



FIVE YEARS: Mazin Jaburi hears his sentence for importing ecstasy, pictured with interpreter Ineke Crezee.

Key evidence not heard, says Iraqi

By Jomine Neethling and Jessica Wauchop

An Iraqi drug courier who has been imprisoned for five years was unable to put his full case before a New Zealand court.

Mazin Jaburi, who was stopped at Auckland International Airport on November 17, 2005 with \$200,000 of ecstasy strapped to his body, finally faced trial in July this year.

He was found guilty in the Manukau District Court on two charges – importing a class-B controlled drug into New Zealand and possession of a class-B controlled drug for supply.

He says he committed the

crimes in an attempt to save his sister's life.

Te Waha Nui has viewed unedited footage of Jaburi's trial shot by TV3's *60 Minutes*.

In it Jaburi says he was unable to raise \$US50,000 demanded by extortionists to save the life of his sister who had been kidnapped in Iraq.

He was then forced to smuggle 2206 ecstasy tablets into New Zealand instead, he says.

Jaburi says his sister was killed after the drugs failed to reach their New Zealand destination.

But Auckland police did not believe Jaburi's story. They questioned the death of his sister, Jaburi's motives and the authenticity of documents from Iraq

which he said would support his story.

Jaburi planned to present as part of his defence a death certificate stamped by Iraq's Ministry of Public Health.

Also to be tabled was a letter written by Baghdad police regarding his sister's death, a death notice from a Baghdad newspaper and a photo of her supposed gravesite.

Defence lawyer David Niven says police sent the documents to Interpol in Wellington for verification. This could not be done because Interpol no longer operates in Baghdad.

60 Minutes could not ascertain if further attempts were made to verify the crucial documents.

The lack of verification meant

the jury never saw the evidence.

Niven also intended to call Jaburi's brother-in-law, Athman Faisal Ahmed, as a witness for the defence.

But Ahmed was denied a visa into New Zealand. While the Immigration Department was unable to comment, it is understood it was worried he would become an overstayer.

At the sentencing hearing Niven told the court the case was "hamstrung" and "the jury may not have heard the best evidence on the matter".

Scott Optican, an associate professor at the University of Auckland law faculty and a specialist in criminal trials, says under the circumstances Jaburi probably has a right to an appeal.

"If Mr Jaburi was prevented from making a full defence to the Crown case because a witness he needed was denied entry into New Zealand, and the death certificate of his sister was not admitted as evidence, then it may be the case that his rights, under the Bill of Rights, were breached."

Optican also says that under the circumstances witnesses can give evidence by video link-up from outside New Zealand.

"If what Mr Jaburi is saying is true, then he would have a defence on the grounds of duress – and should be entitled to prove it."

Jaburi and Niven are considering appealing against the verdict.

Judge reserves asylum-seeker bail decision

By Spike Mountjoy

An Iranian asylum-seeker held in Mt Eden Prison for more than three and a half years has taken his bid for freedom back to Auckland's High Court.

Amir Mohebbi, 34, was detained awaiting deportation to Iran in January 2004, after being declined refugee status.

His appeal against an earlier Auckland District Court decision not to release him on bail was argued in the High Court on August 23, before Justice Judith Potter who reserved her decision.

Mohebbi's lawyer, Isabel Choroa, says the principles of the case are very similar to that of Iranian asylum-seeker Thomas Yadegary.

Yadegary was granted bail in April after being held for two and a half years.

Justice Patricia Courtney had found Yadegary's ongoing detention was "unreasonable", overturning an earlier Auckland District Court decision.

Choroa says Justice Courtney's decision would most likely have an influence on the Mohebbi case.

Yadegary's bail is being appealed by the Crown.

Choroa says if the judge finds in Mohebbi's favour, the Crown will probably appeal, and in

those circumstances the two appeals may potentially be heard together because the cases are so similar.

Mohebbi is being detained under a warrant of commitment, which is renewed every 30 days or until such time as he can be deported.

Like Yadegary, he cannot be deported without a passport or travel documents, for which they have both refused to apply.

Iran will not issue the documents without the men's consent.

Immigration Minister David Cunliffe says New Zealand officials are in negotiation with their Iranian counterparts to "find a way through this issue".

Amnesty International's Margaret Taylor says it is not safe for converts to Christianity such as Mohebbi to return to their homelands.

She says he should be allowed to remain in New Zealand until it is safe for him in Iran.

Conversion from Islam to Christianity carries the death penalty under Islamic Law, although Amnesty says such a sentence has not been carried out in Iran in the last 10 years.

Mohebbi is one of five Iranian men recently held in Mt Eden Prison for periods between 13 and 43 months under section 60 of the Immigration Act 1987.

Finance bill starts blog debate

By Niko Kloeten

The controversial Electoral Finance Bill has ignited a firestorm of debate in the New Zealand blogosphere.

The bill, designed to limit the influence wealthy third parties can have on elections, has gone too far, according to its many detractors.

Kiwiblog author David Farrar has been among the bill's strongest critics, outlining what he says are two "huge blunders".

Clamping down on third party spending but not including a clampdown on anonymous and trust donations was a mistake, he says.

"No-one at all looked at how the third party spending aspects would work at a practical level."

Farrar is just one of many bloggers who have strong views, many of them focussing on the bill's third-party spending limitations.

The bill says any group that isn't a political party but wants to do more than \$5000 electoral advertising will have to register with the Electoral Commission.

Those aiming to spend less than \$5000 will have to swear that before a Justice of the Peace.

Registered third parties will be limited to spending \$60,000 on advertising during the election period, which will be widened from the current three months to to a 12-month period before election day.

An electoral advertisement is defined in the bill as "any form of words or graphics that take a position on a proposition with which a party or a candidate is associated".

But anonymous donations to political parties would still be

allowed.

Seventeen-year-old blogger Jaz Morris, a Green Party youth MP, has strong words for the bill.

"The Labour Party, the so-called workers' party, has really become a power hungry club for sold-out Fabian socialists instead of leading on the basis of democracy and freedom," he says.

"If third party attacks are like those of the [Exclusive] Brethren then let the public make judgment based on this marketplace of ideas rather than by regulating third parties."

And it hasn't been just amateur bloggers weighing in on the bill.

Audrey Young, the *New Zealand Herald* political editor, said in her blog: "The bill is a gift to National. I don't recall seeing a Government so defeated on a bill before it has begun."

"It is at select committee but

hearings have not yet started. Labour has simply ceased to defend it."

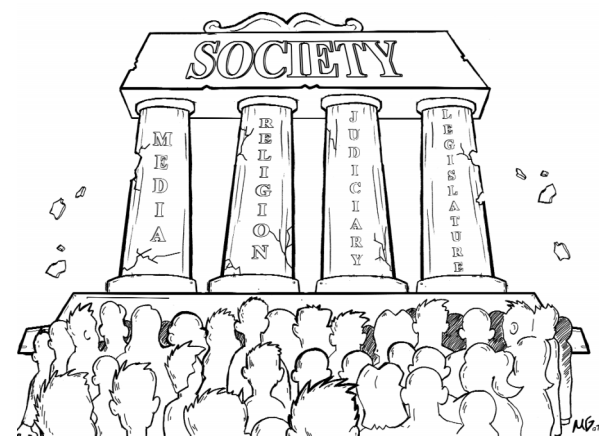
But the bill is not without its supporters in the blogosphere.

No Right Turn, the left-wing website of blogger Idiot/Savant, has been more critical of National's response than the bill itself, saying John Key is trying to "distract the public from his real goal of allowing the rich to continue to buy elections".

Author of the Just Left blog Jordan Carter wrote: "This bill is an attack on potentially corrupt practice."

"Anyone who opposes it in substance is essentially saying, 'I want New Zealand to retain electoral finance laws that mean elections can be bought by the people with the biggest wallets'."

"No party has anything to fear from these reforms, unless they've got something to hide."



Four Pillars

In this, the second part of a four-part campaign, *Te Waha Nui* continues its focus on the integrity, or otherwise, of the so-called four pillars of society. Refugees in jail without charge. Legislation removing personal freedoms. New Zealand Muslims facing constant threats.

Does New Zealand live up to the standards expected of it?