

**STATEMENT BY DIRECTOR OF SECURITY CONCERNING
MR AHMED ZAOUI**

Mr Zaoui arrived in New Zealand in December 2002 and claimed to be a refugee. A security risk certificate was issued against him in March 2003. The first stage of the hearings about the review of the certificate by the Inspector-General of Intelligence and Security were held in July and August 2007. The hearings have provided the catalyst for me to reconsider whether the certificate should continue to be maintained as at September 2007.

Mr Zaoui was clearly a risk to the security of New Zealand when he arrived here in December 2002 and claimed to be a refugee.

He had convictions in France and Belgium for participating in and leading terrorist networks. He had been deported from Switzerland for issuing statements supporting violence in Algeria and attracting extremists. He was excluded from entering the United Kingdom. There were other significant concerns that I cannot disclose. Furthermore, after Mr Zaoui's arrival in New Zealand, he had ongoing associations with individuals who had been involved with terrorist networks. Taken together, these factors created a real concern for the Service.

Mr Zaoui accepts that the action taken by the NZSIS against him in 2002 was justified, and that the steps taken against him since then were justified. Specifically he accepts that the security risk certificate issued by my predecessor was reasonably and appropriately made and maintained. In this regard let me be absolutely clear that one of my first actions on becoming Director of Security in November last year was to review Mr Zaoui's case. At that point I formally confirmed that the security risk certificate against Mr Zaoui should stand.

But I have a statutory obligation to keep Mr Zaoui's security risk status under review. I must consider whether Mr Zaoui continues to be a risk to security in 2007.

As a result of new evidence presented by Mr Zaoui at the recent hearing held by the Inspector-General about Mr Zaoui's security risk status, I have comprehensively reviewed the risk he presents to New Zealand today. I am now satisfied that in 2007 he is no longer considered to be a security risk.

What has changed? Several things. First, the hearing process has led to Mr Zaoui being more candid in his disclosures. In responding to the NZSIS' concerns, Mr Zaoui has offered new information that he had not previously disclosed, even to the authorities that decided his refugee status. This included information that could be prejudicial to him. Mr Zaoui has also willingly responded to questions asked of him by the NZSIS since the hearing process. Some of this new information cannot be disclosed publicly because Mr Zaoui is concerned it might affect his ability to return safely to Algeria in the future.

Mr Zaoui's recent candour gives me confidence that my concerns about him can be sufficiently mitigated by other means.

The second change is recently received classified information. The Service knows from earlier classified information that some of Mr Zaoui's associates from his political party (the

FIS) were actively involved in providing support to terrorism in Algeria. Mr Zaoui's close and ongoing association with some of these people has been a real concern for the Service in light of his European convictions. Classified information already held by the Service linked Mr Zaoui to the same activities. The recently received classified information is about support provided to terrorism in Algeria by people close to Mr Zaoui. This information has helped me to reach the view that it was Mr Zaoui's associates who were involved in this activity, not Mr Zaoui himself.

I am now satisfied that, despite Mr Zaoui's potentially dangerous associations, they did not mature into active support for terrorism by Mr Zaoui himself.

The third change is the length of time Mr Zaoui has been in New Zealand. Four and a half years have passed since Mr Zaoui arrived here. The activities for which he was convicted in Europe occurred 13-14 years ago. The other activities the Service was concerned about occurred 7 or more years ago. In the meantime Algeria has changed. Most of those who were involved in terrorism in Algeria have taken advantage of an amnesty and have stopped fighting. The groups with which Mr Zaoui and his colleagues were associated are no longer functioning. Indeed, this also applies to Mr Zaoui's political party, the FIS.

There are still some areas of inconsistency between what Mr Zaoui says and the classified information, but this is not a sufficient reason to justify maintaining the security risk certificate against Mr Zaoui. Nor is it enough to cause me to disbelieve Mr Zaoui's assurances about his future activities should he be allowed to remain in New Zealand.

Mr Zaoui has provided specific assurances to the NZSIS about his future activities in New Zealand. He has sworn a statement recording those assurances.

The Service will maintain regular contact with Mr Zaoui for the purpose of enabling me to continue to be comfortable about my assessment that Mr Zaoui is no longer considered to be a security risk. Mr Zaoui has agreed to the arrangement.

I am satisfied that with these measures in place my residual concerns about Mr Zaoui can be sufficiently mitigated. I have, accordingly, withdrawn the security risk certificate against him. Mr Zaoui is no longer considered to be a threat to the security of New Zealand.

I would like to add a brief observation about the process. The review process under Part IVA of the Immigration Act has not worked well from the NZSIS' point of view. In particular, I regret the length of time it has taken. But the delay in itself has been an ally to Mr Zaoui. The length of time that has passed since Mr Zaoui's activities in Europe has been a significant factor in my decision. And over time, Mr Zaoui has built an elevated public profile that in itself will constrain his freedom of action if he is allowed to remain in New Zealand.

This was the first case of its type in New Zealand. Much of the experience gained about using classified information in this kind of process has been incorporated into the Immigration Bill now before Parliament.

Finally, in view of the high public interest in this matter I have taken steps to release key relevant material. This publicly released information will be made available to the media directly, and will be available on the NZSIS website. I will not be taking any questions or follow up interviews on this decision.