having heard submissions by counsel for the person requested;

Having taken cognizance of the examination of the person requested as well as the documents exhibited by the prosecution;

The Court,

In terms of Regulation 11 of the said Order, having informed the person requested of the contents of the Part II warrant and having given the person requested the required information about consent as provided in sub-regulation (2) of the said regulation;

Having seen that Regulation 11(1A) of the Order has been complied with;

Having explained the provisions of Regulation 43 of the said Order;

Having heard the person requested consent to his return to the Requesting State;

Having seen that the provisions of Regulation 43 of the Order have been complied with;

Having heard the person requested declare that he is not waiving his right to the rule of specialty, that is he does not waive any right he would have (apart from the consent) not to be dealt with in the scheduled country for an offence committed before his return;

Having seen Regulation 15(5) of the Extradition Act, Chapter 276 of the Laws of Malta, rendered applicable to the proceedings by Regulation 44 of the Order;

The Court,

In terms of Regulation 44 of the Extradition (Designated Foreign Countries) Order, S.L. 276.05,

Commits to custody and orders the return of the person requested, **Michael SCHMITT**, to Croatia, on the basis of the European Arrest Warrant issued against him on the 12th January, 2022.

The requested person's return is to take place within 10 days of this decree.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate