

**STATEMENT BY CROWN SOLICITOR CONCERNING OPERATION EIGHT
R v TAME ITI & ORS**

On the 2nd of September 2011, the Supreme Court issued a judgment relating to the trial of Mr Iti and others arising out of a Police operation which terminated in October 2007. The trial is due to commence in the High Court at Auckland on 13 February 2012. Four of the accused, Tame Iti, Te Rangikaiwhiria Kemara, Emily Bailey and Urs Signer are charged with participation in an organised criminal group under s98A Crimes Act and unlawful possession of firearms and restricted weapons under s45 Arms Act. The remaining accused are charged solely under the Arms Act.

The judgment of the Supreme Court is the subject of suppression orders which do not permit any publication of the details. However, as a result of the judgment, the Crown considers that there is no longer sufficient evidence to justify the continuation of the proceedings against a number of those charged solely under the Arms Act. In respect of others charged solely under that Act against whom there is sufficient evidence, the public interest would not be met by a continuation of proceedings.

As a consequence of the Supreme Court decision, it would have been necessary for those charged solely under the Arms Act to have been tried separately to those charged under both Acts. It would not be practical for any such trials to proceed prior to the main trial in February, and were any such trials to proceed after the main trial, then the main trial would need to be the subject of wide ranging suppression orders.

The effect of the delay would be that those accused facing Arms Act charges alone would not be tried for a period of at least four and a half years from the date of their arrest. Further, they were remanded in custody for a period of time following their arrest, and they have been on restrictive bail conditions through much of the time since their release. Taking these matters into account together with findings made by the Supreme Court about the seriousness of their offending, it is the Crown decision that the continuation of proceedings against them would not be in the public interest.

The Supreme Court ruling does not affect the trial of Tame Iti, Emily Bailey, Te Rangikaiwhiria Kemara and Urs Signer.

To date, the reports of the proceedings have been subject to wide ranging suppression orders. In the interests of open justice relating to matters of significant public interest, the Crown will apply to the High Court for orders which will permit publication of the various judgments as fully as is possible consistent with preserving the rights of the remaining four accused to a fair trial.

It is anticipated that a special hearing will be convened so that all accused other than the four charged with the organised criminal group charge can be discharged as soon as possible.

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