

**IN THE CORONERS COURT  
AT CHRISTCHURCH**

**I TE KŌTI KAITIROTIRO MATEWHAWHATU  
KI TE ŌTAUTAHI**

**CSU-2019-CCH-000165 to  
CSU-2019-CCH-000214;  
CSU-2019-CCH-000326**

**UNDER** the Coroners Act 2006

**IN THE MATTER** of an inquiry into the deaths of 51 people in relation to the  
15 March 2019 Christchurch Masjid attacks

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**MEMORANDUM OF COUNSEL FOR FARISHA RAZAK**

**8 February 2022**

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**WYNNWILLIAMS**

## **MAY IT PLEASE THE COURT**

### **Introduction**

- 1 This memorandum is filed on behalf of Farisha Razak (**Ms Razak**), the daughter of Ashraf Ali (Razak) (**Mr Razak**), who died as a result of the Christchurch masjid terror attacks on 15 March 2019.
- 2 Ms Razak has instructed counsel primarily for the purpose of remaining informed and receiving ongoing advice regarding the progress of the inquiry, whilst also retaining the option to provide input into the inquiry should she wish to do so at any point.
- 3 In general terms, it is unlikely that Ms Razak or counsel on her behalf will play a particularly active role in the inquiry.

### **Submissions on scope**

- 4 At this stage, Ms Razak does not wish to make any comment or submission in response to the Minute of Chief Coroner Judge Marshall dated 28 October 2021 or the Minute of Coroner Windley dated 2 December 2021. She will abide the Court's decision on issues relating to the scope of the inquiry.

### **Participation by the Terrorist in the inquiry and related hearings**

- 5 Other interested parties have raised questions regarding the status and participation of Brenton Tarrant (**the Terrorist**) in the inquiry and related hearings, including the Scope Hearing.
- 6 Ms Razak shares the concerns raised by others, including as to:
  - (a) The extent to which the Terrorist has a legitimate interest in the issues within the scope of the inquiry;
  - (b) The Terrorist's participation in the inquiry, particularly if he remains self-represented; and
  - (c) The potential for further trauma to be caused to families as a result of the Terrorist's participation.
- 7 Ms Razak favours either (i) the removal of the Terrorist as an interested party; or (ii) that robust constraints be placed upon his participation to ensure family members are not retraumatised.

- 8 As to (i), counsel acknowledges it is commonplace for a person convicted of homicide to be recognised as an interested party in Coronial inquiries. However, the present is a case which calls for a careful and more nuanced consideration of this issue.
- 9 Referring to the definition of “interested party” in s 9 of the Coroners Act 2006, it can reasonably be argued that the Terrorist’s conduct will not be called into question given the focus of the inquiry and the fact that the Terrorist’s involvement and conduct has already been addressed through the criminal process. Similarly, it can reasonably be argued that the Terrorist does not have a *legitimate* interest in the deaths which are the subject of the inquiry beyond that in common with the public.
- 10 As to (ii), if the Terrorist is to remain an interested party, Ms Razak would favour any and all reasonable and lawful constraints be in place to ensure the Terrorist is not able to misuse the Coronial process and that his participation does not result in further trauma for families.

**Dated:** 8 February 2022



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J L S Shaw  
Counsel for Farisha Razak