

BETWEEN	THE ATTORNEY-GENERAL Appellant
AND	AHMED ZAOUI & ORS First Respondent
AND	INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY Second Respondent
AND	HUMAN RIGHTS COMMISSIONER Intervener

Court: Elias CJ and Keith J

Counsel: T Arnold QC and K L Clark for Appellant
R E Harrison QC and D Manning for First Respondent

Hearing: 3 February 2005

Judgment: 22 February 2005

JUDGMENT OF THE COURT

A As stated at the hearing, the Court grants leave to appeal in respect of the following declarations made by the Court of Appeal:

(1) The security criteria in s 114C(6)(a) of the Immigration Act 1987 will be met only if there are objectively reasonable grounds based on credible evidence that Mr Zaoui constitutes a danger to the security of New Zealand of such seriousness that it would justify sending a person back to persecution. The threshold is high and must involve a danger of substantial threatened harm to the security of New Zealand.

(2) There must be a real connection between Mr Zaoui himself and the prospective or current danger to national security with an appreciable alleviation of that danger capable of being achieved through his deportation.

B In accordance with the agreement of counsel for the appellant and first respondent, the Court fixes the following timetable:

- (a) Submissions on behalf of the Attorney-General will be filed and served by Friday, 11 March 2005;**
- (b) Submissions on behalf of the first respondent and intervener will be filed and served by Friday, 1 April 2005.**
- (c) The hearing will be on Tuesday and Wednesday, 12 and 13 April 2005.**

Solicitors:

Crown Law Office, Wellington for Applicant

McLeod & Associates, Auckland for First Respondent