

APPENDIX I: TABLE OF LIVE ISSUES

N o.	Issue	Proposed category	Why further matters beyond the RC process and report must be considered to complete the inquiry:
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<p>2</p>	<p>How was the terrorist radicalised and how can this be prevented in the future?</p>	<p>Outside the scope of the Inquiry (considered by the RCOI).</p>	<p>The RC failed to address this point as it did not have clear directive mandate and appropriate resources to examine the individual’s conduct in Australia and his radicalisation there. This lack of direction and resources meant that the RC could not adequately address this issue to determine to why Australian (and thus intelligence and counter-terrorism partners in NZ) ought to have been aware of him.</p> <p>Online activity including comments which the RC found to be “chilling” could not be investigated due to being outside the RC’s remit (Part 7, 2.1, [7]). The RC was left in the unenviable position of having to mention such critical incidents but not able to investigate them properly. There was little apparent technological information and expertise that the RC could rely upon, and the RC had to complete their task in a constrained timeframe (and affected by lockdowns). The RC was reliant on the information it was “told”, usually by the same agencies under scrutiny and usually without any source of contradiction or testing of that evidence as received. Nor is it apparent that agencies such as the Police itself consulted technological experts from appropriate e.g. intelligence agencies to examine these issues to an adequate standard.</p> <p>Presently, the process continues to rely on police information which, it is known, is not always reliable especially where there is a large amount of sensitive information involved. Nor was the RC was under any allusion that its inquiry into the online activities was not comprehensive. It has become apparent from documents received that T’s teacher dealt with hi on specific CVE issues rather than just racism (such as a statement or action in context of an altercation or any person in school) which related to school materials and directly connected to RWE (neo-Nazi) ideology.</p> <p>The radicalisation of T was a long-standing process which was neither intervened in nor made a note of by authorities. Much of this included online radicalisation. There is operational overlap between Australia and NZ both in terms of relevant counter-terrorism operations to detect this extremism and in terms of his accessing such materials during his time in both countries. The RC was not able to consider either of these online aspects of extremism or this overlapping radicalisation which was rooted in his youth and young adult life in Australia. His selection of the South Island location was not a random decision, and was identified on the basis of what he knew and found out through his circles. These investigations through his circles deserve inquiry due to their relevance to how and why T made the transition to NZ.</p> <p>It also will shed light on what restrictions there should have been, despite the free travel policy between Australia and NZ that applies to people generally (with the notable relevant exception of people falling under ss 15 and 16 of the Immigration Act 2009), given what was or should have been known about him including his travel to various countries for extended periods. The RC did not pay attention to profile discrimination at the border which results in some people coming through fine while others who may even have a superior immigration status with Immigration NZ being detained and questioned. That is relevant to the circumstances of this incident as the travel of T is directly related to his preparation and potentially to his training also, once properly investigated. Travel could and should have given rise to questions which may have raised concerns regarding his reasons for travel to NZ or at least been noted for future follow up regarding verification of his asserted reasons for migrating to NZ, which would have included a scouring of his activity. It is not unusual for those subject to scrutiny based on possible links to Islamist extremism, but the RC did not have full insight into what the benchmark for scrutiny has been for Islamist extremism suspects because they did not have any expertise in this area. Nor did they obtain or report or mention any understanding of the extent to which scrutiny of general suspects in this area entailed in terms of period checking of their activity.</p>
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3	What is known about the terrorist's travel history and is there any evidence of him having trained overseas?	Outside the scope of the Inquiry (considered by the RCOI).	<p>The RC failed to adequately address this issue. Given that the individual was highly proficient in his use of firearms and specific techniques not trained for at the club (if the training there is as described) only trained at the Bruce Rifle Club in New Zealand (and not in Australia, we are told), it is only natural to pursue a possible line of reasoning that he has trained overseas. While these concerns are speculative, this is the very issue. The RC did not have enough time and facilities to investigate matters relating to other countries adequately. Getting information out of these relevant countries would take considerable time. This inadequate line of investigation meant that the RC made sweeping conclusions without sufficient reasoning. An example of this is where the RC assert that the individual did not have adequate opportunity to train overseas, at part 4, 3.2, [23] of the report. It is not apparent to that the RC actually investigated these issues before making these conclusions largely based on inference.</p>
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4	Were red flags missed by intelligence/ Police?	Outside the scope of the Inquiry (considered by the RCOI)	<ol style="list-style-type: none"> <li>1. Broadly, the failures can be said in part to have occurred due to the time pressure the RC was under. As a result of such constraints, the RC were forced to accept conclusions on issues without the benefit of input from alternative counterpart agencies who would not be conflicted by the implicit allegations of failure on such an unprecedented scale.</li> <li>2. The assessment of leads cannot be readily accepted given the RC's own conclusion that priorities were misplaced, and right-wing extremism was not prioritized; these conclusions are contradictory. The significance of T accessing the Oslo manifesto is unlikely to have been made apparent to the RC, and it appears the RC was told by the NZSIS that there were good reasons the lead was not a high priority. But the RC finds that T followed the Oslo manifesto's operational security. It does not seem that the RC had enough time to reflect on its findings that the Oslo manifesto was central, including operationally, to T's preparation (Part 6, 7.4, [17]). The Oslo attack was also confirmed by the RC to result in a specific warning about risk of such attacks occurring using firearms (report Executive Summary, p20).</li> <li>3. In the same small town where the IP address lead was pointed was T following the Oslo manifesto's operational instructions (accessing gym, taking steroids and testosterone), seeking out firearms, shooting unusually at a gun club, having no regular referees, living in an empty flat, and was –potentially from the fact that the IP was difficult to trace— trying to keep his electronic tracks clean. These aspects would in themselves create a reason to make additional efforts to trace the IP address, rather than close the lead. The decision to close the lead without investigating could have only been as a result of taking a predetermined view regarding the likelihood of danger from such a person which was not of concern. This shows an inaptitude towards the significance of the Oslo Manifesto. In subsequent attacks, it has been made obvious that the Oslo Terrorist is a significant source for attacks based on the Great Replacement Theory ideology. The RC also failed on the point of the lead-closure as there was no relevant independent experts consulted on the subject.</li> <li>5. The RC seemingly was not afforded expertise in areas of Right-Wing Extremism and White Supremacism, Islamophobia and Religious Vilification, Diversity and Inclusion, Systemic Unconscious Bias, Religious and civilisational conflict (historical and current) between Christianity and Islam. Input from experts in this area was also limited by its overarching constraints of time and the various broad critical areas that the RC needed to focus on such as the intelligence and threat landscape as a whole.</li> <li>6. The RC asserts that T was a lone actor. Yet he had a whole community that was engaged in specific extremist rhetoric which was his primary online environment and from which he had also had practical manifestations like monetary donations (Part4, 4.7 at [47]). The RC fail to adequately address the absence of monitoring of financial donations to extremist groups.</li> <li>7. The RC briefly covered hypothetical scenarios in the possibility of tracking the individual via his IP address is indicative of the lack of time and resources that the RC had at its disposal. The assertion that the IP address lead would not have lead agencies to the attack, or the attacker would have used a vehicular mode of attack if his firearm license was not approved is indicative of the constraints on the RC. No vehicular attack could have caused as much mortality as the amassing, modification, training, and expert use of multiple semi-automatic firearms.</li> <li>8. The RC was not able to verify its theory of discounting whether the IP address belonged to T by asking him, despite their utilising information from T quite readily. The RC was limited by the lead information being classified (Part 6, 3.5, [65]). Additionally, if the person accessing information via the IP address in the lead was not T, it only begs the question of who could have been potentially assisting him in research?</li> <li>9. The RC failed to adequately consider the implication of T not being reported to authorities despite his firearm injury while his medical file contained the reported and evident (from 'moon-face') use of illicit substances. These hallmarks of the Oslo manifesto operations manual not being part of any detection system confirms that there had been no implementation of concerns around the Oslo operationalisation risks.</li> </ol>
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			<ol style="list-style-type: none"> <li>1. The RC could also not examine red flags in sufficient depth due to their limited Terms of Reference. They could only go off information that state agencies had. The RC therefore does not focus on information that the agencies should have had if they set up systems for retrieving information based on key criteria based on specific elements. For example, the Oslo manifesto operations manual. Given there was no detection system to alert authorities that a person was using the manifesto, it is unsurprising that the Oslo manifesto was not seen as a priority. Despite the Oslo manifesto's centrality, the RC does not seem to have occasion to ask why agencies had no systems to detect anyone following the Oslo manifesto's instructions and why its significance was failed to be taken note of by authorities.</li> <li>2. Due to such systemic limitations, the RC did not have the time or luxury to break down and analyse different components of its conclusions or alternatives within its logical analyses that led to conclusions. Broad conclusions were that all failures were inconsequential in the ultimate failure to detect T. This is despite the plethora of issues that the RC identifies, and which raised key red flags that were not looked out for by authorities and which are specific to the Al Noor Masjid being attacked.</li> <li>3. There is a clear reference to an attack that was termed as a "prank" on Facebook, which the RC finds as a threat of harm at Part 4, 4.6, [36]. The RC do not delve into this further, demonstrating the difficulty of the RC's terms of reference not including social media. The RC fails to adequately investigate the related intelligence failures to pick up on extensive, clear final instructions T emailed to himself. The RC does mention at one point (at Part 4, 4.6 [45]) that T could encrypt emails. But at no point does the RC go into the matter of how or why his emails were missed or encrypted — or whether they were encrypted at all. The RC explicitly quotes from a number of emails, which suggests they were not encrypted. However, the RC neither confirms nor comments on this aspect. This again may well be due to of resourcing and time constraints.</li> <li>4. The RC does not consider the way in which T was not checked on his travel to NZ when he had visited. While Australians do not require a visa, the visa system is separate to the profiling alert immigration intelligence system under which NZ citizens of migrant backgrounds are stopped and questioned regularly despite not needing a visa. Accordingly, the informal system that often results in NZ citizens being detained for hours, failed in this case.</li> <li>5. Social isolation is a key indicator for risk. The arms officer would have known that he was isolated as would have been plain from his flat and inferable from his not having referees. If SIS had an alert for Police anyone in Dunedin exhibiting Oslo tendencies and explained what those were including social isolation (A case analysis of Anders Breivik using the "Path to Intended and Terroristic Violence" model, 2016), T would have come up for that. He had social anxiety and autism which is confirmed by the RC which would have made him stand out more especially in such a context (Al-Attar, Z. (2016a, April 19–20). <i>Autism &amp; terrorism links – Fact or fiction? 15th international conference on the care and treatment of offenders with an intellectual and/or developmental disability</i>. Manchester: National Autistic Society and Al-Attar, Z. (2016b, September 16–18) and <i>Autism &amp; terrorism links – Baseless headlines or clinical reality? XI autism-Europe international congress</i>. Edinburgh. A key aspects of state neglect is, not just closing the IP address lead, but what was also not done in addition to closing it, namely not taking any action whatsoever in the region identified to put an alert for any such people in the region, especially given the lead contained a specific gun alert. Had the concerns around lack of referee and isolation been noted, even if the licence was granted, if the SIS had queried any recent gun licence applications of concern, T would have come up. It does not appear that the SIS was alerted to a migrant person taking up a gun licence on arrival in Dunedin — as this information matching against the lead would have alerted the SIS to a possible Oslo directions follower.</li> </ol>
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5	Did defective firearms licensing regime contribute to deaths?		<ol style="list-style-type: none"> <li>1. The New Zealand's Arms Act 1983 was amended following the Aramoana shooting in 1990. Despite the amendments, additional recommendations were put forward on the bases that an official report into gun laws was ordered by the Government and found that a radical review of gun controls was necessary in New Zealand. These recommendations included limits on the number of handguns owned, maximum of magazines for semi-automatic weapons, enabling voluntary disclosure of mental health records by health professionals and revoking gun licenses following convictions of specific offences. The recommendations were introduced in 1999 but were unsuccessful. <a href="https://www.police.govt.nz/sites/default/files/publications/review-of-firearms-control-in-new-zealand-summary.pdf">https://www.police.govt.nz/sites/default/files/publications/review-of-firearms-control-in-new-zealand-summary.pdf</a></li> <li>2. The lack of causation between the firearms licence and the attack are untenable. It must be revisited and corrected for the sake of the credibility and repute of the RC process. The RC at one point states that even without a firearms license he could have attacked—perhaps by motor vehicle (Part 8, 13.3, [26]). A vehicular attack would be neither possible to use inside a mosque nor would it be in any other way comparable to the magnitude of attack that took place.</li> </ol>
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6	Why was there no reporting of firearms and ammunition purchases?	Outside the scope of the Inquiry (considered by the RCOI).	<p>The RC fail to reach the threshold of analysing the gravity of missing the ammunition purchases as:</p> <ul style="list-style-type: none"> <li>a. There was a very large amount purchased</li> <li>b. The RC could not fully determine how much was purchased due to its short lifespan and resource constraints.</li> <li>c. The fact that the majority was purchased online.</li> <li>d. The ammunition matched the Operation Solar lead, as it was Magpul (part 6, 3.5, [45(c)]).</li> <li>e. Ammunition accumulation was consistent with the Oslo Manifesto.</li> <li>f. The accumulation was on the basis of a weak application.</li> <li>g. The gun club stating that aspects of the individual's behaviour were out of ordinary. Most ominously, that the individual "appeared to be firing at extremely fast rates and changing magazines quickly" (Part 4, 5.4 [32])</li> <li>h. The RC does not seem to have the time to have looked at the diverse concerns raised and the denial of members that the individual was concerning at all, which warranted deeper investigation of the club.</li> <li>i. The RC had to rely on information provided by the Police Armorer without evidence to support claims.</li> <li>j. The RC fails to investigate whether any detection mechanisms were available to enforce unlawfulness of using large capacity magazines on the individuals' semi-automatic firearms.</li> <li>k. The RC relied on Police employees rather than verified SMEs.</li> <li>l. As a culmination of these points, the RC was a useful starting point for this issue, but now genuine SMEs must be allowed to examine it.</li> </ul>
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7	Regulation of gun club memberships.	Outside the scope of the Inquiry (considered by the RCOI).	<p>The lack of investigation by the RC into key issues around the gun club memberships led to their coverage of this issue being inadequate. While the RC accepts that T’s conduct and shooting style was unusual as noted by club members (Part 8, 15.5, [92] of the report), they do not ask why they were not reported or why there were no systems for it to be reported.</p> <p>Given global incidents involving firearms and the Oslo manifesto directing gun club membership, there was ample concern for there to be a system of reporting relevant alerts in place. This system did not exist, and the RC is silent on why. Other systems and alerts were established and functional (such as that which first detected the New Lynn Countdown terrorist).</p> <p>The RC also fails to inquire into the matter of the Gun Club failing in their obligation to ensure members were “encouraged to use safe and legal firearms” while T did not comply with the limited purpose for which a military style semi-automatic weapon could be acquired.</p>
8	Why did the hospital not report the firearm injury the terrorist presented with in July 2018?	Outside the scope of the Inquiry (considered by the RCOI).	<p>Given global incidents involving firearms and the medical notes noting steroids, and the Oslo manifesto directing such activity, there was ample concern for there to be a system of mandatory reporting setup within the medical system where concurrent concerns existed, such as potential Arms Act offences, and medical notes on his medical records had by the time of the gunshot injury recorded reported his self-evident “moon-face” tell-tale sign (accompanied by his volunteering this confirmation) of use of illicit steroids and substances.</p> <p>The profiling was utterly absent, as contrasted with the likelihood of a migrant person being questioned from the point of his arrival in the country, let alone as more alerts would have been triggered by virtue of their unfamiliarity to society.</p>

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<p>9</p>	<p>What was the dynamic that led the CTAG critical analysis of the Oslo attack risk to be maligned or criticized by the other agencies?</p>	<p>Outside the scope of the Inquiry (considered by the RCOI).</p>	<p>Disjointed information received by RC:</p> <p><b><u>12. RELATIONSHIP BETWEEN NEW ZEALAND POLICE AND THE NEW ZEALAND SECURITY INTELLIGENCE SERVICE</u></b> [25]</p> <p>Before 15 March 2019, New Zealand Police and the New Zealand Security Intelligence Service did not have shared definitions of either what constituted right-wing extremism or what would meet the threshold to be prioritised for investigation.</p> <p>Due to the lack of coordination between intelligence agencies and the lack of coordination and coordinated oversight provided by DPMC, the RC had to spend a lot of time identifying systemic coordination issues. It did not have the ability to receive clear precise answers to key questions from the NZ intelligence community. It had to sift through a lot and identify a lot of problems. For example, the levels of mistrust between the SIS and Police. These may by now have had an opportunity to be rectified. Such that the inquiry into key answers regarding leads coordination etc., can be more reliably conducted and with the expectation of clearer better and more precise answers, without having to deal with all kinds of other dynamics.</p> <p>Another such dynamic was the negative reaction to the CTAG's analysis of the Oslo attack. Ref:</p> <p><i>In the case of the Combined Threat Assessment Group this was due to both its short term and tactical focus and also the negative reaction from other agencies to its reporting on the 2011 Oslo terrorist's attack and its firearms assessment of 2011 due to a perception it was stepping outside of its mandate. This firearms assessment had judged that a terrorist could legally acquire firearms (including military style semi-automatic firearms) for an attack and that the firearms licence vetting process would be unlikely to reliably identify a terrorist posing as a legitimate firearms applicant (Part 8, chapter 4).</i></p> <p>It is notable that the RC has to spend a lot of time understanding and reporting on the various dynamics and details of the NZIC and is time-constrained and impacted from this on how much time it could spend really understanding the deeper implications of its statements that no amount of resources can catch a lone-actor, when the Countdown attack case shows lone-actors are easily picked up.</p> <p>Again the RC provides useful insight into the issue (dynamics) but was not able to fully investigate the consequences of those dynamics thereafter, but which can be now done with the benefit of the passage of time and the stabilising of such dynamics between the relevant agencies that may enable more constructive participation by them in these proceedings.</p>
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9	Should property owners have mandatory reporting requirements?	Outside scope of Inquiry (no jurisdiction)	The RCI goes into inadequate detail regarding the implications of a “see something say something policy” where property owners and managers should have a clear policy framework and guidance on when and how to report or raise matters of concern.
10	Why was the terrorist RCI interview suppressed for 30 years?	Outside scope of Inquiry (no jurisdiction)	The 30-year blanket suppression and its surrounding circumstances appear to fail to meet the rights-compliant criteria of public scrutiny or next of kin involvement.

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<p>11</p>	<p>Did the terrorist have direct assistance from another person present on 15 March 2019?</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p><b>Information request issue: submission (repeatable for issues in the information request category)</b></p> <ol style="list-style-type: none"> <li>1. All information request issues will be dependent on the nature of the information provided and the right to comment on the information must be necessarily reserved until that information is received.</li> <li>2. At present all issues are subject in some way to an information request, so this category does not necessarily distinguish issues from others not is it necessarily determinative of a matter being in or out of scope but may be a helpful interim category from a practical perspective.</li> <li>3. The information request process has, at least so far, not functioned to the standard required in such a matter. The information request process must be clearly established in consultation with all parties. The information request process, as has been seen from incidents over recent months, has the potential to cause and increase retraumatisation for families.</li> <li>4. An issue that is subject to an information request cannot, until that information has been provided and any related information also provided and assessed, be excluded from the inquiry. However, it is acknowledged that if conclusive evidence is provided that is not the subject of quality or other concerns and no related issues arise, there is a potential basis for a decision that no further inquiry is warranted.</li> <li>5. As such, all issues in the information request category must be subject to re-categorisation once appropriate information is received and analysed. Given the way the information request process has functioned thus far, it would be more practical to place these issues in scope for active supervision by the Coroner of the provision of information and any issues arising.</li> </ol>
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<p>12</p>	<p>The Police allegedly reported the involvement of up to 9 other people initially.</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p><b>Information request issue: 5-point submission (repeatable for issues in the information request category)</b></p> <ol style="list-style-type: none"> <li>1. All information request issues will be dependent on the nature of the information provided and the right to comment on the information must be necessarily reserved until that information is received.</li> <li>2. At present all issues are subject in some way to an information request, so this category does not necessarily distinguish issues from others not is it necessarily determinative of a matter being in or out of scope but may be a helpful interim category from a practical perspective.</li> <li>3. The information request process has, at least so far, not functioned to the standard required in such a matter. The information request process must be clearly established in consultation with all parties. The information request process, as has been seen from incidents over recent months, has the potential to cause and increase retraumatisation for families.</li> <li>4. An issue that is subject to an information request cannot, until that information has been provided and any related information also provided and assessed, be excluded from the inquiry. However, it is acknowledged that if conclusive evidence is provided that is not the subject of quality or other concerns and no related issues arise, there is a potential basis for a decision that no further inquiry is warranted.</li> <li>5. As such, all issues in the information request category must be subject to re-categorisation once appropriate information is received and analysed. Given the way the information request process has functioned thus far, it would be more practical to place these issues in scope for active supervision by the Coroner of the provision of information and any issues arising.</li> </ol>
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<p>13</p>	<p>Were fingerprints or DNA taken from all firearms located at the scene?</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p><b>Information request issue: 5-point submission (repeatable for issues in the information request category)</b></p> <p><b>All information request issues will be dependent on the nature of the information provided and the right to comment on the information must be necessarily reserved until that information is received.</b></p> <p><b>At present all issues are subject in some way to an information request, so this category does not necessarily distinguish issues from others not is it necessarily determinative of a matter being in or out of scope but may be a helpful interim category from a practical perspective.</b></p> <p><b>The information request process has, at least so far, not functioned to the standard required in such a matter. The information request process must be clearly established in consultation with all parties. The information request process, as has been seen from incidents over recent months, has the potential to cause and increase re-traumatisation for families.</b></p> <p><b>An issue that is subject to an information request cannot, until that information has been provided and any related information also provided and assessed, be excluded from the inquiry. However, it is acknowledged that if conclusive evidence is provided that is not the subject of quality or other concerns and no related issues arise, there is a potential basis for a decision that no further inquiry is warranted.</b></p> <p><b>As such, all issues in the information request category must be subject to re-categorisation once appropriate information is received and analysed. Given the way the information request process has functioned thus far, it would be more practical to place these issues in scope for active supervision by the Coroner of the provision of information and any issues arising.</b></p>
<p>14</p>	<p>Did the terrorist have a hiding place on standby for after the attack?</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p>Information request issue: 5-point submission</p>

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<p>15</p>	<p>Did the terrorist have indirect support from online associates?</p>	<p>This issue is proposed to be dealt with by an information request</p>	<p>Information request issue: 5-point submission</p>
<p>16</p>	<p>Did T's gaming friend help with gun modifications?</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p>Information request issue: 5-point submission</p> <p>Gaming friend was close enough to T for the gaming friend's parent, also, to be a referee despite allegedly not knowing him well at all.</p> <p>The RC's investigation into this matter will be insufficient due to their minimisation of the association and critical relationship between T and gaming friend. The RC also seemingly relies on what the gaming friend and his family told them, without independent evaluation which presumably relates to the RC's overarching resourcing and time constrained issues. The RC also fails to examine the contradictions between the gaming friend and his families' supportive comments around his gun license application and the subsequent claims that they had no close relationship to speak of with him.</p> <p>It is not clear to what extent RC sought to probe or robustly interview the gaming friend, given the gaming friend pops up at critical times, such as in T's final operational memorandum to himself.</p> <p>Public scrutiny-compliant interviewing and questioning of gaming friend on unaddressed issues is essential.</p> <p>Numerous aspects which dont add up had to be fairly summarily glossed over by the RC in its effort to focus on the broader more critical infrastructural issues.</p>

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17	Query where terrorist obtained steroids when preparing for attack.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>Using an information request in this instance is insufficient, as said information request is essentially a Police response that this issue was not relevant to the charges filed against the individual in their criminal investigation. Their only encounter with steroids was a single mention during a separate investigation, so there was no concentrated effort to consider this issue. To fully satisfy the matter, there must be a more thorough investigation</p>
18	Query where the terrorist stayed overnight on his route back from Christchurch to Dunedin, after his final surveillance mission to Masjid an-Nur.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>Dealing with this issue in the form of an Information Request would be simply accepting an inconclusive Police investigation without an attempt to find further information. This would not be conclusive. Especially since there is no information on which lengths Police went to before deciding there were no records of the individual staying at public or private accommodation.</p>
27	Is there any evidence of assistance given to bullet injured at scene who survived?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p>

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<p><b>31</b></p>	<p>Could traffic CCTV have assisted in apprehending the terrorist before he reached Linwood Islamic Centre?</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p>Information request issue: 5-point submission</p> <p>Questions involving experts opinion need to be asked about how the CCTV footage could have been used and what would be best practice for utilizing the CCTV footage most effectively to detect the terrorist on route to both Masjids. (before and after) <i>(Involvement of appropriate expertise beyond initial police explanation)</i></p>
<p>32</p>	<p>Were first responders from Police confrontational or aggressive in approach to some survivors?</p>	<p>Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).</p>	<p>It would be premature to determine this is outside jurisdiction. There may be factors that affect the survivability of victims relating to the prevention of family members being able to assist or attend to their victim family member. The relevance of what they were prevented from to the potential survivability of their victim family member needs to be considered before placing this outside jurisdiction.</p> <p>This issue could be dealt with by way of an information request and the inclusion of relevant matters in the inquiry and the exclusion of those irrelevant out of the inquiry.</p>
<p><b>33</b></p>	<p>Whether Police “allowed” the terrorist to escape.</p>	<p>This issue is proposed to be dealt with by an information request.</p>	<p>Information request issue: 5-point submission</p> <p>This would necessarily involve expert input which is independent of Police.</p>

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34	Could Police have stopped the terrorist on the way to the Linwood Islamic Centre?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This would necessarily involve expert input which is independent of Police.</p> <p>This is a matter fundamental to the concerns of victims and which essentially affects the inability of the authorities to respond effectively to the attack even after it was underway for a considerable length of time.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>
35	Did high activity congestion on the emergency 111 line contribute to early calls from the Linwood Islamic Centre being missed?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This is a central part of the Police and emergency services response and the key concern in regards to survivability and effective coordination of response resources.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>
36	When and how was Christchurch Hospital notified of the attack?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This is a central part of the Police and emergency services response and the key concern in regard to survivability and effective coordination of response resources.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>

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37	Were there any issues with role and processes of the Christchurch Hospital following attack / during immediate response	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This is a central part of the emergency medical response and a key concern in regards to survivability and effective coordination of response resources at the hospital.</p> <p>This matter should be an essential part of the inquiry from the outset.</p> <p>Proposing to deal with such fundamental matters without active inquiry undermines the confidence that families need to have in order to engage in the process and make it meaningfully directed to its statutory objectives.</p>
38	Did CDHB appropriately activate and use emergency policies?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This is a central part of the emergency medical response and a key concern in regards to survivability and effective coordination of response resources at the hospital.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>
39	Coordination of emergency services.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This is a central part of the Police and emergency services response and the key concern in regards to survivability and effective coordination of response resources.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>
40	Discrepancies raised between time of death and mobile communications?	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This would necessarily involve expert input which is independent of Police.</p>

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41	Inconsistencies in timeline of shooting.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This would necessarily involve expert input which is independent of Police.</p>
42	Not all families have been given information such as the DVI post mortem report: they did not know this existed and that they could ask for this.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This relates to systemic concerns regarding the provision of information and the ability for families to have access to critical media confirmation that helps them understand what happened as well as to engage in the legal process.</p> <p><i>These issues are outlined in Appendix II, as they individually and in totality, raise fundamental concerns around the potential viability of the process.</i></p>
43	Families have made information requests which have been refused or not answered.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This relates to systemic concerns regarding the provision of information and the ability for families to have access to critical media confirmation that helps them understand what happened as well as to engage in the legal process</p>

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43	Families have made information requests which have been refused or not answered.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This relates to systemic concerns regarding the provision of information and the ability for families to have access to critical media confirmation that helps them understand what happened as well as to engage in the legal process</p>
44	Could information dissemination processes have been improved?	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).	<p>It may be premature to determine this is outside jurisdiction. There may be factors that affect the survivability of victims relating to the prompt provision of information. The relevance of what information they were prevented from to the potential survivability of their victim family member needs to be considered before placing this outside jurisdiction. (This is at least in relation to those victims who were still alive at the time of this issue.)</p> <p>This issue could be dealt with by way of an information request and the inclusion of relevant matters in the inquiry and the exclusion of those irrelevant out of the inquiry.</p>
45	Why were families not allowed unsupervised access to loved ones' bodies?	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).	<p>As pointed in relation to other such issues, relevance to cause and circumstances of death must first be entirely excluded. As the Coroners Act explicitly acknowledges spiritual and cultural factors, as does scientific research the role of pastoral and familial care in the survival (temporarily or otherwise) these matters cannot from the outset be assumed to be merely related to customer service standards, but which may have relevance in some cases to those who were alive at the time of these incidents occurring.</p>
46	Should families	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue)	<p>It is accepted that this virtually impossible for this issue to have relevance to the circumstances of death.</p>

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48	Protection of Mosques and Islamic Centres.	Outside the scope of the Inquiry (considered by the RCOI).	<p>The absence of authorities implementing a system for the mosque in light of previous attacks there, deserves prominent inquiry. The 2016 incident was not by someone who had an altercation with a Muslim or having a bad day, or didnt like a particular prominent race or aspect of the Mosque or Muslim community; Arps was a vocal defiant proponent of RWE in Christchurch.</p> <p>Post-2016 attack on the particular mosque, there was a specific obligation on authorities- especially given the ongoing defiant presence of RWE in Christchurch through such well-known personalities as Arps (who also mentions “molotov” in his recording of the 2016 incident.</p> <p>The Royal Commission report does not address the specific obligations that arose on authorities given specific attacks on Al Noor mosque by RWE proponents such as ARPS. In fact these matters are entirely omitted from the report.</p>
49	Capacity deficiency in tracking lone actor terrorists.	Outside the scope of the Inquiry (considered by the RCOI).	<p>The RC make claims throughout their report that there is a lack of capacity to track lone actor terrorists. The recent 24/7 surveillance of the Countdown attacker—despite his lack of preparation for any attack—weaken what is a major source of reliance by the report as an explanation for authorities missing T.</p> <p>Numerous other low-level “lone actors” (using the operative definition) accessing low-level material online who have been detected, monitored, and prosecuted for utilising extensive resources of the state. They did not have online communities like T did, nor did they engage with groups or individuals for related preparation purposes like T did. Yet they were vigorously monitored and in most cases prosecuted.</p> <p>This also detracts from the RC’s report making much of a lack of social licensing to invest resources in monitoring and detecting lone actors. While it is clear there were periods of such social licence varying, the reality shows that, unsurprisingly, resources employed to defend the country at the highest level was not particularly impacted by public opinion. T was accessing serious material directly in active preparation for attack while others many have been prosecuted merely for accessing graphic videos.</p> <p>An underlying reality the RC mentioned but did not incorporate into its reasoning and findings was the narrative of Muslims, and not white persons, being terrorists, which was perpetuated by various political factors and thus 5-eyes-dictated priorities at the time and extent to which such priorities were affected by international priorities (including US leadership): while the Global Terrorist Database—the most comprehensive catalogue of terrorist events—listed a total of thirty-nine terrorist attacks in the United States in 2015, Trump ignored all but four of them.</p> <p>Source: Alex Wagner, <i>Trump’s Selective Responses to Terror</i>, ATLANTIC (June 6, 2017), <a href="https://www.theatlantic.com/politics/archive/2017/06/trumps-selective-responses-to-terror/529218/">https://www.theatlantic.com/politics/archive/2017/06/trumps-selective-responses-to-terror/529218/</a> “[I]n the immediate aftermath of the Paris, Manchester and London attacks, Trump expressed his feelings within hours.”); see also Philip Bump, <i>Why Won’t Donald Trump Rush to Tweet Criticism of Attacks Against Muslims?</i>, WASH. POST (June 19, 2017), <a href="https://www.washingtonpost.com/news/politics/wp/2017/06/19/why-wont-donald-trump-rush-to-tweet-criticism-of-attacks-against-muslims/">https://www.washingtonpost.com/news/politics/wp/2017/06/19/why-wont-donald-trump-rush-to-tweet-criticism-of-attacks-against-muslims/</a> (noting that Trump tweets within hours of certain attacks but not others).</p>

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<p>50</p>	<p>Institutional bias against Muslims.</p>	<p>Outside the scope of the Inquiry (considered by the RCOI).</p>	<p>The opportunity to make conclusive findings about whether the state’s bias against Muslims had an attributive element to the attacks would contribute to the families receiving their rights-compliant investigation. This bias can be seen in multiple instances in the RCol, from the accounts of Muslims, and the state’s own admission that it was biasing resources towards tracking Muslims. In terms of Muslim accounts, their feeling of isolation and othering can be seen from Part 3 Chapter 4 of the Royal Commission Inquiry as racism, discrimination and Islamophobia are large issues. Despite the above points being considered by the RCol, there were no conclusive findings around the way in which bias against Muslims contributed to the attack, or the way in which the bias was an attributive factor in the attack. While the groundwork of the RCol in this area was excellent, it is incomplete.</p> <p>Overall failures of the RC Process were inevitable given many aspects of the RC process being predetermined by its architects whom existed in the landscape that the RC itself described as ignorant of and biased against Muslims:</p> <p>As such, it was unsurprising that the state failed to design, establish and provide for a RC process that:</p> <ol style="list-style-type: none"> <li>a. Was able to traverse the full ambit of critical issues relevant to the attacks, due to its ToR excluding key areas</li> <li>b. Had adequate literacy around the background issues and experiences such that that literacy could be utilized by the process. As a result, the RC learnt <b>through</b> the process and while, by the end of the process, it had an appreciation of such issues and experiences, by which time their report was due and their investigations were complete. This problem is naturally related to the constitution of the core RC team and the absence of relevant expertise.</li> <li>c. Given the inherent lack of appropriate experience and expertise, the RC was also hampered in its ability to effectively involve the wider victim (Muslim) community and the victim families (despite the latter being facilitated to some limited degree by a legal and community advocacy service towards the end of the RC process).</li> </ol> <p>The RC’s own treatment of the core issues demonstrates the persistent prevalence of institutional bias and which affected the illiteracy that society and the RC generally has regarding the underlying cause of Islamophobia:</p> <p>Sahar F. Aziz, <i>Sticks and Stones, the Words That Hurt: Entrenched Stereotypes Eight Years After 9/11</i>, 13 N.Y.C. L. REV. 33, 35 (2009) (noting “the racialization of Arabs, Muslims, and South Asians as the ‘terrorist other’”).</p> <p>See Hilal Elver, <i>Racializing Islam Before and After 9/11: From Melting Pot to Islamophobia</i>, 21 TRANSNAT’L L. &amp; CONTEMP. PROBS. 119, 124 (2012).</p> <p>“Racialization” has been defined as “the process by which a diverse group of people become lumped together by stigma, stereotype, and fear.” Amna Akbar, <i>National Security’s Broken Windows</i>, 62 UCLA L. REV. 834, 880 (2015).</p> <p>Susan M.Akram &amp; Kevin R. Johnson, <i>Race, Civil Rights and Immigration Law After September 11 2001: The Targeting of Arabs and Muslims</i>, 58N.Y.U. ANN. SURV. AM. L. 295, 309 (2002) (“Shaheen catalogues hundreds of Hollywood movies in which Arabs or Muslims are portrayed as terrorists or otherwise placed in a negative, often non-human, light.”); Tung Yin, <i>Jack Bauer Syndrome: Hollywood’s Depiction of National Security Law</i>, 17 S. CAL. INTERDISC. L.J. 279, 292 (2008) (“After cataloging almost one thousand American films containing Arab characters, Shaheen concluded that the vast majority portrayed Arabs and Muslims as violent terrorist villains”)</p>
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51	Terrorist's family's obligations.	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).	<p>It is apparent from the report that the royal commission was reluctant to probe too deeply T's grieving family who were themselves victims at this time. Similar to the gaming friend, the RC appears to have afforded significant latitude and forbearance to the family which may have been appropriate at that time. The Coroner now has the benefit of both further evidence and the passage of time to be able to follow up on the RC's more superficial inquiry with specific questions that will assist provide a complete and robust account of the cause and circumstances of the attack.</p> <p>Recently received statements from the family which have not been able to be perused in the time available but which appear to indicate that family members knew a lot more about T and his relevant problems than has been mentioned (or, more importantly, analysed or investigated) in the report. Statements supplements information in the RC that they received a range of RWE books propaganda and materials and symbols (which despite being ordered online again raised no alerts), and raises the question as to when the family were going to say something to someone, even if only to a mental health practitioner — especially given that they also knew he was not socially or emotionally adjusted and “didn't care” about people.</p>
52	Shaheed comments.	Outside the scope of the Inquiry (considered by the RCOI).	Refer Issue 4: this issue considerably overlaps with Issue 4. As indicated under Issue 4, it is contended that many of the relevant factors to determining this issue conclusively are yet to be conclusively investigated.
53	Complaints process.		This issue is inherently connected to the appropriate consideration by Police and enforcement authorities of concerns and complaints. Any irrelevant aspects can be excluded or if there is an absence of evidence for a particular complaint that complaint can be dismissed. However, this issue is representative of an ongoing concern that the complaints about the treatment of Muslims in NZ were not taken seriously, and is relevant to the authorities' mindset regarding the importance of such complaints and how seriously the safety of the community was taken.

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54	What were the causes of confused/delayed communication with families following the attacks and how can communication be improved after mass casualty events?	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).	<p>It would be premature to determine this as outside jurisdiction entirely. There may be factors that affect the survivability of victims relating to the absence of family members from relevant spiritual care and support or otherwise being able to assist or attend to their victim family member. The relevance of what they were prevented from to the potential survivability of their victim family member needs to be considered before placing this outside jurisdiction outright.</p> <p>This issue could be dealt with by way of an information request and the inclusion of relevant matters in the inquiry and the exclusion of those irrelevant out of the inquiry.</p>
55	Whether there have been any internal reviews of the response to the attack.	This issue is proposed to be dealt with by an information request.	<p>Information request issue: 5-point submission</p> <p>This would necessarily involve expert input which is independent of Police.</p> <p>This is a central part of the Police and emergency services response and the key concern in regards to survivability and effective coordination of response resources.</p> <p>This matter should be an essential part of the inquiry from the outset.</p>
56	Documentation deficiencies.	Outside the scope of the Inquiry (no jurisdiction to inquire into this issue).	<p>This is procedural concern some of which are outlined in Appendix II.</p>

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<p>ADDITIONAL ISSUE I:</p> <p>Did the RC identify and inquire into key ideology issues and any state measures to address extremism in NZ?</p>	<p>The RC did not look closely enough at key issues which would have alerted them of the underlying ideology behind the attacks.</p> <p><i>Red Flags not Being Picked Up</i></p> <p>The RC does not investigate societal cause of lack of reporting of suspicious activities. This is especially relevant to issues around why T’s conduct with the drone and conduct at the gun club was not reported.</p> <p><i>Underlying reasons for Red Flags Going Unreported</i></p> <p>The reason that suspicious conduct was not recorded is because such ideology and behaviour were not connected in the public consciousness to the actual risk to any relevant person(s). The state modelled the unconsciousness of such a risk through its own neglect to take basic precautions with Al Noor Masjid since the 2016 Arps attack.</p> <p>This occurred because the government failed both itself, but also for society to create an awareness of the phenomenon of Right-Wing Extremism as a dangerous part of modern culture, which provides an ecosystem of awareness of all those aspects that would have raised concern and would have specifically combatted the general malaise that such persons were merely “losers” or “old nutters”. The result is that the public did not have a context of observing such behaviour.</p> <p><i>Example—The person who saw the drone reconnaissance of Mosque</i></p> <p>An example of this is the person who observed the drone over the Masjid who only realised what they saw in May. They were clearly not aware of the seriousness of the Arps attack in 2016 and his clear sustained commitment to culling Muslims and the way he publicized it (via \$14.88). Had the person been conscious of these matters, they would have likely reported it to the authorities. The RC did not inquire why the person did not think it was relevant enough to report, despite the prevalence incidents at mosques nationally and internationally. There was no national prioritization of it to any extent that would bring it within the consciousness of the population.</p> <p><i>RC Failed to pick up on state failure to prioritize information response to Right-Wing Extremism</i></p> <p>Accordingly, the RC is distinctly silent on this issue of Islam and Muslims being seen as, by an increasing number of people, as the chief risk to western civilization and thus a threat to repel through action—as exemplified by Arps.</p> <p><i>RC Report has inadequate scrutiny on specific key issues</i></p> <p>While the RC recommendations in part 9 are very encouraging for the future, the absence of sufficient findings is evident. The relevant theme is not new. Samuel Huntington’s Clash of Civilizations theory is well known, widely discussed and supported by all kinds of politicians including prominent international and local examples Donald Trump and Winston Peters and many others including locally (Time to recall MPs’ anti-migrant rhetoric <a href="https://www.newsroom.co.nz/@politics/2019/03/18/493288/time-to-recall-mps-anti-migrant-rhetoric">https://www.newsroom.co.nz/@politics/2019/03/18/493288/time-to-recall-mps-anti-migrant-rhetoric</a>) JAN 2, 2020</p> <p>This theme is blatantly seen in popular culture as per Jack Shaheen’s analysis of theatre for mass consumption, which covers 1000 mainstream films in which Arabs or Muslims are portrayed as enemies or as terrorists.</p> <p><i>Warnings inherent in this progression of ideology in society</i></p> <p>The writing has been on the wall for some time. By the time attacks like that of Arps took place in 2016, the modus operandi of such attacks on Mosques such as Quebec were evident and their ideology plain. As well, there were longstanding issues with skin-head and neo-nazi issues even prior to RWE online extremists making their presence known and becoming increasingly brazen in actions and words of RWE ideology. But no efforts were made to address those warning signs.</p>
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The RC report was able to provide broad-ranging solutions for how the government can respond to these attacks, but did not have enough time and capacity to identify all relevant issues with sufficient scrutiny, including those which required specific expertise.

The RC does mention state failures but fails to create findings

The absence of a “Findings” section in the Social Cohesion section is irregular. It is not as if the RC were unaware of these issues, but rather omits to put them into findings. They do find a list of concerns as per [42] of section 1.7 in Part 9 which imply wide ranging failures. As a result, the Royal Commission’s recommendations –especially on this issue of ideological causation—are quite general and do not reach the particular issue in this matter.

Specific Issues Plain Form Manifesto

Key documents like the T’s manifesto and the Oslo manifesto make the issue plain: Islam is the historical enemy of Christianity and Muslim migrants are the key threat to the west. T’s Manifesto and the Oslo manifesto which inspired it explicitly concerned – while also discussing broader issues like multiculturalism—the specific historical relevance of the class between Islam and Christianity. The RC even acknowledges this in discussing the Oslo terrorist and the central matter of the Knights Templar (Part 4, 5.1, [3])

Recent Events demonstrating extent of problem and lack of societal response to RWE Ideology

The 2018 visit of the two far-right extremists also polarised many and was a stark reminder, freedom of speech issues aside, of the rising prominence and specific vitriol of such hatred. Prominent journalists interviewed these visitors and their views were well-known, supported by many, despite their lack of basis, inaccuracies and extremeness.

No counter to such views were presented or initiated whether through political, academic, community or other avenues. The public was left to consume such news mainly through the media which itself already has a direct connection between its production and decreased warmth towards Muslim due to the nature of its coverage (John Shaver, 2017).

*A rebuttal — one of many available if the state had no answers to RWE ideology:*

A rebuttal can be seen by Edward Said in 1998, when he responded to Huntington theory, and in a way that combats the crux of both manifestos. Such rebuttals and counter-narratives are long available off-shelf, but not employed. Said stated:

**“There are no insulated cultures or civilizations.** Any attempt made to separate them into the watertight compartments alleged by Huntington and his ilk does damage to their variety, their diversity, their sheer complexity of elements, their radical hybridity. The more insistent we are on the separation of the cultures, the more inaccurate we are about ourselves and about others. The notion of an exclusionary civilization is to my way of thinking an impossible one. The real question then is whether in the end we want to work for civilizations that are separate or whether we should be taking the more integrative but perhaps more difficult path which is to try to see them as making one vast hole, whose exact contours are impossible for any person to grasp, but whose certain existence we can intuit and feel and study.”

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He continues: **“Our most precious asset in the face of such a dire transformation of history is the emergence not of a sense of clash but a sense of community, understanding, sympathy, and hope, which is the direct opposite of what Huntington provokes.”**

The lack of balancing or correcting perspectives facilitated by the State in Combatting Right-Wing Extremism

The state did not employ any measures to counter such views post-9/11 and while alienating viewpoints were being peddled widely by politicians, media presenters, content producers the state did not have the literacy or concern to appreciate the extent of impact and risk to, the Muslim community. The state thus bears significant responsibility for the unchecked exponential rise of such views and their intensity and progress towards actual attacks.

Recommendations do not confront the issues

The RC’s report reflects the inability to grapple directly with the relevant issue: It focuses on broader issues of bias and inclusion without once citing the singular issue of the belief that Muslims and other religion pose a threat to western civilisation and way of life. The aforementioned Jack Shaheen and others demonstrate the extent of othering of the Arab/Muslims face. This othering would not be addressed by a broad stroke social cohesion that the RC offers.

Lack of Expertise in key areas amongst the RC

As mentioned earlier in this appendix, the RC did not have the expertise (as it did not include experts from academia, government, the community) to confront and grapple with key ideological issues and whether the government could or should have taken steps to prevent it. Especially since the ideology is so widespread, is increasingly audacious, and how broad the issue is becoming.

The Coroner’s Opportunity to Engage Experts and discuss state failures

The Coroner should thus consider state failures in this regard. This matter falls within the circumstances of death given the clear connection between these theories, their increasing prevalence in society, the crystallization of those matters as seen in the Arps attack at the very mosque using the same language, and the subsequent Oslo manifesto which was the key reason behind the IP address lead being generated for the NZSIS.

The failure of the RC merely reflects the fact that expertise in this area must be pursued and facilitated for involvement and that the RC did not confront the key issue behind the attack. The RC had deficiencies in expertise in wider areas, but through its research and listening was able to come to a point of general recommendations. But, it was not able to reach the specific issue that continues to mean that Muslim communities remain at the greatest risk of such further attacks.

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<p>ADDITIONAL ISSUE II:</p> <p>The importance of a credible system of justice and redress in a democratic society that is not brought into disrepute for fundamental failure to inquire into matters relating to manifest public interest</p>	<p>Policy and justice reasons for not leaving key questions unanswered</p> <p>Plainly viewed, a long-radicalised mentally unwell man who moved to NZ, remained socially isolated when exploiting all relevant privileges and benefits of a gun club, gun licence, illicit drugs, medical treatment for drugs and for gun injuries, undertook extensive training and elaborate preparation, was not only missed by the state, but was granted the cover of the country's majority, and thus proceeding unhindered in a highly enabling environment created and fostered by the state. As such, there is a great — and enduring — duty to confront the unaddressed issues, and a much greater responsibility to pick up where the RC left off and to remedy its limitations in order to be complete.</p> <p>The recent Countdown attack had the effect of highlighting that someone who had far less red-flags and was long picked up during the same period of the so-called intelligence lull, lack of social licence etc. The RC would have had much stronger basis for questioning this narrative from agencies after the Countdown attack and the many revelations of the extent of unsuccessful or misdirected state involvement in his case. However, the abridged duration of this particular Royal Commission, together with a notably small team and which thus also as a whole lacked expertise relevant to these attacks, did not have a chance to make headway into such emerging matters. That cannot be the fault of the RC, but correcting such deficiencies but unavoidably remain the responsibility of a state process, in this case the coronial inquiry.</p> <p>The RC provided an immediate comprehensive insight into the intelligence agencies and opened up information about a little-known sector of government. We can see since then that such agencies can make efforts to get warrants and do much more, and the RC was able to mention some of this improvement. But the RC did not perhaps have as much opportunity to reflect on what it meant for the contrasting pre-15/3 status where the Oslo-manifesto being accessed still did not justify such seeking of a warrant. The RC in that sense is contradictory that such a large divergence from its recommendation still turns out to be inconsequential to any of the key issues.</p> <p>The RC report provides a lot of useful insight into for example the basic resourcing of the intelligence agencies, their limited coordination, lack of joint leadership or direction including in critical operations. The Coroner now has the opportunity to review that material in light of some of the social media, media, and other aspects (such as firearms legislation) that the RC was not able to inquire into.</p> <p>The coronial inquiry's remediation of the RCoI would benefit from the RC work and analysis while being open to conclusions other than those employed through reasoning without much inquiry into specific ingredients of that reasoning and without pervasive issues of online extremism and international aspects being considered.</p> <p>The coronial inquiry may also then confirm key conclusions but in any case which thus provides for the most well-rounded, comprehensive and robust conclusions do be drawn on the key issues.</p>
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### **Procedural concerns — the Coronial process going forward**

#### Informed consent and other minimum rights of meaningful participation

1. The coronial process has been underway for over a year. Requisite rights for the families to be able to meaningfully participate require urgent consideration. Some issues are highlighted which affect the core of this process and which require joint efforts to address.
2. After years of waiting (the victims first requested legal representation in mid-2019) legal representation resourcing is now starting to catch up with the legal processes afoot: some families — although not all — have now applied for legal aid.<sup>1</sup>
3. For a smaller proportion who finally took their own initiative to instruct counsel, they have had legal counsel for much of the coronial process so far with few others gradually joining, while many others, including who have not been connected to the initial group or have not played an active role in it, still do not have access to legal assistance. Still many others have no concept of what legal assistance entails or any conceptualisation of what it might offer them in the context of this legal process. This is unsurprising given that families did not receive legal support in order to:
  - 3.1. Understand and be heard in the criminal justice process
  - 3.2. Substantively engage in the royal commission of inquiry process
  - 3.3. Understand the significance of the now-commenced coronial process

#### Appreciation of the importance of information overall as a means of engaging families

4. There have been numerous instances where it is apparent that the experiences of and sensitivities applicable to the victims have been overlooked. However, the most systemic issue has been that of provision of informational services.
5. In order to be able to participate in this process, families and their counsel of course require a minimum standard of information that may offer meaningful insight into all of the relevant issues and the information that is relevant to those issues. Only after having had the opportunity to read and understand these issues with the assistance of legal and other professional (including forensics and investigatory) help, can the families then only understand and make submissions on what should be included as part of this inquiry.

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<sup>1</sup> The legal aid process which has just commenced is far from seamless with some survivors having had legal aid declined causing further trauma.

## APPENDIX II: SUMMARY OF PROCEDURAL CONCERNS

6. The 700 pages received one working day prior to these submissions being due demonstrated that the information (not provided until a specific request was made) was inherently relevant to ongoing proceedings, relating as they did to the Police's broader response to relevant issues.
7. Since the information request made on 30 August 2021, this was the first substantive information received regarding this inquiry. Interim responses do not appear to appreciate the inherent right and importance of families to start accessing, understanding and engaging with information, whatever the particular stage of proceeding and whatever the particular view regarding how relevant or immediate it is. Families have been without information and appropriate legal support for nearly 3 years; the view that they are not yet entitled to be proactively be provided critical information such as that received late on the afternoon of Friday 4th February without it specifically requested, is a novel position and one that in this particular case is untenable.
8. Without a proactive approach to the provision of information, it will remain increasingly difficult to engage families in the process and to keep them engaged once they have.
9. As it currently stands families have a real sense of being burdened with justifying why important issues should be considered or reconsidered or why the investigation of the attacks should be exhaustive. This stems from families (or those limited number involved) having to first justify an inquiry in the first place, and now justify the inclusion of many critical issues affecting their understanding of the incident and how it came about.
10. A credible coronial process requires engaged families to have enough information and support in order to be able to meaningfully participate in the coronial process. This is the first such process for which there remains the possibility of being legally supported and substantively engaged in the process. No timeframe or milestones being set for the provision of information even at this point, leaves the families still willing to participate with very little hope.
11. Families who have waited 3 years may not necessarily align with the view that matters which are in scope are not urgent. Nor may victims find it as easy to epistemically compartmentalise information in this manner when they still trying to piece together the puzzle that will gradually help them understand what happened and why. Information is not necessarily discrete or disconnected for those who are at heart of the process as it might be for those who are analysing it from a legal or other perspective. For families

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information is all connected, intricate, and having an incomplete picture has consequences for their being able to think about the event and ask relevant questions.

12. This again therefore has an impact on how families relate to and engage in the process.
13. Decisions around information, translation, and other fundamental matters affecting engagement and participation should be carefully worked through in consultation with families' representatives as well as with specialist victim experts, such as the office of the Chief Victim Advisor or the Human Rights Commission. Such offices have an important role in overseeing systemic issues, as opposed to legal interests affecting individual clients; in a matter of this magnitude such oversight and rights literacy-assistance is critical in order to mitigate the many systemic issues that have potential to cause re-traumatisation to any of the large number of families, survivors and victims.
14. Families face additional challenges with interpretation and translation processes such as due to a lack of training given to interpreters and in complex matters collaboration with a lawyer may be necessary to ensure that the meaning and context of what is conveyed is correct. Thus, the late or lack or, for many even an entire absence of, involvement of lawyers has deeper implications than in cases where such ancillary processes as linguistic and cultural services are not as critical.
15. Clarity and proactive mitigation and remediation of the delays around pathologist's reports going forward will be an important part of transitioning towards a victim-centred approach.
16. Additional measures such as meetings between with the pathologist and families, or even the Coroner and families, will assist mitigate the many systemic frustrations and obstacles to families' participation in this now third traumatic legal process in as many years.
17. Speaking with survivors to understand their needs and desires from redress would be key, as it was found to be recently in *He Purapura Ora, he Māra Tipu* (on 15 December 2021, the Government revealed the conception of a Trauma-informed Redress System for Survivors of Abuse in Care; the Royal Commission on Abuse in Care demonstrated notable cultural sensitivity in their recommendation to incorporate Te Ao Maori, Pacific, and human rights into the impending system.). Directly speaking with families to understand them before trying to understand their needs, is especially important where there is a much greater cultural distance between survivors and the legal processes afoot.

## APPENDIX II: SUMMARY OF PROCEDURAL CONCERNS

18. Provision of information to families prior to the media, or briefing of their representatives on issues that may have been released to the media or that the media have access to, will be important to mitigate — rather than repeat, trigger and exacerbate — the trauma of previous media related issues: a prominent recent example being: families learnt of the terrorist's reported desire to vacate his guilty pleas through the media. just as some of them learnt of his entry of guilty pleas through the media. This is despite administrators of the legal process in both cases having access to the relevant information well prior to the media.
19. Process administrators ought to be asking: what are the particular contextual requirements for facilitating effective participation while mitigating retraumatisation? What have been previous sources of retraumatisation and how the risk of their recurrence be mitigated.
20. Commensurate resourcing of the necessary judicial and support offices in order for them to be able proactively address these issue is an obvious challenge that has been starkly apparent to counsel throughout the brief proceedings to date. Resourcing issues have manifested themselves in various ways and have been an additional indicator of a lack of respect of the gravity of these proceedings and their importance to families and the public.
21. Various human rights are infringed by the current state of affairs which need not be traversed at this time given the expectations that these will be proactively resolved without further undue delay. Overall, serving the interests of justice by making adequate time and facilities available for families to access basic justice processes requires proactive measures and sufficient resourcing.
22. Having assisted families throughout their journey since the attacks, the above along with other relevant related rights have been advocated for during this time. Counsel is available to facilitate better mutual understanding of the legal and other needs and facilities required for this process to increase its likelihood of fulfilling its purpose.

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*Dated this 8th day of February 2022*

***Appendix II annexed to: 8 February submissions to coroner on scope of inquiry***