

20 October 2022

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OIA 28309

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I refer to your email of 26 September 2022 in which you request the following under the Official Information Act 1982 (OIA):

1- A detailed list of how many New Zealanders are recorded by MFAT as being in prison overseas (excluding Australia)

Broken down by:

Name and home region in NZ

Place of incarceration

Charge or offence

Sentence length or time in custody (if not charged and/or tried)

How MFAT is supporting that individual

2- A detailed list of how many New Zealanders are recorded by MFAT as missing in a foreign country (excluding Australia)

Broken down by:

Name and home region in NZ

Time and location they were last seen

How MFAT is supporting that individual's family

3- A detailed list of how many New Zealanders are recorded by MFAT as being held captive or against their will in a foreign country (excluding Australia)

Broken down by:

Name and home region in NZ

Location the individual is being held

How MFAT is supporting that individual's family

Please find attached two tables containing information relevant to your request. Some of the information in these tables, namely the names and home locations of individuals, is withheld under section 9(2)(a) of the OIA, to protect individuals' privacy.

Additionally, information relating to the location of some detainees is also being withheld under section 9(2)(a) of the OIA, as releasing this information could lead to the identification of these individuals.

It is important to note that it is not a requirement that New Zealanders contact us if they are imprisoned or detained overseas therefore, we are not able to provide a full list of all New Zealanders detained overseas. When an individual does choose to contact us they are not required to provide details of their offences, reasons for being detained, sentence or other

information in order to access consular support, as such some of the information you have requested is not available and is listed as "unknown".

With respect to the third part of your request "*New Zealanders recorded as being held captive or against their will*". This is not a category used in our case management systems. Information relating to New Zealanders 'held captive or against their will' would be included in our information systems as 'detention' as outlined in the first part of our response.

The specific consular assistance provided to New Zealanders currently detained or imprisoned overseas would require review of a significant volume of material, encompassing many hundreds of file notes. Accordingly, we are refusing this aspect of your request under section 18(f) of the OIA, as to provide this information would require substantial collation and research.

However, I do note that if this information was collated, it is likely that it would be withheld under section 9(2)(a) of the OIA, to protect individuals' privacy.

Information about the services which consular officials can provide to New Zealanders in detention can be found on our SafeTravel website here: <https://www.safetravel.govt.nz/arrest-and-detention>

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would outweigh the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade

Annex 1.

Overseas Prisoners and Captives

Jurisdictions	Cases	Charge/Offence	Sentence length or time in custody (if not charged and/or tried)
China	1	Fraud	Awaiting sentencing. Detained since September 2022
	2	Operating Illegal Casino	Awaiting sentencing. Detained since March 2022
	3	Drugs	Awaiting sentencing. Detained since December 2021
	4	Drugs	Awaiting sentencing. Detained since December 2021
	5	Drugs	Awaiting sentencing. Detained since December 2021
	6	Drugs	4 years
	7	Fraud	Bail
	8	Drugs	3 years
	9	Fraud	Awaiting sentencing. Detained since April 2020
	10	Fraud	Awaiting sentencing. Detained since August 2019
	11	Drugs	Awaiting sentencing. Detained since November 2014
	12	Drugs	Life
	13	Drugs	16-20 years
India	1	Sex Crime	Remand
	2	Fraud	Awaiting sentencing. Detained since March 2022
Indonesia	1	Drugs	15 years
	2	Drugs	Awaiting sentencing. Detained since August 2022
Japan	1	Fraud/Robbery/theft	Awaiting sentencing. Detained since August 2020
	2	Drugs	8 years
Philippines (The)	1	Immigration	Unknown
	2	Trafficking of persons	Awaiting sentencing. Detained since September 2017
Singapore	1	Public intoxication	Bail
	2	Assault	2 years 7 months 21 days
	3	Criminal breach of trust	Bail
Taiwan	1	Drugs	2 years 8 months
	2	Drugs	14 years
Thailand	1	Drugs	Bail
	2	Public Nuisance	Remand
	3	Drugs	Life
	4	Homicide	Life
	5	Drugs	40 years
Turkey	1	Theft	Awaiting sentencing. Detained since July 2022
	2	Drugs	13 years 9 months
United Kingdom	1	Sexual Assault, assault, drugs	Unknown
	2	Homicide	Life
	3	Drugs	4 years 6 months
United States	1	Unknown	Unknown
	2	Homicide	Consecutive sentences of life without the possibility of parole.
	3	Sex Crime	Pre trial
	4	Criminal mischief	12 years
	5	Fraud	Parole
	6	Production of pornography, Coercion	21 years
	7	Trafficking stolen property, drugs	9 years
	8	Homicide	12 years
	9	Homicide	25 years to life
	10	Sex Crime	16-20 years
	11	Sex Crime	Life
	12	Homicide	Life
Other Withheld s. 9 (2) (a)	1	Sex Crime	11 years
	2	Sex Crime	20 years
	3	Drugs	5 years and 6 month
	4	Not Yet Charged	Unknown
	5	Not Yet Charged	Unknown
	6	Unknown	Unknown
	7	Manslaughter	Unknown
	8	Immigration	Unknown
	9	Drugs	42 months
	10	Sex Crime	Remand
	11	Drugs	Bail
	12	Drugs	Bail
	13	Unknown	Unknown
	14	Drugs	22 years
	15	Homicide	Awaiting sentencing. Detained since June 2021

Annex 2.

Overseas and Missing

Missing Person	Location Last Seen	Time/Date Last Seen
1	Afghanistan	Mar-22
2	Philippines	Mar-20
3	Samoa	May-17
4	Timor Leste	Oct-22