



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF COMMITTAL
MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 19th August, 2015

Number 677/2015

**Police
(Inspector Mario Cuschieri)**

Vs

Biondy Clayd Raafenberg

Today 19th August 2015

The Court,

After having heard the Prosecution arraign under arrest Biondy Clayd Raafenberg, a Dutch National twenty five (25) years of age, born on the 7th September 1989 in Goirle, the Netherlands, son of Rifi and Michelle neè Benadin, and residing at 104/5, Old Mint Street, Valletta, holder of Dutch Passport Number NPL926329 and Maltese Residence Document Number 0079399A;

After having seen and considered the European Arrest Warrant issued by the Dutch National Public Prosecutor's Office on the 11th March 2015 and after having seen and considered the Certificate of the Attorney General in terms of Sections 6A and 7 of the Extradition (Designated Foreign Countries) Order, 2004, Legal Notice 320 of 2004 issued on the 13th March 2015;

After having heard Biondy Clayd Raafenberg confirm that the person referred to in the European Arrest Warrant is indeed himself;

After having heard Inspector Dr. Mario Cuschieri declare that Biondy Clayd Raafenberg has been provided with a copy of the European Arrest Warrant issued by the Dutch National Public Prosecutor's Office on the 11th March 2015, both in the Dutch and in the English language and after having heard

Biondy Clayd Raafenberg confirm that he received the said European Arrest Warrant in the said languages;

Considers:

In terms of Article 10 of Legal Notice 320 of 2004 decides that the person appearing before it, that is Biondy Clayd Raafenberg, is the person in respect of whom the European Arrest Warrant issued on 11th March 2015 has been issued;

In terms of Article 11 of Legal Notice 320 of 2004 Biondy Clayd Raafenberg has been informed of the contents of the European Arrest Warrant issued on the 11th March 2015;

In terms of Article 11(2) of Legal Notice 320 of 2004 Biondy Clayd Raafenberg has been given the required information about consent, including that said consent once given is irrevocable, and said Biondy Clayd Raafenberg gives his consent to be extradited to the Netherlands in terms of the European Arrest Warrant issued on the 11th March 2015.

Having explained that provided for in Article 43 of Legal Notice 320 of 2004 and having heard Biondy Clayd Raafenberg declare that he does not waive any right he would have not to be dealt with in the scheduled country for an offence committed before his return, and in particular he reserves the rule of speciality;

Having heard Inspector Dr. Mario Cuschieri declare that Biondy Clayd Raffenberg is currently undergoing Criminal Proceedings in Malta;

After having considered Section 28A and Section 44 of Legal Notice 320 of 2004, the Court commits to custody Biondy Clayd Raafenberg pending his return to the Netherlands in terms of the European Arrest Warrant issued against him on the 11th March 2015, however it postpones his surrender until the Criminal Proceedings currently pending against him are fully concluded and he serves any punishment imposed upon him in case of a conviction.

< Final Judgement >

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