

6 May 2022

IR-01-22-9098

Andrew Li

fyi-request-19012-9@xxx

Dear Andrew

***Request for information***

Thank you for your Official Information Act 1982 (OIA) request dated 30 March 2022 asking information in regards to activities of international mercenaries.

My response to each of your questions can be found below.

1. *What action is the New Zealand Police taking to prosecute those who have violated both New Zealand law and international law in committing terrorist actions against civilians and freedom fighters abroad since 2001?*

I have interpreted this request as asking what action Police is taking to investigate and prosecute offences against the Mercenaries Activities (Prohibition) Act 2004.

Police does not have jurisdiction to investigate violations of “international law”.

In relation to terrorist offences against New Zealand Law, Police does not publicly release information regarding current investigations of this nature as doing so would endanger the successful detection, investigation, and prosecution of those matters, as well as the entrusting of information to the Government of New Zealand. This information is therefore withheld under the following sections of the OIA:

- 6(b)(i) - as the making available of this information is likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country
- 6(c) - as making this information available is likely to prejudice the maintenance of the law including the prevention, investigation and detection of offences and the right to a fair trial.

From a general perspective, Police acts upon evidence of offending against New Zealand law on a case by case basis.

Police makes decisions to prosecute any offence it investigates in accordance with the Solicitor General’s Prosecution Guidelines 2013 (<https://www.crownlaw.govt.nz/publications/prosecution-guidelines/>).

2. *How many ongoing cases relate to violations of the Mercenary Activities (Prohibition) Bill?*

**Police National Headquarters**

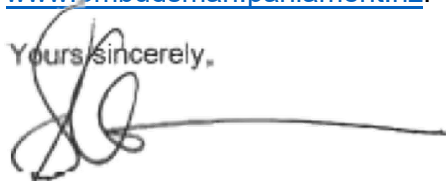
180 Molesworth Street, Thorndon, Wellington SX11149  
Telephone: (04) 474 9499. [www.police.govt.nz](http://www.police.govt.nz)

I have interpreted this request as asking if there are any current prosecutions for offences against the Mercenary Activities (Prohibition) Act 2004 and can confirm there are none at present.

You have the right, under s28(3) of the OIA, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request. Information about how to make a complaint is available at:

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'SH', with a long horizontal line extending to the right.

Detective Superintendent Sean Hansen  
New Zealand Police