

BETWEEN AHMED ZAOUI
 Applicant

AND THE ATTORNEY-GENERAL
 First Respondent

AND THE SUPERINTENDENT, AUCKLAND
 CENTRAL REMAND PRISON
 Second Respondent

Coram: Gault J
 Keith J

Appearances: R E Harrison QC, D A Manning and R P McLeod for
 Applicant
 Solicitor-General, T Arnold QC and C R Gwyn for
 Respondents
 R M Hesketh and S A Bell for the Human Rights Commission.

Date of Minute: 14 October 2004

MINUTE OF THE COURT

[1] The Court having been satisfied that the proposed appeal involves a matter of general or public importance such that it is necessary in the interests of justice to do so, grant leave to appeal. The following grounds of appeal are approved pursuant to r29(1) of the Supreme Court Rules 2004:

- (i) Does the High Court have jurisdiction or power to order the appellant's release on bail from detention under a warrant issued pursuant to s1140 of the Immigration Act 1987? If so, should the appellant's release on bail from detention now be ordered, and upon what terms and conditions?

- (ii) Does either the High Court or the District Court have jurisdiction or power to order the appellant's transfer from detention in a penal institution to some other place of detention, specifically the Mangere Refugee Detention Centre? If so, should the appellant's transfer to the Mangere Refugee Detention Centre now be ordered?

[2] No security for costs is required to be paid.

[3] A fixture has been made for the hearing of the appeal for 10 and 11 November 2004. The case on appeal is to be filed by 22 October. The submissions of the appellant and of the intervener (in the event that the Human Rights Commission makes application and is granted intervener status) are to be filed along with bundles of authorities by 29 October. Submissions and authorities for the Attorney-General are to be filed by 5 November.

Solicitors:
McLeod Associates, Auckland, for Applicant
Crown Law Office, Wellington, for Respondents