

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV 2005 485 002270

UNDER the Judicature Amendment Act
1972

IN THE MATTER of a decision of the Removal
Review Authority Appeal No.
AAS45984 dated 9 August 2005

BETWEEN **H L WILFRED**
Applicant

AND **THE CHIEF EXECUTIVE OF
THE DEPARTMENT OF
LABOUR**
First Respondent

AND **THE REMOVAL REVIEW
AUTHORITY**
Second Respondent

AFFIDAVIT OF CAROLYN DARE WILFRED
Sworn 2006

WYNN WILLIAMS & CO
SOLICITORS
CHRISTCHURCH

Solicitor: J V Ormsby

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I, Carolyn Dare Wilfred, of Christchurch, Company Director, swear:

1. I am the wife of Harmon Lynn Wilfred, the Applicant in this proceeding, and swear this affidavit in support of his application for judicial review.
2. I am presently in New Zealand on a long term business visa which was granted to me on 14 October, 2005 by the Immigration Service. Annexed hereto and marked "A" is a copy of my long term business visa.
3. **MY** husband and I arrived in New Zealand in August 2001 and since that time have been lawfully in New Zealand on visitor's permits, visas, and work permits. We arrived in New Zealand to commence a new life together and to avoid the on-going injustices that Harmon was facing in the United States legal system.
4. I first met Harmon when he was in Canada on business on 6 June 1997 in Guleph, Ontario through his friend, and business partner, Donald Gillmore. We became immediate friends and I spent a lot of personal time in the months thereafter with Harmon getting to know him better.
5. **HARMON** has always been a gentle, caring, and compassionate individual, a hard worker and a good father. When I first met Harmon he was in daily contact with his children while he was on business in Canada. He was extremely concerned about his then wife Dearnna Wilfred abusing their two children, Danielle age 6, and Isaac age 4. On occasion I overheard serious verbal and what eventually sounded like physical abuse of the children while Harmon and Dearnna were on the phone.
6. **IN** the third week of September 1997 I flew with Harmon to California for business and we then travelled to Phoenix on business. Harmon had also made arrangements to meet with his lawyer, social worker and children in Scottsdale, Arizona, at Dearnna's insistence. Harmon had pre-arranged to file for divorce and on the instructions of his lawyer take physical custody of the children. I came along to assist in caring for the children while he was in business meetings. We were advised by his counsel that he could legally return to Canada with the Children to continue his business there and did so on 16 October 1997. Mr Wheelock, Harmon's attorney, also advised us that he would deal with the divorce proceedings and keep us informed of progress.

7. **ON** 14 February 1998 the authorities arrived at our home in Canada, seized the children, and forced them into an unmarked Police van while they were on a walk with their nanny. I have not seen the children since that time.

8. **THE** Canadian authorities then arrested Harmon at our home and I was not informed of the reason for his arrest or given any explanation.

9. **HARMON** was incarcerated in a maximum security prison in Kitchener, Ontario for 89 days on what I understood to be an extradition request from the US. This was a particularly terrifying ordeal for me and emotionally draining as I tried to achieve visitation rights to Harmon and then secure a good lawyer. On 14 May 1998 Harmon was finally released from prison on bail with my father's guaranty.

10. **AN** extradition proceeding commenced and eventually Mr Justice Glithero ordered Harmon be extradited to the US on 1 June 1998. I was extremely concerned because of the serious charges that had been laid against him on the basis of what I eventually discovered were false allegations. Harmon appealed the decision and remained with me in Canada during the proceeding.

11. **BY** this time Harmon and I were in love and had been seriously committed to each other for some time. On 2 August 1998 we were married at Stratford, Ontario. During the time he was incarcerated and while the appeal was pending, I assisted Harmon in lobbying with many public bodies including the Hague Commission, the Canadian government and local, state and federal agencies in the US for the welfare of the children but we were unsuccessful in either retrieving the children or getting anyone to listen with regard to their safety as this related to his then ex-wife Dearn's record of child abuse.

12. **WE** ultimately decided that Harmon should make one last attempt to resolve all the outstanding issues in the US. Once we secured the financing from my father through a personal loan to obtain legal counsel in Colorado and upon advice of his retained US counsel, on 31 March 2000 Harmon agreed to abandon his extradition appeal and voluntarily gave himself up for extradition. To our shock and surprise and contrary to the agreement that was made with the US authorities, Harmon was immediately incarcerated again and was transported to the US by federal marshals in belly chains and handcuffs. I also travelled to the US to be close to him during this ordeal. On 6 April 2000 he was brought before the El Paso County court, pleaded not

guilty and was released on bail pending a pre-trial hearing. I posted the bail of \$10,000.00 for his release. We then returned to Canada until 11 May 2000 for a required pre-trial hearing.

13. WHEN Harmon returned with me to the US on 11 May 2000 he was arrested at the county court house just before the commencement of his hearing by federal marshals on unrelated federal charges relating to back child support and then taken to Denver and incarcerated. These charges were not the charges for which Harmon had been extradited. Eventually the federal charges were determined illegal and dismissed by Judge Walker Miller on the basis that they violated the US – Canada Treaty and we have since been legally advised that the proceeding for which he had been extradited was continued on multiple occasions by the county court beyond the statute of limitations thereby effectively dismissing the original extradition charges. Further charges illegally laid in Arapahoe County at that time were also eventually withdrawn after Harmon was released from the Arapahoe County Jail, had his passport returned and was permitted again to return to Canada on 30 May 2000.

14. IN this process Harmon exhausted his personal wealth and I and my family estate expended over CAN \$400,000.00 dealing with the extradition proceedings and other charges only to have all matters eventually either dismissed or withdrawn. The irony of it all after spending this huge amount of money on legal fees and including two international trips to the US while being put through hell is the fact that Harmon was never permitted to enter a US court room and formally confront the ridiculous charges that related to the original extradition request.

15. I simply cannot face the prospect of Harmon being forced to return to the US again because of further harassment by the US authorities and abandoning the home and businesses we have established here as well as the charitable institutions we contribute to and want to continue to be a part of. We had hoped that horrible part of our lives was behind us and this was the primary reason why we decided to commence a new life for ourselves in New Zealand once Harmon's passport was returned by the US authorities the last time we went through this harassment.

16. UPON moving to New Zealand we were introduced to business and political leaders and completed an assessment of the investment opportunities. We decided to settle in Christchurch.

17. THE emotional strain of the prospect of having Harmon removed and incarcerated again in the US while we again commence an impossibly expensive and lengthy battle with the corrupt authorities there who so blatantly violated their authority the last time only to have the charges withdrawn or dismissed has already caused me a great deal of stress and anxiety. If Harmon is removed then I will be forced to abandon my New Zealand home, business, and charitable work to return to the US and reside close to Harmon during what I believe to be further incarceration and harassment until matters are resolved, if ever.

18. WE certainly did not expect any such issue to arise again when we sent Harmon's passport to the US Embassy in Auckland in 2004 to be renewed. As far as we were aware all previous matters had been resolved when Harmon had his passport returned to him by the US and Colorado authorities in 2000.

19. WE are now advised that while Harmon will the US Authorities have no intention to commence extradition proceedings from New Zealand because outstanding matters are not serious enough to warrant extradition, Harmon's passport will not be returned because of two "hits" on his record indicating further charges may be laid with regard to family court matters. We understand from Mr Allan Manco that should Harmon return to the US under any circumstances, he will be incarcerated pending trial on other charges relating to Family Court matters. Since this latest incident of the taking of his passport and the ridiculous unwarranted US war waged on Iraq in 2004 by the US government, I have completely supported Harmon's decision on principle in March of 2005 to officially renounce of his US citizenship in the presence of the American Ambassador in Auckland to become stateless until his acceptance here in New Zealand.

20. THERE will also be severe economic consequences to us if Harmon is removed from New Zealand to the US. Being no longer a US citizen, and having no official request from the US to return Harmon, I do not understand how he could be removed as a stateless person without travel documents, let alone be deported to the US. Frankly, his last place of residence was Ontario, Canada. If he is to be sent anywhere, my preference would be Canada as I am a Canadian citizen. In any case, should he be removed from New Zealand, the business here would have to be terminated or at the very least, relocated to our new country of residence.

21. **HARMON** and I have established a number of New Zealand corporations including:

- a. Combined Technology NZ Limited; ("CTNZ")
- b. Wilfred Investments Limited;
- c. La Famia Foundation NZ Trust;
- d. Lumina Diem Limited;
- e. Light of Day Limited; and
- f. Powerline Communications Limited.

22. I am reliant on Harmon to operate these companies and to manage my estate. The nature and operations of CTNZ, Wilfred Investments Ltd, La Famia Foundation NZ Trust, and Powerline Communications Limited are set out in the Affidavit of Harmon Lynn Wilfred filed in this proceeding. I have read Harmon's affidavit and agree with what my husband says in relation to those companies, our charitable work, and his vital role in relation to those companies and the La Famia Foundation NZ Trust.

23. I was extremely concerned with the decision of the Removal Review Authority given on 9 August 2005 in that it did not recognise the significant economic and emotional harm that will result to me as a result of Harmon's removal from New Zealand. The suggestion that there will only be some emotional impact and that I can return to my home country of Canada with or without my husband does not reflect the catastrophic emotional and economic harm that will result to me and my businesses as a result of Harmon's removal from New Zealand.

24. **IF** Harmon is removed from New Zealand to the US, he will undoubtedly be incarcerated again. This will force me to abandon the companies and investments and charitable institutions that Harmon & I have formed together here in New Zealand to live in a locality which is proximate to wherever Harmon is detained. Not only will the separation from my husband be distressing, but abandoning a business in which my husband and I have invested in excess of NZ\$ 2 million at a time when it is starting to generate a real profit, as well as the home which we have established in Sumner, Christchurch will cause us both serious economic harm. It will take many years to recover.

25. **WE** will lose the investment that we have placed in CTNZ and have no prospect of any return on that investment. When I arrived in New Zealand I had in excess of NZ \$ 3.6 million in my bank account, which I had allocated to investment in New Zealand. Annexed hereto and marked “” is a copy of my bank statement dated 31 December 2001. Over \$2 million has been invested in New Zealand through CTNZ and Wilfred Investments Limited. In addition, those funds have allowed us to make contributions in excess of \$125,000.00 to the Christchurch Early Intervention Trust (The Champion Centre), a centre which specialises in early intervention treatment for challenged children, such as those born with Down Syndrome, or cerebral palsy. It would also prevent us from carrying on the work of the La Famia Foundation NZ Trust, a charitable trust which we established to provide a support organisation and family management programmes for families in need in New Zealand.

26. **HARMON'S** removal from New Zealand would absolutely prevent me from carrying on with those companies, not only because I would need to be located near to Harmon, but also because Harmon's expertise is critical to the success of those organisations. Harmon & I discuss and deal with all family related business, as well as all personal and family issues on a daily basis. He is a father to my two adult daughters, and regularly counsels them on personal and business challenges. If Harmon is forced to return to the United States justice system to be played with as twice before, with continuing violations of his human rights, it would be incredibly devastating to myself and our whanau and friends in New Zealand. It would also result in an inability for us to continue our charitable work and consequently possible harm for those we support through our charitable contributions.

27. I cannot, nor can anyone else within our companies and charitable organisations, carry on in New Zealand without Harmon's strong personal and professional qualities that organise and lead our current businesses and estate investments. If Harmon is sent from New Zealand, then I would remain by his side as much as possible and would therefore have to abandon my long term business visa and our home. I would be obliged to sell, close or relocate our New Zealand businesses and close the charitable organisations and take the entirety of what remained of my assets and investments with me.

28. **HARMON** and I have established a home in New Zealand. We now have whanau and friends that we have been associated with for over 5 years during our time here. I have worked hard and now have a long term business visa. I am committed to continuing to invest in New Zealand and developing

our businesses under Harmon’s guidance. We know that we are making a real difference to the lives of New Zealanders through our contributions to charitable institutions and through employment and business opportunities.

29. IF Harmon was removed from New Zealand to the US we would suffer significant financial detriment from his removal. I would be forced to abandon CTNZ and the other companies in which we have invested millions of dollars over the past 5 years. We would lose in excess of \$2,000,000.00 through his forced departure and a forced sale of the business or hasty attempt to move its operations offshore. We would not be able to continue operating in New Zealand and would never recover our loans to the company. Our employees would lose their jobs. Our contractors would suffer, as would the professionals involved in our charitable work. Moreover, as Harmon would be incarcerated, I would no longer be able to rely on his advice and decision making skills to run the companies and make investment decisions in relation to my New Zealand or off-shore assets. This is at a time when the company is beginning to show a consistent profit and we are likely to receive a return on our investment.

30. I am also extremely concerned that Harmon would face physical danger and further political retribution from certain US covert organizations involved in the Federal Mitsubishi Note Transaction and the corrupt politicians connected to the Colorado Pension Fund embezzlement scheme, all of which he has blown the whistle on with documented evidence included in this appeal. This concern is significantly exacerbated by my very real concern that the US authorities involved will file more spurious charges which could ultimately take years to resolve while I am separated from Harmon because of his likely further incarceration.

SWORN at Christchurch)
this day of)
2006 before me:) C D Wilfred

A Solicitor of the High Court of New Zealand