

**IN THE CORONER'S COURT
AT CHRISTCHURCH**

**I TE KŌTI KAITIROTIRO MATEWHAWHATI
KI TĀMAKI MAKĀURAU
[I TE TARI]**

CSU-2019-CCH-000165
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CSU-2019-CCH-000211
CSU-2019-CCH-000212
CSU-2019-CCH-000213
CSU-2019-CCH-000214
CSU-2019-CCH-000326

UNDER THE CORONERS ACT 2006

AND

IN THE MATTER OF An inquiry into the deaths of

Khaled Mwafak Alhaj-Mustafa
Mohammad Omar Faruk
Ansi Karippakulam Alibava
Mucaad Aden Ibrahim
Husna Ahmed
Syed Areeb Ahmed
Ramiz Arifbhai Vora
Muse Nur Awale
Hamza Khaled Alhaj-Mustafa
Muhammad Zeshan Raza
Karam Bibi
Ghulam Hussain
Linda Susan Armstrong
Musa Vali Suleman Patel
Mohamad Moosid Mohamedhosen
Mohammed Imran Khan
Ashraf El-Moursy Ragheb
Ali Mah'd Abdullah Elmadani
Matiullah Safi
Mounir Guirgis Soliman
Maheboob Allarakha Khokhar
Abdukadir Elmi
Syed Jahandad Ali
Kamel (Moh'd Kamal) Kamel Darwish
Ahmed Gamal Eldin Abdel-Ghany
Amjad Kasem Hamid
Zakaria Bhuiya
Abdelfattah Qasem
Ata Mohammad Ata Elayyan
Mohsen Mohammed Al-Harbi

Muhammad Haziq Bin Mohd-Tarmizi
Hussein Mohamed Khalil Moustafa
Arif Mohamedali Vohra
Hussein Al-Umari
Naeem Rashid
Talha Naeem
Muhammad Suhail Shahid
Ashraf Ali (Razak)
Haroon Mahmood
Lilik Abdul Hamid
Sayyad Ahmad Milne
Farhaj Ahsan
Muhammad Abdus Samad
Ashraf Ali
Junaid Ismail
MD Mojammel Hoq
Tariq Rashid Omar
Ozair Kadir
Osama Adnan Yousef Abukwaik
Haji Mohemmed Daoud Nabi
Zekeriya Tuyan

MEMORANDUM OF COUNSEL FOR ST JOHN IN RESPECT
OF SCOPE

Dated 4 February 2022

Judicial Officer: Coroner B. Windley

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MAY IT PLEASE THE CORONER

1. Introduction

- 1.1 St John conveys its deep sympathy to the families of the Shuhada.
- 1.2 This memorandum is directed at the scope of the inquiry, in particular the issues raised by minutes dated 28 October 2021 and 2 December 2021.

2. The scope of the inquiry

The categories of issues

- 2.1 The minute of 28 October 2021 sets out three categories of issue:
- (a) *"Outside of the scope of the inquiry"*, because an issue has been considered by the *Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019*¹ or because there is no jurisdiction;
 - (b) *"This issue is proposed to be dealt with by an information request."* It appears from the minute of 28 October 2021 at [72] and the minute of 2 December 2021 at [21] that the issues so described are outside of the scope of the inquiry, at least at this stage;
 - (c) *"This issue is within the scope of the inquiry"*.
- 2.2 St John did not participate in the stage of the inquiry resulting in the list of issues nor that provisional categorisation.² It does not have a copy of submissions made at that stage. The content of Appendix One of the minute of 28 October 2021 suggests that some of the submissions made touch on St John. They are sought.
- 2.3 The grounds on which a matter is assessed to fall within a particular category,

¹ The Royal Commission of Inquiry was established by the *Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 Order 2019*. The Order prescribed and limited the scope of the Royal Commission of Inquiry. Clause 6(3) excluded from its consideration how relevant State sector agencies responded to the attack on 15 March 2019, once it had begun.

² That process was initiated by the Coroner on 13 July 2021, seeking information by 19 August 2021, then extended to 9 September 2021, and focused on whether concerns had been resolved by the criminal prosecution or the Royal Commission of Inquiry. St John was advised it was being made an interested party on 23 August 2021, by email from a counsel assisting who had requested documents from it.

aside from the first category, are not known. It is important to understand those grounds and also to understand the process by which information requests are made, who will have access to those requests and the resulting information, and the status of that information. Those details are sought.

The cause of the deaths and St John

- 2.4 The most immediate cause of death was medium to high velocity gunshot trauma. The context was a mass shooting carried out by a terrorist. The question of scope involves consideration of to what extent wider causes should be explored and in respect of whom.
- 2.5 St John is a registered charity with paid and volunteer ambulance personnel. It is a civilian organization and without statutory power.
- 2.6 In the context of responding during criminal acts and in a crime scene, its involvement is necessarily dependent on the Police, who are the lead agency, and were in this case.
- 2.7 St John and its ambulance personnel responded in circumstances which in combination were unprecedented. They included:
 - (a) an extraordinary number of victims;
 - (b) many of whom were deceased or had serious trauma;
 - (c) a scene which was broad and included streets;
 - (d) a scene which was still thought to be dangerous, potentially with an active shooter or shooters or an explosive device;
 - (e) facilities for definitive medical care, the Christchurch Public Hospital, being in close proximity.
- 2.8 Its personnel did so in a situation of apparent risk. They have been affected by the attack. While the greatest regard and sympathy is required for the families of the Shuhada, Coronial processes also ought not to unnecessarily re-traumatise St John personnel.
- 2.9 The report of the expert engaged by the Coroner, Dr Hick, dated 7 October 2021, commends the rapidity with which victims were triaged, treated and

moved for transport.

- 2.10 It is apparent from his report that, sadly, none of the deaths of the victims who were alive on Police arrival could have been averted with on-scene interventions. Dr Hick considers that those deaths were expected based on the gravity of the injuries.
- 2.11 Averting tragedy or its extent would have required intervention before the Shuhada were shot, at either mosque.
- 2.12 Yet Appendix One of the minute of 28 October 2021, after the issues which are categorised as "*Outside of the scope of the inquiry*" or "*This issue is proposed to be dealt with by an information request*" are removed, focuses very significantly on the medical response.
- 2.13 Of 55 issues,³ 11 are within the scope of the inquiry. Of those 11, on their face 8 may involve St John. In part this is express, in part this is because of the apparent breadth of an issue and in part this is because of use of the phrase "*first responders*", which implicitly may include St John.
- 2.14 The issues within scope which are worded in a way which may implicate St John are:
- 19;
 - 20;
 - 23. By being phrased "*What caused the delay in the medical response?*" this unfairly assumes delay. Neutral wording is preferable;
 - 24. This asks the question "*Why did first responders prevent civilians from re-entering the Mosque to provide assistance?*". It appears from the detail provided that the focus may be the Police, but the question, by using the phrase "*first responders*", incorporates St John;
 - 25;
 - 26;

³ Issue 1 is directed at the importance of the inquiry and is therefore not included in the figure of 55.

- 28;
- 29.

- 2.15 This would appear to involve an undue focus on a time when it was too late, and on an organisation, St John, which lacked the power to prevent any part of the attack and could not have saved the lives of those who died.
- 2.16 The scope insofar as it involves St John it ought to be refined:
- (a) by clarifying when St John is or is not intended to be the focus of an issue, even though the phrase "*first responder*" is currently used, for example issues 20 and 24;
 - (b) by neutral wording of the issues, for example of issue 23;
 - (c) by recasting and limiting the issues which involve St John to events, if any, by which it allegedly caused or contributed to the death of a victim.
- 2.17 Regardless of such refinement, St John intends to assist the Coroner and families by explaining its role and how it responded on the day, including its role in entering the Al Noor Mosque when cleared to do so by Police and moving victims of the attack outside of it, for the purpose of definitive care at Christchurch Public Hospital.
- 2.18 A question may properly be asked about how that assistance is best given and whether some of the issues involving St John might be able to be dealt with by way of information request.
- 2.19 It is understood that the issue of access to video or CCTV footage has been raised by some participants in the Coronial inquiry. There is a preference for St John not to have to view such footage. If, downstream, St John are to be asked or questioned about, or subject to findings about, who did what and in respect of whom inside the Al Noor Mosque, then part of that footage (but not the livestream) may become relevant.
- 2.20 Understandably, given the difficult and time-pressured environment inside the Al Noor Mosque, the state of the victims and the elapse of time, such detail was not recorded and is not otherwise available.

3. Information requested by families

- 3.1 Mr Hampton QC and Ms Dalziel have, on behalf of some of the families, raised questions about the report of Dr Hick, who was engaged by the Coroner. They have sought underlying material.
- 3.2 St John was not involved in determining the process of Dr Hick's report. It did not see a draft of the report nor receive prior notice of its publication.
- 3.3 St John responded to email requests on behalf of the Coroner seeking various information on behalf of Dr Hick, most substantively by providing its internal review report, titled *Internal review into the St John Response to an Initial Recovery from the March 15, 2019 attacks in Christchurch, dated 30 August 2019*,⁴ which has been referenced in the report of Dr Hick.
- 3.4 As will be apparent from the title of the St John internal review report, it is an internal document. Its scope is broader than a Coronial inquiry. The issue of its status in the context of the inquiry needs to be considered at some stage.
- 3.5 In the meantime, having regard to the request by Mr Hampton QC and Ms Dalziel, St John offers to make a copy of its internal review report available to families of the victims on request made directly by a representative family member or by their counsel. It would be provided under a covering letter identifying the purpose of its internal review report and providing additional or explanatory detail as appropriate.
- 3.6 Notwithstanding jurisdictional limits, which necessarily constrain formal Coronial processes, St John also offers to meet with families should they wish.
- 3.7 In terms of the timing of any requests by families for a copy of St John's internal review report or to meet, families are asked to recognise the pressure on St John and its personnel resulting from Covid-19 and its work.



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⁴ Herein "St John Internal Review".