

New Zealand imprisons former Algerian parliamentarian as suspected “terrorist”

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Ahmed Zaoui, a former member of the Algerian parliament, begins his 11th month in solitary confinement in a New Zealand maximum-security prison this week, having been declared a “security risk” by the country’s Security Intelligence Service (SIS).

The Labour government has backed his indefinite internment despite a finding by the Refugee Status Appeals Authority (RSAA) that there is no credible evidence linking Zaoui with any terrorist activity. The RSAA—which operates independently of the immigration and security services—has granted him refugee status.

Zaoui is receiving support from the immigrant community and Amnesty International. Amnesty’s New Zealand director Ced Simpson condemned Zaoui’s imprisonment. Zaoui had been labelled a terrorist, he said, “on the say so of government agencies which have a vested interest in distorting this definition of terror”.

Zaoui arrived in New Zealand early last December, after flying from South East Asia on false South African travel documents. He sought refugee status at Auckland airport and was interviewed. He was detained in custody; initially to have his identity checked. Refused asylum, he was transferred to maximum security at Paremoremo prison, where he has been kept in isolation ever since.

Zaoui was initially imprisoned on the basis of a “confidential threat assessment” carried out by the national bureau of criminal intelligence. The assessment declared there was a “political risk” that Zaoui would “try to gain some support” and ordered the imposition of a media blackout. The document identified Zaoui as a likely senior member of the Armed Islamic Group (GIA), a radical armed wing of the Islamic Front for Salvation (FIS), the party Zaoui represented in the Algerian parliament.

The report relied upon the right-wing US-based conspiracy cult website of Lyndon La Rouche—a convicted fraudster who has stood for US president in

several elections. The police assessment was passed on to the Department of Corrections, which took over responsibility for Zaoui’s custody following his initial court appearance on immigration charges.

Zaoui is now being detained under a previously unused provision of the Immigration Act. In April this year, at the request of the SIS, Immigration Minister Lianne Dalziel issued a Security Risk Certificate against Zaoui. This provision was inserted into the Act in 1999 by the previous National government, as part of a crackdown on immigrants. At the time, the Labour opposition denounced the amendment as “dangerous,” saying people could be detained for lengthy periods without knowing why.

The RSAA, following an extensive investigation into Zaoui’s refugee application, issued a damning report in August strongly criticising SIS methods. The 105-page document found no evidence to back the terrorist allegations—but much to support Zaoui’s own claims that he has been a consistent opponent of terrorism. It supported his bid for asylum on the basis that if he were forced to return to Algeria, he would probably be persecuted, tortured and even killed by the authorities, as has happened to other FIS leaders.

The RSAA described the SIS information as “questionable,” saying much of it was unsourced and based on uncorroborated news reports and material from the Internet. “Many of the entries consist solely of ... extracts from various news reports with no attempt to excise opinion from fact,” it said.

One entry was “lifted word for word” from an unacknowledged Agence France Presse report, which was not only wrong but almost certainly a fabrication aimed at discrediting Zaoui. Another was based on an inaccurate French web site report, written in a “sensationalist style”. “That the SIS was content to rely on such a self-evidently dubious source to construct its biography of the appellant

is most surprising,” the report concluded.

The RSAA report described how governments around the world had persecuted Zaoui, utilising a fictitious international “security” dossier based on a litany of falsifications originating from the Algerian military dictatorship.

Zaoui is a former Imam and university lecturer in Algeria who stood as an FIS candidate in the 1991 legislative elections. Following the January 1992 military coup, the FIS was banned. Zaoui was sentenced in absentia to death and fled to Europe. Belgium and Switzerland rejected his bid for refugee status on the grounds of his purported links with the GIA. In 1997, Swiss authorities deported Zaoui and his family to Burkina Faso.

The Algerian military tried him again in absentia and sentenced him to six life sentences for “terrorist” offences. As a result, he was convicted in absentia in France for participation in a “criminal group” with a view to “preparing terrorist acts”. Zaoui fled to Malaysia then, fearing that the Algerian authorities were planning to move against him, to New Zealand.

After interviewing Zaoui and other witnesses, RSAA concluded that he was a “peaceful, deeply religious man”. He had been wrongly linked to the GIA through “a series of misunderstandings and sometimes deliberate misinformation by the Algerian military regime” and a disaffected former colleague. Zaoui’s evidence could be corroborated “at every material point,” the agency said.

Zaoui has the right to a review of the action taken against him under the Security Risk Certificate—which he is now exercising—and then an appeal based only on points of law. If the Inspector General of the Intelligence and Security, a High Court judge, decides the Risk Certificate was “properly issued,” the Immigration Minister can quickly deport him. The minister could deport Zaoui even if he wins an appeal.

The SIS can issue a Security Risk Certificate whenever it declares it has classified security information. The information stays secret and cannot be sighted—even by the person or persons involved, or their legal representatives. In this case, the SIS refused to divulge information it claimed it was holding, even to the RSAA. Both Dalziel and Prime Minister Helen Clark, who have had oral briefings on this material, have defended the right of the SIS to keep it secret.

The RSAA also exposed the arbitrary methods used by New Zealand Immigration Service (NZIS) to refuse Zaoui’s refugee application. It was, according to the

RSAA, apparent from the NZIS file that its research “largely consisted of searching the Internet for hits on the appellant’s name”. The decisions were based on a compilation “of lengthy extracts from many of these media reports, including the most sensationalist,” all of which were accepted at face value. As a result, Zaoui was alleged to have simultaneous links with some 10 “terrorist” groups, including the Afghan Taliban, an Egyptian Islamic group and Al Qaeda.

The Immigration Service is facing an inquiry into its handling of the case. After being denied any information on the case by the NZIS, the *New Zealand Herald* broke the story on December 17, accompanied by an editorial criticising the crude attempts by the NZIS to keep it covered up. A senior NZIS official, who was named in the editorial, reacted by writing an internal memo, subsequently leaked to the *Herald*, complaining that his colleagues had let him down “badly”. NZIS officials had “agreed to lie in unison [to the press], but all the others caved in and I was the only one left singing the original song,” he wrote.

Despite efforts by NZIS executives and the government to bury the issue, the government was forced to establish an Ombudsman’s inquiry. The NZIS continued to prevaricate, denying the existence of the “lie in unison” memorandum, and refused to provide documents under the Official Information Act to an opposition MP. As a result, two further inquiries are underway. Two months on, neither investigation has reported its findings.

Zaoui’s imprisonment is part of a growing assault on democratic rights in New Zealand and follows a concerted government campaign against refugees and immigrants. In April this year, thousands of Samoans demonstrated in Wellington and Apia for the repeal of a law denying New Zealand citizenship to 170,000 Samoans. In October 2000, over 100 Chinese refugees staged a hunger strike in Auckland to protest a crackdown on Asian immigrants and refugees.

Zaoui’s indefinite detention without trial sets a dangerous precedent. In the name of the “war on terror,” the anti-democratic methods pioneered against refugees and asylum-seekers are being readied for wider use.



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