



**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-

Paul-Philippe AL-ROMANIEI, Holder of United Kingdom of Great Britain and Northern Ireland Passport Number 558783808, w/Aliases: Paul-Philippe HOHENZOLLERN, born on the 13th January 1948; Paul LAMBRINO, born on the 13th January 1948 and Paul-Philip OF-ROMANIA, born on the 13th January 1948.

Extradition (EAW) Proceedings No. 359/2024

Today the 24th day of June, 2024

The Court,

Having seen that on the 29th April, 2024, the prosecution arraigned under arrest **Paul-Philippe AL-ROMANIEI, 76 years, of Romanian Nationality, born in Paris on the 13th January 1948, Holder of United Kingdom of Great Britain and Northern Ireland Passport Number 558783808, w/Aliases: Paul-Philippe HOHENZOLLERN, born on the 13th January 1948; Paul LAMBRINO, born on the 13th January 1948 and Paul-Philip OF-ROMANIA, born on the 13th January 1948.** hereinafter referred to as 'the person requested';

Having seen the European Arrest Warrant issued by the Brasov Court of Appeal, Criminal Division dated the 18th December 2020,¹ and the Schengen Information System Alert number ROIGP0140101476000001 of the 18th December, 2020;²

Having seen the decision by the Court of Committal as differently presided of the 20th May, 2024;

Having seen the decision of the Court of Criminal Appeal of the 10th June, 2024 wherein the said Court ordered that the records of the case be transmitted to the Court of Magistrates (Malta) as a Court of Criminal Inquiry, (For purposes of the Extradition Act referred to as a Court of Committal), to decide the case afresh, placing the requested person in the position he was in, immediately prior to the decision of the 20th May, 2024 by the Court of Committal;

Having seen that these proceedings were assigned to this Court as presided by the Chief Justice in terms of Article 11(9) of the Code of Organization and Civil Procedure as rendered applicable to criminal proceedings through Article 520(1) of the Criminal Code;

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

Having seen that in terms of Regulation 11 of the Extradition (Designated Foreign Countries) Order, S.L. 276.05, hereinafter referred to as "the Order", the person requested was informed of the contents of the Part II warrant and was given the required information about consent as provided in subregulation (2) of the same regulation;³

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

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

¹ **Dok.RS4** a fol.16 et seq

² **Doc. RS17** et seq

³ Fol.3-4

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 the Extradition (Designated Foreign Countries) Order, S.L. 276.05;⁴

Having heard learned counsel for the person requested declare that the offences for which the return of the said person is being requested are extraditable crimes in terms of Regulation 59 of the Order;

Having heard learned counsel for the requested person also declare that no bar to extradition, as provided under Regulation 13 of the Order, exists;

Having seen that the person requested was convicted in his presence;⁵

Having heard submissions that the requested person's return is however barred since it is being sought for political motivations and to punish him for his political opinions and thus, Article 10 of the Extradition Act precludes such return.

Considers,

Whereas learned defence counsel submits that the requested person's return ought to be refused on the grounds that the European Arrest Warrant is a pretext for prosecuting and punishing the requested persons for his political opinions, and thus this Court ought to refuse Article 10 of the Extradition Act, read together with Para 12 of the Preamble⁶ to the Council Framework Decision of 13 June 2002, (hereinafter referred to as "the EAW Framework Decision") this Court makes reference to Regulation 3(1) of the order which provides:

3. (1) **Only the provisions of this Order**, save where otherwise expressly indicated, shall apply to requests received or made by Malta on or after the relevant date for the return of a fugitive criminal to or from a scheduled country, or to persons returned to Malta from a scheduled country in pursuance of a request made under this Order, and the provisions of the relevant Act shall have effect in relation to the return under this Order of persons to, or in relation to persons returned under this Order from, any scheduled country **subject to such conditions, exceptions, adaptations or modifications as are specified in this Order.**

⁴ Doc.RS7 a fol.22-23

⁵ Fol.16 tergo

⁶ (12) This Framework Decision respects fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union (1), in particular Chapter VI thereof. Nothing in this Framework Decision may be interpreted as prohibiting refusal to surrender a person for whom a European arrest warrant has been issued when there are reasons to believe, on the basis of objective elements, that the said arrest warrant has been issued for the purpose of prosecuting or punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced for any of these reasons

For the fore-going reasons,

The Court,

Having seen Regulations 13(4), 23(2) and 24 of the Order,

Orders the return of **Paul-Philippe AL-ROMANIEI to Romania, w/Aliases Paul-Philippe HOHENZOLLERN and Paul LAMBRINO** on the basis of the European Arrest Warrant and Schengen Information System Alert issued against him on the 18th December, 2020, and commits him to custody while awaiting his return to Romania.

This Order of Committal is being made on condition that the present extradition of the person requested be subject to the law of speciality and thus only in connection with those offences mentioned in the European Arrest Warrant issued against him deemed to be extraditable offences by this Court.

In terms of Regulation 25 of the Order as well as Article 16 of the Extradition Act, Chapter 276 of the Laws of Malta, this Court is informing the person requested that : -

(a) He will not be returned to Romania until after the expiration of seven days from the date of this order of committal and that,

(b) he may appeal to the Court of Criminal Appeal, and

(c) if he thinks that any of the provisions of Article 10(1) and (2) of the Extradition Act, Chapter 276 of the Laws of Malta has been contravened or that any provision of the Constitution of Malta or of the European Convention Act is, has been or is likely to be contravened in relation to his person as to justify a reversal, annulment or modification of the court's order of committal, he has the right to apply for redress in accordance with the provisions of article 46 of the said Constitution or of the European Convention Act, as the case may be.

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