

**IN THE DISTRICT COURT
AT AUCKLAND**

**I TE KŌTI-Ā-ROHE
KI TĀMAKI MAKĀURAU**

**CRI-2020-004-006912
[2021] NZDC 17614**

**NEW ZEALAND POLICE
Prosecutor**

v

**AHAMED AATHIL MOHAMED SAMSUDEEN
Defendant**

Date of Ruling: 4 September 2021

Appearances: B Dickey and H Steele for the Prosecutor
H Leabourn for the Defendant (Criminal)
D Mansouri-Rad for the Defendant (Immigration)
R Stewart appearing for NZME

Judgment: 4 September 2021

**RULING OF JUDGE P WINTER ON REVOCATION OF SUPPRESSION
ORDER APPLICATION**

[1] This is an application brought by the Police in relation to Mr Mohamed Samsudeen. Mr Mohamed Samsudeen was originally granted interim name suppression in the High Court by His Honour Wylie J on 4 July 2018. That order was granted because in the High Court's judgment there was a real and appreciable possibility that in the event that Mr Samsudeen's refugee status was revoked he would be deported to Sri Lanka and could face danger if that happened.

[2] Mr Samsudeen's matters first came before me in the District Court on 16 July last year. On that day, I made an order in recognition of the suppression orders granted in the High Court suppressing publication of Mr Samsudeen's name and any details leading to his identification for the purposes of, and in alignment with, the High Court order made by Wylie J in 2018.

[3] Since that time, Mr Samsudeen's matters were reconsidered by His Honour Wylie J, as I said, on 3 September this year, in other words, yesterday. Wylie J revoked the suppression orders that were granted by him in the High Court on condition that that order be suspended for a period of 24 hours from 2300 hours yesterday to enable counsel representing Mr Samsudeen, particularly in respect of his refugee status matters, to advise Mr Samsudeen's family of the fact that the High Court suppression orders were to lapse at the end of the 24 hour time period.

[4] I have had submissions from all counsel involved in this matter today, that is Mr Dickey and Mr Steele for the Police, Mr Leabourn acting in Mr Samsudeen's interests and also Mr Mansouri-Rad who is acting for Mr Samsudeen in respect of the refugee status matters. I understand that efforts have been made to contact Mr Samsudeen's family, in particular his two brothers, one of whom resides in the Middle East and another elsewhere outside of the country.

[5] All counsel are in agreement that the position in the District Court should align with the position in the High Court, now that the High Court suppression orders have been dealt with in the way that they have by Wylie J.

[6] Accordingly, I deal with them on the same basis as they were dealt with by Wylie J in the High Court and for the same reasons. As was stated by Wylie J in his decision yesterday, clearly the risk that Mr Samsudeen formerly faced in relation to any publication relating to his refugee status appeal have gone and there is no longer any proper basis for a suppression order on the grounds that it was previously granted to remain, in order to prevent any risk to Mr Samsudeen's safety.

[7] Accordingly, I revoke the suppression order made by me in this court on 16 July last.

[8] I have also been addressed by counsel in relation to the continuation of the District Court proceedings. I have been advised by the Crown solicitor, Mr Dickey, and also by Mr Leabourn, that the Police intend to make an application for stay in relation to the charges faced by Mr Samsudeen in this court. That application for stay requires the authority of the Solicitor-General. Once that has been obtained, these matters can be dealt with by me in chambers in accordance with the application which is likely to then be made that the charges be stayed.

Judge P Winter

District Court Judge | Kaiwhakawā o te Kōti ā-Rohe

Date of authentication | Rā motuhēhēnga: 04/09/2021