

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 3060
WAI 2778

KEI RARO I TE MANA O

te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O

te pakirehua Wai 3060 mō ngā
kerēme e pā ana ki te Rau o te Tika

Ā

I TE TAKE O

he kerēme nā **Kahura James
Watene**, mō ngā iwi o **Ngāi Tukōkō
me Ngāti Moe** (Wai 2778)

BRIEF OF EVIDENCE OF KAHURA JAMES WATENE

Date: 17 June 2025

RECEIVED

Waitangi Tribunal

17 Jun 25

Ministry of Justice
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INTRODUCTION

1. My name is Kahura James Watene, but most people call me 'Sandy'. This is because I was born in 1955 at Sandy Bay in the Wairarapa, where I have lived most of my life.
2. I whakapapa to Ngāi Tukoko through my father, Kahura Wiremu Watene, and my grandmother, Hera Hutana. My dad married my mother, Trixie Watene-Tuhoe, and together they had nine children, including me. I was raised in Whakatane with my four brothers and four sisters. Two passed away and the others still live in Whakatane.
3. My wife, Elizabeth Lily Tepiki Watson, is Ngāti Moe. We had four children but our son passed away. We also have eleven grandchildren and three great-grandchildren.
4. Ngāi Tukoko and Ngāti Moe are closely related hapū. Our children whakapapa to both. This claim speaks on behalf of both hapū and the issues we face with the justice system in this country.

EARLY LIFE

5. Growing up in Whakatane, our language and culture was strapped out of us. We were not allowed to speak te reo at school, even though we could speak it fluently. My grandfather always told me to "go to school, learn Pākehā ways and use it against them". But every now and then I'd drop back into te reo. If the prefects caught me talking in my language, I'd get taken away and caned. To me, not being able to speak te reo defeats our purpose of being a people. We were learning French, German and Latin at school but we couldn't speak te reo.
6. What affected me most was being dictated what we could say and what we couldn't say. It was all about my colour. But when we went back to the marae, we could speak te reo. My grandfather said "only speak it when you are with whānau. When you are with Pākehā, speak English".
7. There was a lot of other racist behaviour at school too. I remember Māori kids like me weren't allowed to play in the 1st XV rugby team in the park. All this made me very angry. It also made me anti-white and anti-Pākehā, even though my nan was Scottish. I couldn't get the anger out of my head.

8. This is what led me to join a gang. It was a response to the way we were being treated. I joined because it was like family, and we were all in it together. We were all Māori, even though we had Pākehā members. They seemed more Māori than Pākehā, because they were also facing hardship. The gang to me was like a brotherhood, you belonged and were accepted for what you were. We gave each other the support we couldn't find on the outside.

POLICE TREATMENT OF MĀORI

9. What I have observed throughout my life is that every time a coloured person is accused of a crime, their name is put out for the world to see, in the paper and up on the screen. Even if the news doesn't take a position on whether the person is guilty or not guilty, it is still a coloured face that you see. But whenever Pākehā are accused of a crime, it's all hush-hush. To me, this is not the way that things should be. We keep getting told that we are all one people, but we're not treated that way. The discrimination between Māori, Polynesians and other non-Pākehā is everywhere, from everyday life through to the Court.
10. A lot of this is to do with tattoos. Police see a tattoo on a Māori and think "oh he's rough, watch out for him". But when you get tā moko on your face, it's not just some tattoo – that's your life and what you've been through on your arms and face. It is different from seeing a member of the Mongrel Mob or Black Power.
11. I remember in Hāwera in the early 2000s, a Māori boy who was walking down the street with a golf club was shot and killed because the police thought he was going to attack them. But then when Graeme Burton went and killed those people with a shotgun in Wainuiomata, the police shot him in the legs. Why did they shoot him in the legs, but they killed this fella with a golf club?
12. There are some good cops out there though. I remember we had a good one up in Whakatane. He was the Māori cop – we called him constable Tikitiki. He used to come and talk to our parents and would try to get us into sports. Generally though, we didn't bother because we couldn't play in the 1st XV. He used to boot you, but then take you home to your parents. He was never

going to put you in jail, because he was a cop who knew us. We already knew what we did wrong, anyway. But most cops aren't like him.

COURT SYSTEM

13. Walking into the courtroom, everyone in there looked at me the same way they did on the street. I was the only Māori there and I felt alone. Straightaway I was at a disadvantage. You're black, facing a white wall. They tell you where to sit and what to do. You can feel that pressure – they just want to push you down. Once they have you sitting in the courtroom, they say you have to be quiet, “you can't do this, you can't do that”. If you say something, you'd be found in contempt, and go to jail.
14. It didn't matter anyway. When I went in, it was like I was guilty straight away. The judge said I was guilty just by looking at me. I knew I'd done wrong, but it didn't matter. The Pākehā boy next to me got two months community detention. There was no compromise, no discussion.
15. If we had been in the marae, they would have said, “this is your place. It's open for you to sit wherever you want”. At the marae, we do things kanohi ki te kanohi, face to face. This is what we believe - if you've done something wrong, then you go to that person, face up to it and get it out in the open. Our wahine are best at that. If they know something's wrong, they're going to confront it. Māori have a lot of wānanga where we get everybody together so that they can understand where we're coming from.
16. The Courts don't do this. They hold you back on what you want to say because your lawyers are speaking for you, so you can't speak for yourself. Lawyers use long words and the judges do not even listen to the people that are actually down there in trouble. It is so wrong to not let the person say what they want to say.
17. On the marae, everybody wants to listen to *why* you've done it. They don't care in the courthouse. I said nothing and was sent to jail. I wasn't going to involve anybody. I knew what was coming and I accepted it. I never considered appealing the decision - I had a patch on. When you've got a patch on, you're not going to ask whether you appeal or not. You want to look tough.

TIME IN PRISON

18. I came out of prison after three years, and there was nothing set up to help me get back on my feet. It was my gang mates waiting at the gate, putting the patch on my back and getting right back to where I had been before.
19. This is part of the problem of just imprisoning people, thinking that if you do the crime, you do the time. When you do that, you are locking them away with men who are just going to do the same thing and end up back in gangs. This is where wahine are important – to change people’s attitudes, they need to be around women too. To bring them down to earth, teach them how to get out of it, and how to make the best of the situation.

DEATH OF OUR SON

20. Never in my life did I want my children to have to go through what I went through with the justice system in this country. But our son’s Natana Isaac Watene’s life was taken away from us by this very system.
21. In 2003, Natana was arrested after an argument with his partner. He was only 23 at the time. We tried to ring up the station and ask if he was alright later that day, because we wanted to visit him. But each time they’d tell us he was fine and that he was too busy to come to the phone. Then, at 1 o’clock in the morning, the police came to our house and said “your son is dead”. They had no compassion or anything. We didn’t even get a chance to ask them how he died. It turns out he’d died before we’d even made the calls.
22. We tried to investigate his death, but they wouldn’t cooperate. The coroner’s inquest took place two-three months later. We had no lawyer or assistance in the process. It was held in Wellington and took 3-4 hours. The coroner sided with the police version of events and that was that. The nighwatchman who had been looking over him wouldn’t talk to us, and did not appear in court. They sent someone else out to do the talking, people who hadn’t been there. This is what really got me going. It was the worst thing we ever had to deal with, and it took us a long time to cope with it.
23. Our daughters and eldest son couldn’t cope with it. All we could ever do was talk to each other, because we couldn’t talk to anyone else.

DATED at GREYTOWN this 17th day of June 2025

A handwritten signature in black ink, appearing to read 'Kahura James Watene', is written over a horizontal line.

Kahura James Watene