

# Ko tō tātou kāinga tēnei

*Report of the Royal Commission of Inquiry  
into the terrorist attack on Christchurch  
masjids on 15 March 2019*

Volume 1:  
Parts 1–3



ROYAL COMMISSION OF INQUIRY  
INTO THE TERRORIST ATTACK  
ON CHRISTCHURCH MOSQUES  
ON 15 MARCH 2019

TE KŌMIHANA UIUI A TE WHAKAÈKE  
KAIWHAKATIMA I NGĀ WHARE  
KŌRANA O ŌTAUTAHI I TE  
15 O POUTŪ-TE-RANGI 2019

26 November 2020

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into the terrorist attack on Christchurch  
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*Published 26 November 2020*

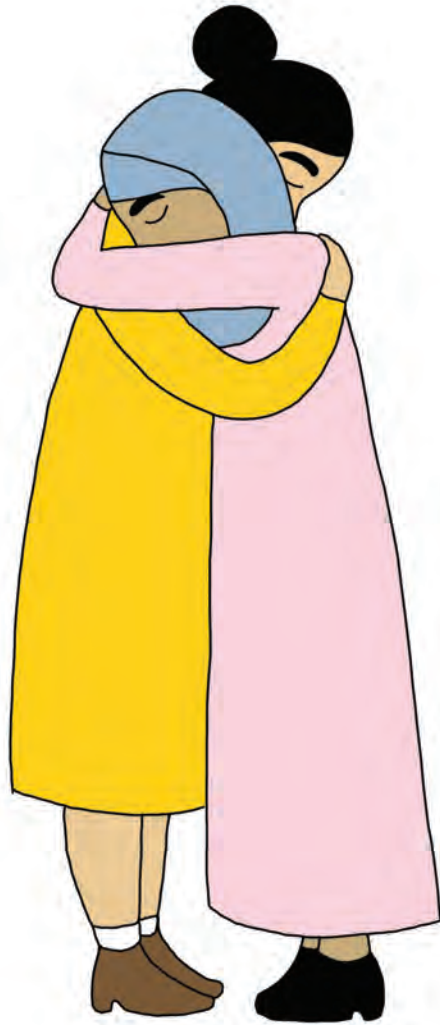
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*This is your home  
and you should have  
been safe here*

*This illustration and text was kindly gifted by artist Ruby Jones.  
The Royal Commission deeply appreciates Ruby's talent and generosity.*

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# Acknowledgements

The Royal Commission wishes to acknowledge the 51 shuhada. They have been at the heart of our inquiry.

We hope that the stories of the 51 shuhada are kept alive and that their stories inspire us and future generations.

The Royal Commission also wishes to acknowledge the many survivors and witnesses.

We hope the whānau of the 51 shuhada, and survivors and witnesses of the terrorist attack and their whānau live a peaceful life.

## **Kia whakatōmuri te haere whakamua**

*I walk backwards into the future with my eyes fixed firmly on the past.*

This whakataukī or proverb speaks to Māori perspectives of time, where the past, the present and the future are viewed as intertwined. This conceptualisation of time does not leave the past behind, rather the past is carried into the future.



This is our home

Ko hotau 'api eni

这是我们的家

Dies ist unser Zuhause

هنا وطننا

Bu bizim evimiz

यह हमारा घर है

Ko tō tātou kāinga tenei

這是我們的家

এটার আমাদের ঘর

Nous sommes chez nous ici

این خانه ما است

Kani waa guriga naga

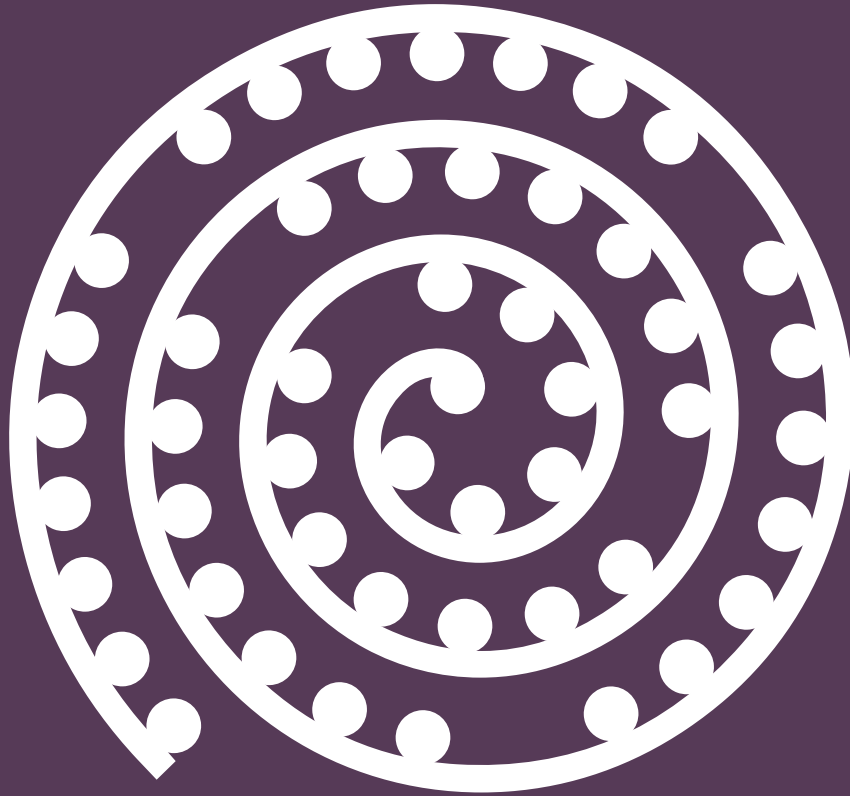
O le mātou 'āiga tenei

یہ ہمارا گھر ہے

دا زمونہ کوردی

Ini Tempal Jingga Kita





**Our symbol is inspired by an enduring and perpetual Aotearoa New Zealand icon, the koru.**

The unfurling fern frond is representative of peace, tranquillity, growth, positive change and awakening. This dimension of peace is also inherent in the meaning of the living faith of Islam. We draw parallels between this taonga and the journey that New Zealanders have ahead of them to become a safer and more inclusive society.

The koru design with seven groups of seven unfurling fronds also acknowledges that 15 March 2019 was, according to the Islamic lunar calendar, 7 Rajab 1440, that is, the 7th day of the 7th Islamic month.




## Foreword



*Assalaam alaikum and tēnā koutou.*

- 1 We start by acknowledging whānau of the 51 shuhada, and the survivors and witnesses of the 15 March 2019 terrorist attack and their whānau whose lives have been forever changed. Those attacked at the masjidain were New Zealanders who had gathered together in peaceful prayer. The terrorist murdered 51 people and attempted to murder a further 40 people. His brutal actions were deplorable and incomprehensible.
- 2 The terrorist attack was driven by an extreme right-wing Islamophobic ideology. Its purpose was to promote chaos and disharmony in New Zealand. This purpose failed. In the days, weeks and months that followed, New Zealanders united around those affected and spoke out against racism, extremism and extremist violence. There was a period of national reflection about our shared values, our collective lives and what it means to live in New Zealand.
- 3 The country needed to know what had happened, and why, and what should be done to reduce the risk of future attacks. This Royal Commission of Inquiry was established. It has been our privilege and honour to serve as Members.
- 4 At the heart of our inquiry were those who lost their lives, whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. We wanted to listen and engage in a culturally appropriate way.
- 5 We were humbled by those who generously welcomed us into their homes. People shared their grief and trauma as well as their love for New Zealand and their wish for better connections between all New Zealand communities. People whose lives had been turned upside down were nonetheless able to look to the future and be hopeful for New Zealand.

- 6 We scrutinised the life of the individual who planned and carried out the terrorist attack. We asked hard questions of Public sector agencies, particularly those tasked with protecting New Zealanders from such attacks.
- 7 We met with a wide range of New Zealand and international experts about topics ranging from gathering intelligence to social cohesion. Many hundreds of people met with us, wrote to us, provided evidence and were interviewed. More than 1,100 people made submissions.
- 8 We are grateful to everyone who engaged with us so openly and honestly. We felt a genuine and heartfelt intention to assist this inquiry for the future benefit of all New Zealanders. This is especially true of the members of the Muslim Community Reference Group whose insights contributed greatly to our report. Likewise, we are grateful to JustCommunity and Navigate Your Way Trust, organisations that assisted us to engage with whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau.
- 9 We thank the international experts and leaders of intelligence and security agencies in Australia, Norway, the United Kingdom and the United States of America who gave their time and valuable expertise so willingly. We reserve special thanks to Lord Hogan-Howe QPM and John McKinnon CNZM QSO who provided independent expertise and insights that were critical to our inquiry and this report.
- 10 Finally, we express our gratitude to the secretariat of, and counsels assisting, the Royal Commission who brought their diverse views, skills and experience to bear on our work, ensuring a robust approach.
- 11 We have made recommendations in this report that are both wide-ranging and detailed. They are the building blocks for a safer and more cohesive New Zealand.



**Hon Sir William Young KNZM**  
Chair



**Jacqui Caine**  
Member

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## Executive summary

- 1 Ten days after the devastating attack of 15 March 2019, the Government announced that a Royal Commission of Inquiry, generally reserved for matters of the gravest public importance, would be established to investigate and report on what had happened.
- 2 The terrorist attack was carried out by Brenton Harrison Tarrant, who has since been convicted of terrorism, the murder of 51 people and attempted murder of 40 people. He is now serving a sentence of life imprisonment without parole. We generally refer to him in our report as “the individual”. His name will not appear again.
- 3 The Terms of Reference set by the Government directed us to investigate three broad areas – the actions of the individual, the actions of relevant Public sector agencies and any changes that could prevent such terrorist attacks in the future. This required a detailed, forensic examination of evidence. It also led us to expansive thinking about the systems and institutions set up to protect and connect New Zealanders.
- 4 Our Terms of Reference required us to make findings on:

- 4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and
- (b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies; and
- (c) whether relevant [Public] sector agencies failed to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats; and
- (d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part; and
- (e) any other matters relevant to the purpose of the inquiry, to the extent necessary to provide a complete report.

- 5 We saw the first four questions as directed primarily to whether Public sector agencies were at fault in respects relevant to the terrorist attack.
- 6 We were also required to make recommendations for the future.
- 7 At the heart of our inquiry were whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. Connecting with Muslim communities was an expectation in our Terms of Reference, but it was also the right thing to do. We gained valuable insights in this way.

- 8 From whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau we heard about the ongoing impacts of the terrorist attack, including challenges in obtaining government support. Through broader engagement with Muslim communities we learned about frustrations with the Public sector that go back many years. Muslim communities talked candidly about racism, discrimination and experiences of being suspected of being, or treated as, terrorists as well as their fear of being the targets of hate speech, hate crime and terrorism.
- 9 Communities we spoke with wanted to see greater social cohesion and told us about their wish for closer community connections to help all people feel safe and welcome. Social cohesion has direct benefits including people leading happy, rewarding and participatory lives, with increased productivity. Importantly, it also means that people are less likely to become radicalised towards extremist and violent behaviours, including terrorism.
- 10 There was strong public concern that the individual was granted a firearms licence. A large proportion of submissions we received came from firearms owners with suggestions to strengthen the firearms licensing process, introduce measures to better track large purchases of firearms and ammunition and obligations to report concerning behaviour. Many felt that banning military style semi-automatic firearms unnecessarily penalised responsible firearms owners, preferring improvements to the licensing system instead.
- 11 *Part 4: The terrorist* is the result of our extensive inquiries into the life of the individual, his background and particularly his planning and preparation for the terrorist attack. We understand some people may prefer not to read about him, but we had a duty to report on what influenced his extreme views, why he chose New Zealand for a terrorist attack and how he avoided coming to the attention of Public sector agencies.
- 12 The individual is a white Australian male who was 28 years old in March 2019. He displayed racist behaviour from a young age. His life experiences appear to have fuelled resentment and he became radicalised, forming extreme right-wing views about people he considered a threat. Eventually, he mobilised to violence.
- 13 The individual arrived in New Zealand on 17 August 2017. As an Australian, he was entitled to live in New Zealand. Within a few days of arrival, he moved to Dunedin and from this time, his life was largely devoted to planning and preparing for the terrorist attack. We looked at his use of online platforms before and during the terrorist attack. We also examined how the individual obtained a firearms licence and how he was then legally able to acquire firearms and ammunition. We tracked how he trained for the terrorist attack by developing firearms expertise and working out at a gym and taking steroids to bulk up.



- 14 The individual had no close friends and largely avoided social situations and, in that sense, he was socially isolated. He was financially independent and widely travelled. In his preparation and planning for his terrorist attack, he was methodical and single-minded. The individual could present well and conduct himself in a way that did not attract suspicion. He was not identified as someone who posed a threat. We expand on the reasons for this in the report.
- 15 As we explain in detail in *Part 4: The terrorist*, we are satisfied that the individual acted alone.
- 16 We look closely at firearms in *Part 5: The firearms licence*.
- 17 Despite the individual having almost no history in New Zealand, his application for a firearms licence was approved within about three months of his arrival in the country. He had named his sister as a referee but, because she lived in Australia, firearms licensing staff asked for a replacement referee. In the end two New Zealand-based referees (an adult and their parent) described as “friends” of the individual, vouched for him as a “fit and proper” person. The adult (whom we refer to as “gaming friend”) had played online games with the individual over ten years but had been physically in his company for only approximately 21 days in that entire decade. Gaming friend’s parent had spent only approximately seven days in the individual’s presence over four years. In both cases, time spent with the individual was sporadic.
- 18 We conclude that during the firearms licence application process, insufficient attention was given to whether gaming friend and their parent knew the individual well enough to be appropriate referees. We discuss what might have happened if the application had not been approved at that time or perhaps had been handled differently.
- 19 We find that New Zealand Police’s administration of the firearms licensing system did not meet required standards. The reasons for this include a lack of guidance and training for licensing staff and incomplete guidance for dealing with applications where nominated referees cannot be interviewed in person.
- 20 For contextual relevance, as amendments to firearms legislation are not within our scope, we discuss the regulation of semi-automatic firearms. It was lax, open to easy exploitation and was gamed by the individual. The risk that highly lethal weapons might be used in a terrorist attack in New Zealand had been recognised on a number of occasions. One warning followed a terrorist attack conducted in Oslo and on Utøya Island in Norway in 2011, in which a semi-automatic rifle was used.
- 21 We examine in detail what was known by Public sector agencies about the individual before the terrorist attack in *Part 6: What Public sector agencies knew about the terrorist*. We put detailed questions to 217 agencies in the wider Public sector and found that ten agencies held information that we are satisfied relates to the individual.

- 22 The only information that directly referred to the terrorist attack was an email the individual sent to the Parliamentary Service (as well as politicians, media outlets and individual journalists) just eight minutes before the terrorist attack began. The critical information about the attack (in terms of the location) was within a 74 page manifesto attached to and linked within the email. It took some minutes for the Parliamentary Service to open the email, read and make sense of the manifesto and then pass the details on to New Zealand Police. By then the terrorist attack had just started. We explore this in detail in *Part 6: What Public sector agencies knew about the terrorist* and we are satisfied that the Parliamentary Service followed correct procedures and acted promptly.
- 23 Other information known about the individual was largely unremarkable. With the benefit of hindsight, we can see that some did relate to the individual's planning and preparation. That, however, was not apparent at the time as this information was fragmentary. No single aspect of it could have alerted Public sector agencies to an impending terrorist attack. Public sector agencies involved in the counter-terrorism effort are not set up to collect and aggregate information like medical and firearms licensing records. We discuss this in *Part 6: What Public sector agencies knew about the terrorist*.
- 24 In *Part 7: Detecting a potential terrorist*, we discuss the challenges of detecting and disrupting terrorists. Terrorist attacks by lone actors are difficult for intelligence and security and law enforcement agencies to detect and stop. Despite this, many intended lone actor terrorist attacks have in fact been disrupted. In this Part we use the individual as a case study to test and explain some of the issues at play before we move on to look more closely at countering terrorism.
- 25 The counter-terrorism effort (which forms a subset of the broader national security system) is reviewed in *Part 8: Assessing the counter-terrorism effort*. The Public sector agencies involved in the counter-terrorism effort include the National Security Group of the Department of the Prime Minister and Cabinet, the Government Communications Security Bureau, Immigration New Zealand, New Zealand Customs Service, New Zealand Police and the New Zealand Security Intelligence Service.
- 26 The most pointed of the questions we have been asked to address about the counter-terrorism effort is whether relevant Public sector agencies failed to anticipate or plan for the terrorist attack because of an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats. This question is not susceptible to an easy answer, but we work through the issues methodically.

- 27 There is a context that must be recognised. The intelligence and security agencies have comparatively little social licence. For this and other reasons that we explore, the Public sector agencies involved in the counter-terrorism effort had limited capability and capacity – far less than many believe. The idea that intelligence and security agencies engage in mass surveillance of New Zealanders is a myth. Looking back to 2014, the intelligence and security agencies were in a fragile state. A rebuilding exercise did not get underway until mid-2016 and was still unfinished when the terrorist attack took place in 2019.
- 28 Our assessment has focused primarily on the period between 2016 and 15 March 2019. During that time the primary, but not exclusive, focus of the counter-terrorism resources was on what was seen as the presenting threat of Islamist extremist terrorism. It is important to note that counter-terrorism agencies did follow up leads relating to possible right-wing extremist terrorism. So, the concentration on the threat of Islamist extremist terrorism was not to the exclusion of addressing other leads when they arose.
- 29 In 2016, the New Zealand Security Intelligence Service identified that establishing a baseline picture (an understanding) of other emerging terrorism threats was a goal, but one it would pursue only when they had the capacity to do so. This work eventually began in May 2018, with one of the projects focused on developing an understanding of right-wing extremism in New Zealand. At that time, the New Zealand Security Intelligence Service had only a limited understanding of right-wing extremism in New Zealand and work on this was not complete when the terrorist attack occurred.
- 30 The intelligence function of New Zealand Police had degraded and from 2015 was not carrying out strategic terrorism threat assessments.
- 31 We conclude there was an inappropriate concentration of counter-terrorism resources on the threat of Islamist extremist terrorism, but the reasons for this require some teasing out.
- 32 Our concern with the focus of counter-terrorism resources on Islamist extremist terrorism is one of process. There are two aspects to this. First, there had been no substantial assessments of other potential threats of terrorism. So, the concentration of counter-terrorism resources was not based on a comparative risk analysis. Second, there had been no informed system-wide decision to proceed on this basis. By this we mean a decision made by all relevant Public sector agencies with the knowledge that there were other potential threats of terrorism that were not well understood. This also requires brief explanation.



- 33 The New Zealand Security Intelligence Service had decided to concentrate its scarce counter-terrorism resources on the presenting threat of Islamist extremist terrorism. This was in part because it had a lack of capacity until mid-2018 both to deal with that threat and, at the same time, to baseline other threats. Other Public sector agencies involved in the counter-terrorism effort did not engage in informed discussion about this approach and its implications, including the unmitigated risks. So there was not an informed and system wide decision to proceed on this basis which we see as inappropriate.
- 34 All of that said, we find that the concentration of resources on the threat of Islamist extremist terrorism is not why the individual's planning and preparation for his terrorist attack was not detected. Given the operational security that the individual maintained, the legislative authorising environment in which the counter-terrorism effort operates and the limited capability and capacity of the counter-terrorism agencies, there was no plausible way he could have been detected except by chance. Despite the concerns we have just discussed and other systemic issues we have reviewed in *Part 8: Assessing the counter-terrorism effort*, the fact the individual was not detected was not in itself an intelligence failure.
- 35 We have looked more broadly at the counter-terrorism effort. We have already mentioned limited social licence, capability and capacity. By the middle of the last decade, the subjects of counter-terrorism, intelligence and security had become politically and publicly toxic. There was little political ownership. Public sector leadership was fragmented through a decentralised national security system with the Public sector agencies involved in the counter-terrorism effort acting in ways that were only loosely coordinated.
- 36 As discussed, rebuilding the capacity and capability of the intelligence and security agencies began in mid-2016. Although progress has been made, significantly more is required. As well, systemic change is needed, including the creation of a national intelligence and security agency. This will deliver a more systematic approach to counter-terrorism and countering violent extremism efforts. The chief executive of the new agency will be the national adviser on intelligence and security, with the agency having the advantage of focusing solely on intelligence and security issues. It will provide comprehensive strategic policy advice, develop a counter-terrorism strategy and administer relevant national security legislation. The agency will assume responsibility for the development of intelligence assessments, underpinned by horizon scanning, and be responsible for the design of the performance management framework and monitor progress against it.
- 37 We acknowledge that while our focus has been on the counter-terrorism effort our key recommendations are for system-wide change, which relates to all threats and intelligence issues. It is impractical to carve out counter-terrorism responsibilities.
- 38 This and other detailed recommendations are set out in *Part 10: Recommendations*.

- 39 Full implementation of our recommendations will result in a better organised counter-terrorism effort with enhanced capacity and capability and a less restrictive legislative framework. We expect to see far more political and public engagement and discussion and stronger oversight. This will result in greater public trust and thus social licence. We wish to see discussion about counter-terrorism normalised. Our recommendations provide mechanisms for this to occur.
- 40 The absence of such discussion to date has had consequences.
- 41 Since 2015, successive governments have been reluctant to proceed with a public-facing counter-terrorism strategy. One reason for this was to avoid stigmatising Muslim communities further. But, had such a strategy been shared with the public and also incorporated a “see something, say something” policy, it is possible that aspects of the individual’s planning and preparation may have been reported to counter-terrorism agencies. With the benefit of hindsight, such reporting would have provided the best chance of disrupting the terrorist attack. A public-facing counter-terrorism strategy would also be likely to have included policies to make crowded places safer and to protect possible targets from attack. Implementation of such policies may well have reduced the loss of life on 15 March 2019. As well, if the known risk that a terrorist could take advantage of New Zealand’s lax regulation of semi-automatic firearms had been addressed earlier, it is likely that there would have been no terrorist attack on 15 March 2019.
- 42 The final set of issues we consider are how social cohesion, inclusion and diversity have been approached in New Zealand in *Part 9: Social cohesion and embracing diversity*.
- 43 Social cohesion, inclusion and diversity were not on our original work plan. But, as our inquiry progressed and our engagement with communities deepened, it became clear that these issues also warranted consideration. Social cohesion has many direct benefits to individuals and communities. In contrast, societies that are polarised around political, social, cultural, environmental, economic, ethnic or religious differences will more likely see radicalising ideologies develop and flourish. Efforts to build social cohesion, inclusion and diversity can contribute to preventing or countering extremism. In addition, having a society that is cohesive, inclusive and embraces diversity is a good in itself.
- 44 We considered how Public sector agencies, local government, the private sector, civil society and communities can and should support a more cohesive society. Public sector efforts have been fragmented and frustrating for the community groups who have engaged with them. A public conversation about social cohesion has been notably absent. Once again, we conclude systemic change is needed and we set out our thinking in *Part 10: Recommendations*.

- 45 This report contains 44 recommendations which cover five key areas relating to the counter-terrorism effort, the firearms licensing system, the ongoing needs of those most affected by the terrorist attack, New Zealand's response to our increasingly diverse population and implementing our recommendations. These are explained in detail in *Part 10: Recommendations*.
- 46 There are some recurring themes and issues that weighed heavily as we considered our recommendations. The most important of these is the need to confront and engage openly with hard issues. In the course of our inquiry we have looked at Public sector activities involving the firearms licensing system, the counter-terrorism effort and social cohesion and embracing diversity. Each of these has been characterised by limited political ownership and an absence of public discussion.
- 47 The looseness of controls on semi-automatic firearms had been appreciated for decades and the risk that a terrorist could take advantage of this was identified as long ago as 2011. But there was no significant tightening of the regime largely because of strong opposition from the firearms community.
- 48 Media controversy and generally low levels of public trust and confidence in the intelligence and security agencies and aspects of the work of the law enforcement agencies have meant that politicians have avoided the challenge of public engagement about countering-terrorism.
- 49 Building social cohesion, inclusion and embracing diversity are goals that we can all aspire to. In a COVID-19 response and recovery environment where there is increased stress, growing mental health and addiction issues and an economic downturn, potential inequalities and vulnerabilities are magnified. As the country looks ahead there is an opportunity to build and enhance our social infrastructure and community resilience in the same way that physical infrastructure is being invested in. There is a strong case for further cross-government actions to improve social cohesion and how we embrace diversity.
- 50 We accept political engagement on these issues will not be easy. But facing up to the hard issues and having open public conversations are critical. We have already discussed the consequences of not promoting a public-facing counter-terrorism strategy and not tightening loose controls on firearms before the terrorist attack. We hope our report will encourage members of the public, officials and politicians to engage in frank debate so that everyone understands their roles and responsibilities in keeping New Zealand safe, secure and cohesive. There is impetus for debate about the kind of country New Zealand aspires to be.
- 51 Finally, New Zealand will never be immune from violent extremism and terrorism. Even with the best systems in the world, a determined would-be terrorist could carry out an attack in New Zealand in the future. But there is much that government can do, starting with a greater commitment to transparency and openness with New Zealanders. We all have a part to play in building common agreement about the values we share and want to uphold as a society and for our future generations.



# Consolidated findings

1 Our Terms of Reference required us to make findings as to:

- 4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and
- (b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies; and
- (c) whether relevant [Public] sector agencies failed to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats; and
- (d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part; and
- (e) any other matters relevant to the purpose of the inquiry, to the extent necessary to provide a complete report.

## What Public sector agencies knew about the terrorist

2 *Part 6: What Public sector agencies knew about the terrorist* sets out the evidence and rationale for our findings.

3 “The terrorist attack” means the terrorist attack carried out by the individual in accordance with his planning and preparation over the previous years.

### 4 **We find that:**

- a) The only information about the individual that was known by New Zealand Public sector agencies before 15 March 2019 that could or should have alerted them to the terrorist attack was the email sent by the individual to the Parliamentary Service just after 1.32pm on 15 March 2019.
- b) The Parliamentary Service acted appropriately within a period of time that was reasonable in the circumstances in response to the email the individual sent just before the terrorist attack.
- c) There was no other information provided or otherwise available to any relevant Public sector agency that could or should have alerted them to the terrorist attack.
- d) There was no failure in information sharing between the relevant Public sector agencies.



## Assessing the counter-terrorism effort

- 5 *Part 8: Assessing the counter-terrorism effort* sets out the evidence and rationale for our findings.
- 6 We conclude that the concentration of counter-terrorism resources on the threat of Islamist extremist terrorism before the New Zealand Security Intelligence Service's baselining project began in May 2018 was inappropriate because it:
- a) was not based on an informed assessment of the threats of terrorism associated with other ideologies; and
  - b) did not result from a system-wide decision that, despite the absence of such an assessment, counter-terrorism resources should continue to be allocated almost exclusively to the threat of Islamist extremist terrorism.
- 7 **We find that:**
- a) The inappropriate concentration of resources on the threat of Islamist extremist terrorism did not contribute to the individual's planning and preparation for his terrorist attack not being detected. And for that reason, the Public sector agencies involved in the counter-terrorism effort did not fail to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources.
  - b) No Public sector agency involved in the counter-terrorism effort failed to meet required standards or was otherwise at fault in respects that were material to the individual's planning and preparation for his terrorist attack not being detected.

## The firearms licence

- 8 *Part 5: The firearms licence* sets out the evidence and rationale for our findings.
- 9 **We find that:**
- a) New Zealand Police failed to meet required standards in the administration of the firearms licensing system in that:
    - i) the Arms Manual, the Master Vetting Guide and the Firearms Licence Vetting Guide did not provide coherent and complete guidance as to the processing of applications where the applicant could not provide a near-relative referee able to be interviewed in person;
    - ii) New Zealand Police did not put in place arrangements to ensure that firearms licensing staff received systematic training and regular reviews of their practice; and
    - iii) in dealing with the individual's firearms licence application, New Zealand Police did not adequately address whether gaming friend and their parent knew the individual well enough to serve as referees.

## Summary of recommendations

- 1 Our Terms of Reference directed us to make any recommendations we considered appropriate on the following:
  - 5(1)(a) whether there is any improvement to information gathering, sharing, and analysis practices by relevant [Public] sector agencies that could have prevented the terrorist attack, or could prevent such terrorist attacks in the future, including, but not limited to, the timeliness, adequacy, effectiveness, and co-ordination of information disclosure, sharing, or matching between relevant [Public] sector agencies; and
  - (b) what changes, if any, should be implemented to improve relevant [Public] sector agency systems, or operational practices, to ensure the prevention of such terrorist attacks in the future; and
  - (c) any other matters relevant to the above, to the extent necessary to provide a complete report.
- 2 Our recommendations are set out in *Part 10: Recommendations* and address the following areas:
  - a) Improving New Zealand’s counter-terrorism effort.
  - b) Improving New Zealand’s firearms licensing system.
  - c) Supporting the ongoing recovery needs of affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack.
  - d) Improving New Zealand’s response to our increasingly diverse population.
  - e) Implementation of the recommendations.
- 3 The recommendations are organised by four themes.
- 4 **Strong government leadership and direction are required** to provide effective oversight and accountability of the counter-terrorism effort. This will ensure that roles and responsibilities are well understood across Reduction, Readiness, Response and Recovery at the national, regional and local levels and resources are appropriately focused.
- 5 Strong government leadership and direction are also required to position New Zealand (and in particular the Public sector) to respond and adapt to New Zealand’s increasingly diverse population and to effect the social shift that over time will help to achieve a safe and inclusive New Zealand.

- 6 **Engaged and accountable government decision-making** will enable Public sector policies, programmes and services to be designed and delivered that meet the requirements of New Zealand's increasingly diverse society. The Public sector (and in particular the agencies involved in the counter-terrorism effort) needs to change how it engages with communities. The Public sector mindset must shift to value communities' input into decisions, transparency and engaging in robust debate.
- 7 **Everyone in society has a role in making New Zealand safe and inclusive** but there is no common understanding of what those roles are, how they relate to each other and what they should be seeking to achieve. Clarity of roles and responsibilities is critical.
- 8 To ensure that everyone is aware of their role in making New Zealand safe and inclusive, the government (and the Public sector agencies involved in the counter-terrorism effort) will have to ensure that New Zealand's counter-terrorism effort is valued by the people it seeks to protect. Enhancing public trust and confidence in New Zealand's counter-terrorism effort will take time, so work to do so should begin urgently. As well, the government must understand what New Zealand's changing demographics mean for New Zealand as a society and promote consistent messages about the benefits of diversity and an inclusive society.
- 9 Underpinning all of this, **New Zealand needs fit for purpose laws and policies.** This extends to ensuring the Intelligence and Security Act 2017 and Terrorism Suppression Act 2002 are both fit for purpose, providing for hate crime offences, creating a workable approach to hate speech and encouraging the better recording of reports of hate crime. Also important is the need for New Zealand Police to improve their administration of the firearms licensing system.



## Recommendations to improve New Zealand's counter-terrorism effort

### We recommend that the Government:

1. **Ensure** a minister is given responsibility and accountability to lead and coordinate the counter-terrorism effort.
2. **Establish** a new national intelligence and security agency that is well-resourced and legislatively mandated to be responsible for strategic intelligence and security leadership functions including:
  - a) a chief executive who is designated as the intelligence and security adviser to the prime minister and to Cabinet and chairing the Security and Intelligence Board or the potential new governance body (Recommendation 3);
  - b) operating as the sector lead and coordinator for strategic intelligence and security issues;
  - c) developing a counter-terrorism strategy that includes countering violent extremism (Recommendation 4);
  - d) providing strategic policy advice to the responsible minister(s) on intelligence and security issues;
  - e) intelligence assessment and horizon scanning supported by deep expertise;
  - f) leading the engagement with communities, civil society, local government and the private sector on strategic intelligence and security issues;
  - g) ensuring the counter-terrorism effort conforms to New Zealand's domestic and international human rights obligations;
  - h) leveraging the emergency management structures at the local and regional levels;
  - i) system performance monitoring and reporting; and
  - j) accountability to the minister for the performance of the counter-terrorism effort (Recommendation 1).

- 3. Investigate** alternative mechanisms to the voluntary nature of the Security and Intelligence Board including the establishment of an Interdepartmental Executive Board as provided for by the Public Service Act 2020 to, amongst other things:
- a) align and coordinate the work, planning and budgets across relevant Public sector agencies addressing all intelligence and security issues;
  - b) report to the Cabinet External Relations and Security Committee, including on current and emerging risks and threats, on a quarterly basis;
  - c) in relation to the counter-terrorism effort:
    - i) recommend to Cabinet the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism developed by the national intelligence and security agency (Recommendation 4); and
    - ii) ensure the activities to implement the strategy for addressing extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism are identified, coordinated and monitored.
- 4. Develop and implement** a public-facing strategy that addresses extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism that:
- a) is led by the new national intelligence and security agency (Recommendation 2);
  - b) is developed in collaboration with communities, civil society, local government and the private sector;
  - c) sets the purpose and the direction of the strategy, with goals, milestones and performance measures;
  - d) sets priorities for the counter-terrorism effort across Reduction, Readiness, Response and Recovery;
  - e) defines roles and responsibilities for Public sector agencies, communities, civil society, local government and the private sector to implement the strategy across Reduction, Readiness, Response and Recovery;
  - f) has oversight from the responsible minister (Recommendation 1); and
  - g) is reviewed within three years of publication in collaboration with Public sector agencies, communities, civil society, local government, the private sector and the Advisory Group on Counter-terrorism (Recommendation 7).

5. **Amend** the Public Finance Act 1989 to require the intelligence and security agencies to provide performance information that can be the subject of performance audit by the Auditor-General.
6. **Strengthen** the role of the Parliamentary Intelligence and Security Committee so that it can provide better and informed cross-parliamentary oversight of the national security system (including the counter-terrorism effort) and priority setting, and members can access sensitive information as necessary for such oversight.
7. **Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to establish an Advisory Group on Counter-terrorism:
  - a) responsible for providing advice to the national intelligence and security agency and the Security and Intelligence Board or its replacement (Recommendations 2 and 3); and
  - b) with functions to be established in legislation, as soon as practicable, but without delaying its establishment.
8. **Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to include in advice on the National Security and Intelligence Priorities and in the annual threatscape report (Recommendation 17), a summary of the advice provided in the preceding year by the Advisory Group on Counter-terrorism (Recommendation 7) and the actions that have been taken in response to that advice.
9. **Direct** the new national intelligence and security agency (Recommendation 2), and in the interim the Department of the Prime Minister and Cabinet, to improve intelligence and security information sharing practices, including:
  - a) driving a change in approach to the “need-to-know” principle across relevant Public sector agencies, with special attention given to local government including the emergency management structures at the local and regional level, to ensure it enables rather than just restricts information sharing; and
  - b) overseeing the implementation, within six months, of recommendations in the *2018 Review of the New Zealand Security Classification System*:
    - i) expanding the classification system principles to provide that no information may remain classified indefinitely and that, where there is doubt as to the classification level, information is classified at the lower level;
    - ii) revising and strengthening Public sector agency guidance and developing training;

- iii) adopting a topic-based approach to systematic declassification of historic records; and
- iv) developing indicators of function and performance of the classification system.

**10. Amend** the Intelligence and Security Act 2017 with respect to direct access agreements, to require the new national intelligence and security agency, and in the interim the Department of the Prime Minister and Cabinet, to regularly report to the responsible minister for the counter-terrorism effort on their establishment and implementation.

**11. Direct** chief executives of Public sector agencies involved in the counter-terrorism effort to consider whether an appropriate number of their employees have security clearances and ensure that those staff have appropriate access to facilities and information management and technology systems to be able to review relevant material as required.

**12. Develop** and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government.

**13. Develop** and publish indicators and risk factors that illustrate for the public specific behaviours that may demonstrate a person's potential for engaging in violent extremism and terrorism and update them regularly as the threatscape evolves.

**14. Establish** a programme to fund independent New Zealand-specific research on the causes of, and measures to prevent, violent extremism and terrorism with the following provisions:

- a) the national intelligence and security agency (Recommendation 2) should be provided with a multi-year appropriation for research funding;
- b) research priorities and grant recipients should be selected by a panel comprising officials from the new national intelligence and security agency (Recommendation 2) and representatives from the Advisory Group on Counter-terrorism (Recommendation 7), with Advisory Group representatives forming the majority of the selection panel; and
- c) grant recipients should be encouraged to publish and present the results of their research at the annual hui on issues related to extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism (Recommendation 16).

**15. Create opportunities** to improve public understanding of extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism in New Zealand, led initially by the Minister for National Security and Intelligence, and including ongoing public discussions on:

- a) the nature of New Zealand's counter-terrorism effort, including current risks and threats and how Public sector agencies protect New Zealanders from the threat and risk of terrorism;
- b) who is involved in the counter-terrorism effort and their roles, recognising that communities, civil society, local government and the private sector are all part of the counter-terrorism effort, including, but not limited to, being important sources of information;
- c) the need to strike the balance between the privacy of individuals and the safety of individuals and communities and to understand the social licence for Public sector agencies to engage in counter-terrorism and countering violent extremism activities;
- d) supporting the public to understand how to respond when they recognise the concerning behaviours and incidents that may demonstrate a person's potential for engaging in violent extremism and terrorism; and
- e) how social cohesion, social inclusion and diversity contribute to an effective society.

**16. Direct** the chief executive of the new national intelligence and security agency (Recommendation 2) to host an annual hui, to bring together relevant central and local government agencies, communities, civil society, the private sector and researchers (Recommendation 14) to create opportunities to build relationships and share understanding of countering violent extremism and terrorism.

**17. Require** in legislation:

- a) the Minister for National Security and Intelligence to publish during every parliamentary cycle the National Security and Intelligence Priorities and refer them to the Parliamentary Intelligence and Security Committee for consideration;
- b) the responsible minister (Recommendation 1) to publish an annual threatscape report; and
- c) the Parliamentary Intelligence and Security Committee to receive and consider submissions on the National Security and Intelligence Priorities and the annual threatscape report.

**18. Review** all legislation related to the counter-terrorism effort (including the Terrorism Suppression Act 2002 and the Intelligence and Security Act 2017) to ensure it is current and enables Public sector agencies to operate effectively, prioritising consideration of the creation of precursor terrorism offences in the Terrorism Suppression Act, the urgent review of the effect of section 19 of the Intelligence and Security Act on target discovery and acceding to and implementing the Budapest Convention.

## Recommendations to improve New Zealand's firearms licensing system

### We recommend that the Government:

19. **Direct** New Zealand Police (or other relevant entity) to make policies and operational standards and guidance for the firearms licensing system clear and consistent with legislation.
20. **Direct** New Zealand Police (or other relevant entity) to introduce an electronic system for processing firearms licence applications.
21. **Direct** New Zealand Police (or other relevant entity) to ensure firearms licensing staff have regular training and undertake periodic reviews of the quality of their work.
22. **Direct** New Zealand Police (or other relevant entity) to introduce performance indicators that focus on the effective implementation of the firearms licensing system. Key indicators should include:
  - a) regular performance monitoring of firearms licensing staff to ensure national standards are met; and
  - b) public confidence in the firearms licensing system is increased (as measured by New Zealand Police citizens' satisfaction survey reports or similar mechanism).
23. **Direct** New Zealand Police (or other relevant entity) to require two new processes in the case of applicants who have lived outside of New Zealand for substantial periods of time in the ten years preceding the application:
  - a) applicants should be required to produce police or criminal history checks from countries in which they have previously resided; and
  - b) Firearms Vetting Officers should interview family members or other close connections in other countries using technology if the applicant does not have near relatives or close associates living in New Zealand.
24. **Introduce** mandatory reporting of firearms injuries to New Zealand Police by health professionals.

## Recommendations to support the ongoing recovery needs of affected whānau, survivors and witnesses

### We recommend that the Government:

- 25. Direct** the Ministry of Social Development to work with relevant Public sector agencies including the Accident Compensation Corporation, Immigration New Zealand, the Ministry of Justice, New Zealand Police and non-government organisations to facilitate coordinated access to ongoing recovery support for affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack, including assigning each whānau, survivor or witness a continuing single point of contact who will navigate all required Public sector support on their behalf.
- 26. Investigate** establishing a Collective Impact Network and Board or other relevant mechanism that enables Public sector agencies, non-government organisations and affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack to agree a specific work programme to provide ongoing wrap-around services to affected whānau, survivors and witnesses.
- 27. Direct** the Department of the Prime Minister and Cabinet in collaboration with relevant Public sector agencies to discuss with affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack what, if any, restorative justice processes might be desired and how such processes might be designed and resourced.



## Recommendations to improve social cohesion and New Zealand's response to our increasingly diverse population

### We recommend that the Government:

- 28. Announce** that the Minister for Social Development and Employment and the Ministry of Social Development have responsibility and accountability for coordinating a whole-of-government approach to building social cohesion, including social inclusion.
- 29. Direct** the Ministry of Social Development to discuss and collaborate with communities, civil society, local government and the private sector on the development of a social cohesion strategic framework and a monitoring and evaluation regime.
- 30. Investigate** the machinery of government options for an agency focused on ethnic communities and multiculturalism and establish a fit for purpose organisational design that will encompass the current functions expected of the Office of Ethnic Communities and enable the new responsible Public sector agency to focus on and perform the following functions:
  - a) advise the government and Public sector agencies about priorities and challenges that affect ethnic communities' wellbeing;
  - b) collate and use data to analyse, monitor and evaluate Public sector efforts to improve the wellbeing of ethnic communities, what those efforts should be and how they should be prioritised; and
  - c) develop an evaluation framework that incorporates performance indicators that examine the impact and effectiveness of government policies and programmes on the wellbeing of ethnic communities.
- 31. Prioritise** the development of appropriate measures and indicators (such as the Living Standards Framework) of social cohesion, including social inclusion.
- 32. Require** Public sector agencies to prioritise the collection of data on ethnic and religious demographics to support analysis and advice on the implications of New Zealand's rapidly changing society, inform better policy making and enhance policy evaluation.
- 33. Direct** the chief executives of the Public sector agencies involved in the counter-terrorism effort to continue focusing efforts on significantly increasing workforce diversity, including in leadership roles, and in consultation with the Advisory Group on Counter-terrorism (Recommendation 7).

**34. Encourage** the Public Service Commissioner to publish an annual report that:

- a) provides a comprehensive view of progress by the Public sector on the *Papa Pounamu* commitments including the identification of areas where those Public sector agencies are performing well, areas where improvements can be made and critical insights across all agencies about where to direct their efforts; and
- b) prioritises reporting on progress made by the Public sector agencies involved in the counter-terrorism effort.

**35. Encourage** the Public Service Commissioner to continue focusing efforts on significantly increasing workforce diversity and attracting diverse talent for Public service leadership roles at the first, second and third-tiers.

**36. Invest** in opportunities for young New Zealanders to learn about their role, rights and responsibilities and on the value of ethnic and religious diversity, inclusivity, conflict resolution, civic literacy and self-regulation.

**37. Create opportunities** for regular public conversations led by the responsible minister – the Minister for Social Development and Employment – for all New Zealanders to share knowledge and improve their understanding of:

- a) social cohesion, including social inclusion, and the collective effort required to achieve these; and
- b) the value that ethnic and religious diversity can contribute to a well-functioning society.

**38. Require** all Public sector community engagement to be in accordance with New Zealand’s Open Government Partnership commitments and in particular:

- a) require agencies to be clear about the degree of influence that community engagement has on associated decision-making by indicating to communities where the engagement sits on the International Association for Public Participation IAP2 *Public Participation Spectrum*; and
- b) encourage agencies to undertake more “involve” and “collaborate” levels of engagement in accordance with the International Association for Public Participation IAP2 *Public Participation Spectrum*.

**39. Amend legislation** to create hate-motivated offences in:

- a) the Summary Offences Act 1981 that correspond with the existing offences of offensive behaviour or language, assault, wilful damage and intimidation; and
- b) the Crimes Act 1961 that correspond with the existing offences of assaults, arson and intentional damage.

**40. Repeal** section 131 of the Human Rights Act 1993 and insert a provision in the Crimes Act 1961 for an offence of inciting racial or religious disharmony, based on an intent to stir up, maintain or normalise hatred, through threatening, abusive or insulting communications with protected characteristics that include religious affiliation.

**41. Amend** the definition of “objectionable” in section 3 of the Films, Videos, and Publications Classification Act 1993 to include racial superiority, racial hatred and racial discrimination.

**42. Direct** New Zealand Police to revise the ways in which they record complaints of criminal conduct to capture systematically hate-motivations for offending and train frontline staff in:

- a) identifying bias indicators so that they can identify potential hate crimes when they perceive that an offence is hate-motivated;
- b) exploring perceptions of victims and witnesses so that they are in a position to record where an offence is perceived to be hate-motivated; and
- c) recording such hate-motivations in a way which facilitates the later use of section 9(1)(h) of the Sentencing Act 2002.

## Recommendations for implementation

### We recommend that the Government:

**43. Ensure** a minister is given responsibility and accountability to lead and coordinate the response to and implementation of our recommendations and announce the appointment.

**44. Establish** an Implementation Oversight Advisory Group that:

- a) includes representatives of communities, civil society, local government, the private sector, affected whānau, survivors and witnesses and our Muslim Community Reference Group;
- b) provides advice to the responsible ministers (Recommendations 1 and 43) on the design of the government's implementation plan and its roll-out; and
- c) publishes its advice to enhance transparency.





# **Purpose and process**

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## Chapter 1: Introduction

- 1 As distressing as it is to recall the terrorist attack that ended the lives of 51 people and injured many more, it is necessary to include at the beginning of this report a detailed description of the events that led to this Royal Commission of Inquiry, that is, the terrorist attack on the masjidain that took place in Christchurch, New Zealand on 15 March 2019 (chapter 2 of this Part).
- 2 The details in the next chapter may be challenging to read and, for those who have been personally affected by the terrorist attack, it could cause strong emotional responses.
- 3 We use the description “affected whānau, survivors and witnesses” to refer to whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. We have chosen not to name shuhada, survivors and witnesses in chapter 2 of this Part. We acknowledge acts of heroism and compassion, but believe it would be inappropriate to name some people and not all.
- 4 It is entirely possible to read this report without revisiting the events of 15 March 2019. Those who decide not to read chapter 2 of this Part will not be at a disadvantage. We generally refer to the convicted terrorist and murderer who carried out the terrorist attack as “the individual” throughout this report.
- 5 Following the terrorist attack, the Government announced a Royal Commission of Inquiry. We cover our establishment and Terms of Reference in chapter 3 of this Part. In chapter 4, we outline the processes we followed. Finally, in chapter 5 we explain the structure of this report. We traverse a range of matters, from very specific operational aspects, to Public sector systems and social norms and behaviours. There is a logic to the report structure, but given the complexities, we provide a guide to help readers navigate the more than 750 pages to come.



## Chapter 2: The terrorist attack

- 1 Christchurch has a small but growing number of people of Muslim faith among its total population of around 388,500 people. Many people worship at Masjid an-Nur on Deans Avenue and at the Linwood Islamic Centre on Linwood Avenue. Both masjidain have members from diverse ethnic backgrounds. Some members are New Zealand-born, others immigrated here, including some who came as refugees. They have a range of working backgrounds and home lives. A shared belief in Islam is what draws them together.
- 2 On Friday 15 March 2019, a little before solar noon, members of both masjidain were beginning to gather for Jumu'ah, Friday prayers. There were about 190 worshippers at Masjid an-Nur and around 100 worshippers at the Linwood Islamic Centre.
- 3 A Global Climate Strike for Future march for high school students was underway in the city centre. That apart, 15 March 2019 was an ordinary mild autumn Friday in Christchurch.
- 4 Earlier in the day, the individual had left his home in Dunedin and driven to Christchurch, a distance of some 360 kilometres. He reached the outskirts of the city at approximately 1.00 pm.
- 5 The individual had six firearms in his car – two semi-automatic rifles, two other rifles and two shotguns – along with loaded large capacity magazines (some of which had been coupled together to facilitate changing magazines rapidly) and rounds of ammunition. He had already written words and phrases on the firearms and magazines reflecting his extreme right-wing, ethno-nationalist and Islamophobic ideology. There were more than 200 references to events in history, individuals or ideas, using short-hand terms that were intended to be recognisable and meaningful to those whose thinking aligned with that of the individual.
- 6 The individual had in his car four crude incendiary devices, two ballistic armour (bullet-proof) vests, military style camouflage clothing, a military style tactical vest, a GoPro camera, an audio speaker and a ballistic style tactical helmet. He also had a scabbard with a bayonet-style knife (with anti-Muslim writing on it).



- 7 The individual stopped in a carpark near Masjid an-Nur. He arranged the firearms so that four firearms were in the front of his car and the other two were in the rear of the vehicle. He draped one of the ballistic vests over the back of the driver's seat (to protect himself against any shots that might be fired at him from behind). He then put on the other ballistic vest, the military style camouflage clothing and the tactical vest. The tactical vest held at least seven magazines. The scabbard and the speaker were attached to his tactical vest.
- 8 At 1.26 pm, the individual updated his Facebook status with links to seven different file sharing websites that contained copies of a manifesto he had written explaining his motivation for the terrorist attack he was about to carry out.
- 9 At 1.28 pm, he posted an anonymous message to an online discussion board called 8chan, which was known to attract people with white supremacist and anti-immigrant views:

Well lads, it's time to stop shitposting and time to make a real life effort post. I will carry out and attack the invaders, and will even live stream the attack via facebook.

The facebook link is below, by the time you read this I should be going live.

[link to Facebook]

It's been a long ride and despite all your rampant faggotry, fecklessness and degeneracy, you are all top blokes and the best bunch of cobbles a man could ask for.

I have provided links to my writings below, please do your part by spreading my message, making memes and shitposting as you usually do.

If I don't survive the attack, goodbye, godbless and I will see you all in Valhalla!



- 10 This message directed readers to his Facebook page. It was intended to, and did, have the effect of enlisting the help of an online community to spread widely and quickly news of the terrorist attack, the manifesto and the video he would later livestream from his GoPro camera.
- 11 At 1.31 pm and 1.32 pm, he sent final messages to his mother Sharon Tarrant and sister Lauren Tarrant through Facebook Messenger.
- 12 At 1.32 pm, the individual also sent an email to 34 recipients, including the Office of the Prime Minister, the Leader of the Opposition, media organisations and the Parliamentary Service. The email contained this message:

**Date: 15 March 2019, 1.32 pm**

**From: [The individual]**

**To: [34 recipients]**

Subject: On the attack in New Zealand today

I was the partisan that committed the assault. I have attached my writings to explain my actions and beliefs as well as provided links to webpages to download the documents below.

[link to file sharing websites that contained copies of his manifesto]

- 13 At 1.33 pm, he linked his GoPro camera to his mobile phone and, with the camera mounted on the front of his helmet, he began to livestream footage to his Facebook page. This meant that he was filming everything he did and said and broadcasting it live to an international audience.
- 14 At 1.34 pm, the individual drove from the carpark in the direction of Masjid an-Nur on Deans Avenue. At 1.36 pm, he pulled over on the side of Deans Avenue and took off his helmet. He turned the GoPro directly towards his face and addressed his online audience. He then put the helmet back on his head, where it remained for the duration of the terrorist attack. The livestreamed video shows a person on the footpath walking past the vehicle without stopping.
- 15 Shortly after, at 1.37 pm, the individual turned on a strobe light, which was attached to one of the semi-automatic rifles and produced regular flashes of bright light. The purpose was to confuse and disorient the worshippers he was about to attack. The individual then continued to drive along Deans Avenue and stopped in a driveway just to the north of the masjid.



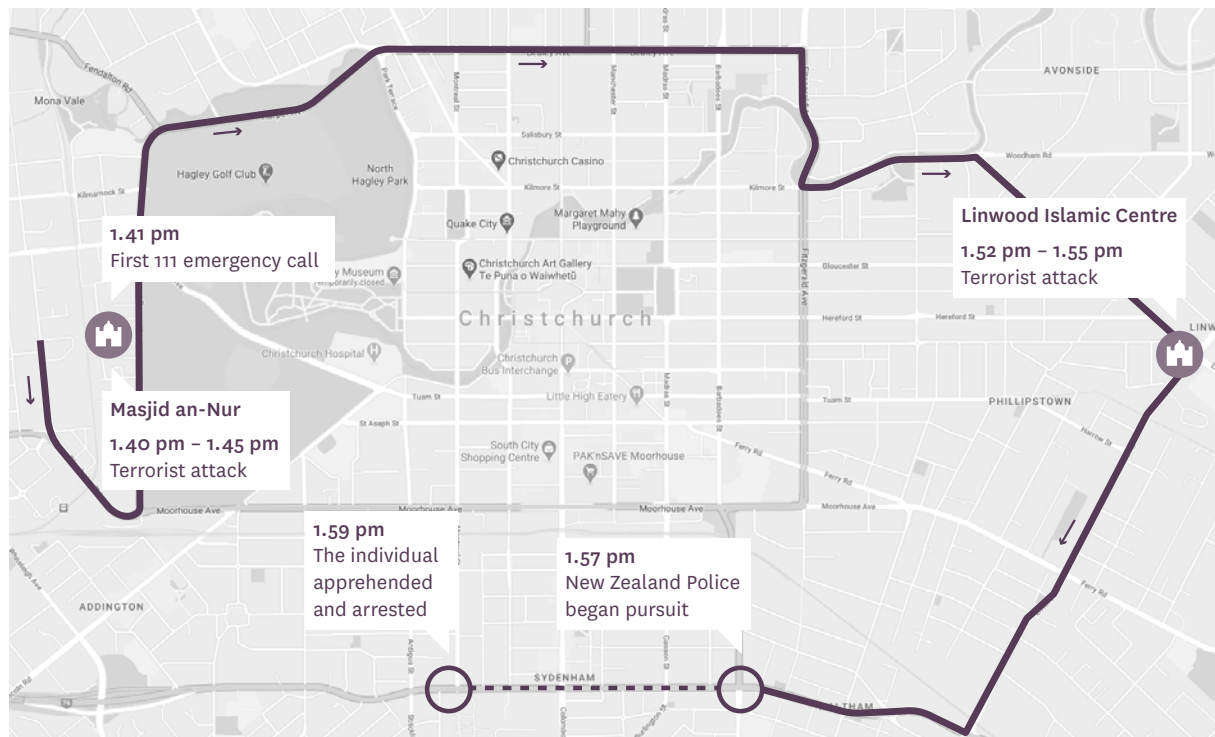
- 16 At 1.39 pm, the individual got out of his car, carrying the rifle with the strobe light attached. He walked to the rear of his vehicle and removed a semi-automatic shotgun.
- 17 At 1.40 pm, the individual walked towards Masjid an-Nur carrying the two firearms. Worshippers were inside or walking towards the masjid for Friday prayers. The individual opened fire with the shotgun, shooting four worshippers who were just entering the masjid. He then walked inside the masjid and continued shooting worshippers. When his shotgun ran out of ammunition, he abandoned it and used the semi-automatic rifle.
- 18 The first of a number of 111 emergency calls from the scene was received by New Zealand Police at 1.41 pm.
- 19 Worshippers tried to hide or flee from the building. Many of those in the men's prayer room could not open the emergency door and therefore could not get away. However, some worshippers were able to smash a window and escape through it.
- 20 Inside the masjid a worshipper ran at the individual and was shot as he did so. He then crashed into the individual, knocking him to the ground and dislodging a magazine from his tactical vest. This worshipper died from his injuries.
- 21 At 1.42 pm, the individual left Masjid an-Nur to return to his car. On his way, he fired at people outside the masjid and on the Deans Avenue footpath to the north and south of the masjid. When he reached his car, he dropped the semi-automatic rifle he had been using in the driveway and retrieved the other semi-automatic rifle. He lifted up one of the incendiary devices in the rear of his vehicle but ultimately left it in the car. He then ran to a driveway to the south of the masjid, firing at those he could see. Entering the masjid again, he fired more shots at people inside before returning to his car. On the way, he fired at people outside the masjid and in the carpark, including women who had come out of the women's prayer room and were trying to flee through a pedestrian gateway.
- 22 Some worshippers in the masjid car park were helped over the high boundary wall by other worshippers or neighbours. Some worshippers, having escaped the masjid grounds, were able to take refuge in nearby houses. While traffic initially continued to flow past the masjid, some people passing by stopped and provided cover and medical assistance to worshippers.
- 23 Throughout the terrorist attack, the individual played music through the speaker on his vest at high volume. This was from a playlist of pre-selected music, including an anti-Muslim song "Remove Kebab", which is associated with the civil war in the former Yugoslavia. He also continued to talk to the livestream audience during the attack with intermittent commentary as the GoPro and audio feed kept transmitting.



- 24 At 1.45 pm, the individual got back into his car and drove towards the Linwood Islamic Centre, which is approximately six kilometres away. He selected its address in his satellite navigation system. As he was leaving, he stopped several times to use the second shotgun to fire shots from his car at people near Masjid an-Nur, leaving holes in his front windscreen and smashing the passenger window of his car. Sirens from the first police vehicles to arrive at Masjid an-Nur can be heard in the livestream video, as the individual was driving towards Linwood.
- 25 In the course of his high-speed drive to Linwood (reaching speeds of up to 130 kilometres per hour in a 50 kilometres per hour zone), the individual talked and laughed, still addressing those following the livestream of his terrorist attack. He drove erratically, weaving in and out of traffic, driving on the wrong side of the road and up onto the grass median strip. He also unsuccessfully attempted, on two occasions, to shoot the driver of a car next to him. Before the individual arrived at the Linwood Islamic Centre, the livestream footage of the terrorist attack stopped. This was at 1.51 pm. The GoPro was, however, still active and continued to record until he was apprehended by New Zealand Police.
- 26 The individual arrived at the Linwood Islamic Centre at 1.52 pm. The worshippers had not been alerted to the terrorist attack at Masjid an-Nur. The individual parked across the end of the driveway, on Linwood Avenue. He ran towards the masjid with a third rifle, firing shots at people outside the building and then through a window into the masjid. After about a minute he abandoned this now empty rifle and returned to his car. He was followed down the driveway by a worshipper who yelled at him.
- 27 The individual removed the second of his semi-automatic rifles from his vehicle and fired at the worshipper, who had to dive between cars to avoid being hit. The individual went to the masjid entrance and fired at people with this rifle until he ran out of ammunition. He then dropped the rifle and ran towards his car. As he was doing this, the worshipper who had earlier followed the individual in the driveway threw a hand-held EFTPOS machine (an electronic payment device) at him. The worshipper then picked up one of the abandoned rifles and pursued the individual to his car, eventually throwing the rifle at the individual's vehicle as he was driving away. This shattered a rear passenger window.
- 28 Throughout the terrorist attack, worshippers tried to take cover, with some hiding behind cars in the driveway and carpark.
- 29 At 1.55 pm, the individual drove off at high speed (up to 120 kilometres per hour). The first report of shots having been fired in Linwood was made at 1.56 pm. New Zealand Police officers arrived at the Linwood Islamic Centre at 1.59 pm.



Figure 1: Route taken by the individual during the terrorist attack



- 30 The individual's intention had been to drive to the Ashburton Masjid to continue his terrorist attack. We know this based on what is in his manifesto about his intentions, his putting the address of the Ashburton Masjid in his satellite navigation system, what he told interviewing New Zealand Police detectives later that day and what he told us when we interviewed him. His direction of travel when he was apprehended by New Zealand Police was consistent with this purpose and he still had with him the last of his rifles.
- 31 Given reporting by witnesses of his car's number plate to New Zealand Police, the highly visible gunshot holes in the car windscreen, smashed windows, the distance to Ashburton of 92 kilometres and the single practicable route to that town from Christchurch, it was never likely that he would have reached the Ashburton Masjid. Indeed, just minutes after leaving the Linwood Islamic Centre and only four kilometres away, he was arrested after two New Zealand Police officers rammed his vehicle with their car.



- 32 Fifty-one people died as a result of gunshot wounds suffered at the two masjidain on that day. The oldest victim was 77 years old and the youngest three years old. Another 40 people suffered gunshot injuries, many of which have been catastrophically life changing. Some whānau suffered multiple tragedies with more than one person killed or injured.
- 33 In response to the terrorist attack New Zealand Police directed that Christchurch lock down – people were told by news, social media and their workplaces to stay inside for their safety until further notice. It was not clear whether more attackers were in the area. Children sheltered in their schools. Breaking news reports came through on the radio and television as word spread of the terrorist attack.
- 34 In the aftermath of the terrorist attack, affected whānau, survivors and witnesses faced major physical, emotional and other challenges. Many of these are ongoing. Communities throughout New Zealand felt less safe and secure.
- 35 Despite efforts by social media companies and Public sector agencies, both the GoPro footage taken by the individual of the terrorist attack and his manifesto spread across the internet. The video that was initially livestreamed by the individual on Facebook went on to be shared by many others, multiplying its global reach. It found its way onto multiple platforms including Twitter, YouTube and Reddit. Some people reported unintentionally seeing the video when it autoplayed on their news or video feeds. Those who watched the video included survivors of the terrorist attack as they lay in hospital, whānau of the shuhada, witnesses of the attack and ordinary people in Christchurch and around the world – adults and children alike. Almost as fast as social media platforms could remove the offensive and graphic footage, it was replaced – sometimes spliced into new video clips, making it impossible to detect quickly. Days after the terrorist attack, the manifesto and the video were classified as objectionable by New Zealand’s Chief Censor, making it illegal to possess and distribute them. Both are, however, still available on websites based outside of New Zealand.
- 36 New Zealanders reacted to the terrorist attack on 15 March 2019 with shock, disbelief, horror, sympathy and with an outpouring of public grief and solidarity with affected whānau, survivors and witnesses. News media covered the event and the aftermath comprehensively with extended interviews with affected whānau, survivors and witnesses. The media also interviewed ordinary citizens who wanted Muslim communities to know that New Zealanders rejected the terrorist attack and the apparent motivation. The remarkable acts of bravery by shuhada and survivors were highlighted, including the actions of the worshipper who ran at the individual during the terrorist attack and the worshipper who pursued the individual with an abandoned rifle. So too were the selfless acts of witnesses who provided assistance to worshippers during and immediately following the terrorist attack, such as those who helped worshippers over the fence of Masjid an-Nur, sheltered those who were fleeing the terrorist attack and gave first aid to those who were wounded.





- 37 News media coverage also focused public attention on the treatment of New Zealand’s ethnic and religious communities, and Muslim communities in particular. Questions were asked about the administration of the firearms licensing system and the performance of New Zealand Police, the intelligence and security agencies and the wider national security system.
- 38 This Royal Commission was established by the Government to provide an independent and authoritative report addressing these concerns.
- 39 On 26 March 2020, the individual pleaded guilty to 51 charges of murder, 40 charges of attempted murder and one charge of engaging in a terrorist act. He was convicted of those offences.
- 40 On 27 August 2020, the individual was sentenced to life imprisonment without parole for each of the 51 charges of murder.<sup>1</sup> He was further sentenced to concurrent terms of 12 years’ imprisonment for each of the 40 charges of attempted murder. He was also sentenced to life imprisonment for engaging in a terrorist act. It is the first sentence of life imprisonment without parole to be imposed in New Zealand’s history.
- 41 On 27 August 2020, the individual was designated as a terrorist entity under the Terrorism Suppression Act 2002.<sup>2</sup> This means the individual’s assets are frozen. The designation also makes it a criminal offence for anyone else to participate in, or finance, the activities of the individual.

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<sup>1</sup> *R v Tarrant* [2020] NZHC 2192.

<sup>2</sup> *New Zealand Gazette* 2020-g03941.

## Chapter 3: Establishment of the Royal Commission and our Terms of Reference

- 1 The Royal Commission was established by Order in Council on 8 April 2019.<sup>3</sup> It appointed the Honourable Sir William Young as Chair and set out our Terms of Reference. Jacqui Caine was appointed as a Member of the Royal Commission on 22 May 2019.
- 2 The original reporting date of 10 December 2019 was subsequently extended on two occasions until the final reporting date of 26 November 2020. These extensions were necessary because of the sheer volume of material we had to assess and the disruption resulting from the COVID-19 pandemic.
- 3 Our Terms of Reference directed us to inquire into what Public sector agencies knew about the individual's activities before the terrorist attack, what (if anything) they did with that information, what they could have done to prevent the terrorist attack and what they should do to prevent such terrorist attacks in the future.
- 4 As well, we were asked to investigate the individual's activities before 15 March 2019, including:
  - a) his time in Australia;
  - b) his arrival and residence in New Zealand;
  - c) his travel within New Zealand, and internationally;
  - d) how he obtained a gun licence, weapons and ammunition;
  - e) his use of social media and other online media; and
  - f) his connections with people, whether in New Zealand or internationally.

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<sup>3</sup> *New Zealand Gazette* 2019-dl1600.

5 We were directed to make findings as to:

- 4(a) whether there was any information provided or otherwise available to relevant [Public] sector agencies that could or should have alerted them to the terrorist attack and, if such information was provided or otherwise available, how the agencies responded to any such information, and whether that response was appropriate; and
- (b) the interaction amongst relevant [Public] sector agencies, including whether there was any failure in information sharing between the relevant agencies; and
- (c) whether relevant [Public] sector agencies failed to anticipate or plan for the terrorist attack due to an inappropriate concentration of counter-terrorism resources or priorities on other terrorism threats; and
- (d) whether any relevant [Public] sector agency failed to meet required standards or was otherwise at fault, whether in whole or in part; and
- (e) any other matters relevant to the purpose of the inquiry, to the extent necessary to provide a complete report.

6 And finally, recommendations were sought on:

- 5(1)(a) whether there is any improvement to information gathering, sharing, and analysis practices by relevant [Public] sector agencies that could have prevented the terrorist attack, or could prevent such terrorist attacks in the future, including, but not limited to, the timeliness, adequacy, effectiveness, and co-ordination of information disclosure, sharing, or matching between relevant [Public] sector agencies; and
- (b) what changes, if any, should be implemented to improve relevant [Public] sector agency systems, or operational practices, to ensure the prevention of such terrorist attacks in the future; and
- (c) any other matters relevant to the above, to the extent necessary to provide a complete report.

7 The Terms of Reference directed that certain issues were outside our scope – the guilt or innocence of any individual charged with offences in relation to the terrorist attack, amendments to firearms legislation, activity by entities or organisations outside the Public sector agencies (such as media platforms) and the response to the terrorist attack once it had begun.

- 8 We were required to:
- a) connect with New Zealand's Muslim communities;
  - b) maintain the confidentiality of information that could be harmful to the public interest if it was released, including information about the operational practices of Public sector agencies (particularly intelligence and security agencies) and information supplied in confidence to the New Zealand government; and
  - c) protect the fair trial rights of the individual charged with offences in relation to the terrorist attack.
- 9 The Order in Council defined relevant Public sector agencies as the Government Communications Security Bureau, Immigration New Zealand, New Zealand Customs Service, New Zealand Police and the New Zealand Security Intelligence Service. But the definition in clause 3 also included:
- ... any other agency whose functions or conduct, in the inquiry's view, needs to be considered in order to fulfil the inquiry's terms of reference.
- 10 We saw this as including the Department of the Prime Minister and Cabinet, which has a significant role in the national security system, and the Department of Internal Affairs through its Office of Ethnic Communities, which has a role in social cohesion and embracing diversity programmes.

## Chapter 4: The process we followed

### 4.1 Overview

- 1 In this chapter we provide an overview of the process we followed. Under the Inquiries Act 2013, a Royal Commission may conduct its inquiry as it considers appropriate, subject to any restrictions in its Terms of Reference or in the Inquiries Act. As we will explain, our inquiry was conducted in private. Limiting public participation meant we needed to provide transparency in other ways during our inquiry.
- 2 The matters that we were investigating directly concerned the operational practices of Public sector agencies, including the methods used by the intelligence and security agencies to gather information. Our Terms of Reference required us to ensure that information we received from relevant Public sector agencies remained confidential, where this was necessary, to protect public safety and the security and defence interests of New Zealand, a requirement that extended to information supplied in confidence from international partners.
- 3 We ensured that current and former Public sector employees and contractors (including those who worked for the intelligence and security agencies) could contact us confidentially. We were concerned that, without these arrangements, some may have been deterred from providing us with information for fear of repercussions in their current or future roles within the Public sector.
- 4 At the same time, we were aware of the significant public interest in our proceedings. Our report had to provide reassurance to the New Zealand public, particularly New Zealand's Muslim communities, that all appropriate measures are being taken to ensure their safety and protection. Connecting with the public was a necessary part of providing this reassurance.
- 5 After careful consideration, we reached the view that our Terms of Reference practically required our process to be conducted in private. They directed us to ensure that sensitive information was protected, the operational tradecraft of intelligence and security agencies remained confidential and the fair trial rights of the individual were preserved.<sup>4</sup> As well, we wanted to protect the privacy of affected whānau, survivors and witnesses of the terrorist attack, and to respect the wishes of some people who would have been concerned about possible repercussions if their names or comments became public. A private process meant that we could address those concerns.

<sup>4</sup> For more information on the Royal Commission of Inquiry's Minutes, see <https://christchurchattack.royalcommission.nz>.

- 6 We took steps to achieve a reasonable measure of transparency and, in this way, provide reassurance to the New Zealand public. For example, we undertook broad-based engagement through meetings with New Zealand communities, including Muslim communities, and provided regular updates on progress through the Royal Commission's website. In respect of our updates, we published the names of most people we interviewed, procedural minutes, meeting notes from the Muslim Community Reference Group and outlined each stage of our inquiry as we progressed.
- 7 In relation to gathering information and evidence, we adopted an iterative and inquisitorial process including:
  - a) engaging with affected whānau, survivors and witnesses;
  - b) meeting with Muslim communities;
  - c) meeting with ethnic and religious communities and interest groups;
  - d) receiving submissions;
  - e) requesting evidence from Public sector agencies;
  - f) meeting with local authorities;
  - g) meeting with the integrity agencies;
  - h) requesting information from businesses;
  - i) interviewing Public sector employees, including chief executives of the named Public sector agencies, under oath or affirmation;
  - j) seeking information from relevant Australian organisations;
  - k) meeting with and consulting experts;
  - l) interviewing former and current ministers of the Crown; and
  - m) interviewing the individual.
- 8 With the individual's pleas of guilty on 26 March 2020, there was no longer a need to be concerned about his fair trial rights. But, by that stage, our process was well advanced to the point that we had reached provisional findings and a natural justice process was underway on these findings. Public and adversarial hearings would have been incompatible with the substantial engagement we had already undertaken and sharing of the provisional findings, and necessitated a further extension of the reporting deadline. In any event, the ongoing requirement to protect confidentiality in respect of the practices of intelligence and security agencies would have continued to limit the potential scope of public hearings.

## 4.2 Engaging with Muslim communities

- 9 Engaging with affected whānau, survivors and witnesses of the terrorist attack was at the forefront of our thinking. We extended an invitation to affected whānau, survivors and witnesses to meet with us privately, on their own terms, and when they were ready to do so. The Royal Commission was established less than a month after the terrorist attack and it was important not to rush people who were still grieving and coming to terms with what had happened. We also wanted to respect religious practices such as the ‘Iddah grieving period, Ramadan, Eid al-Fitr, Dhul Hazzah, Eid al-Adha, Hajj pilgrimage and Muharram. We met with the Imams from Masjid an-Nur and the Linwood Islamic Centre, the Christchurch Muslim Liaison Group, the Linwood Islamic Charitable Trust and the Muslim Association of Canterbury. On occasion, we attended Jumu’ah at the Linwood Islamic Centre and Masjid an-Nur. We were able to speak to all those affected whānau, survivors and witnesses who expressed a wish to talk to us, whether they resided in New Zealand or were overseas.
- 10 Many of those closely affected by the terrorist attack invited us into their homes, sharing their grief as well as their hospitality with us. We were deeply humbled and privileged to do so. We were also assisted in these discussions by Aarif Rasheed and his team from JustCommunity, a legal, cultural awareness and advocacy consultancy group, and Deborah Lemon of Navigate Your Way Trust, a service provider helping people find pathways to housing and other services. Together they assisted us to engage with over 130 families affected by the terrorist attack. We are extremely grateful to those who agreed to meet with us. The stories they shared about their experiences before, during and after the terrorist attack gave us valuable insight which has deeply enriched this report. We hope we have adequately reflected what they told us. Their evidence is reflected throughout this report, and in our companion publication *What we heard from affected whānau, survivors and witnesses*.
- 11 We also met with, and attended events at the invitation of, Muslim organisations including Auckland University Muslim Students’ Association, Auckland University of Technology Muslim Students’ Association, Federation of Islamic Associations of New Zealand, Islamic Ahlulbayt Foundation of New Zealand, Islamic Council of New Zealand, Islamic Women’s Council of New Zealand, Masjid al-Huda/Dunedin Islamic Centre, New Zealand Muslim Association, North Shore Ahlulbayt Centre Hussainiya, Otago Muslim Association, Pakuranga Hussainiya, South Auckland Muslim Association, UMMA Trust and the Working Together Group.

12 At the beginning of our process, and to meet our Terms of Reference, we established a Muslim Community Reference Group made up of 37 members.<sup>5</sup> This was to ensure that we had access to a diverse range of opinions from Muslim communities and that people within those communities had access to us. A wide range of nominations were considered to determine the make-up of the group, which was designed to be as broadly representative as possible. Criteria for ensuring the right balance included gender, religious perspectives, ethnicity, age, geographical location and the member's connections to their communities. It was important to us that we built trust with members, so they could have confidence in us. We put much thought and effort into building this relationship. We engaged throughout the inquiry with the Muslim Community Reference Group and met on nine occasions.

### **4.3 Community and interest groups**

13 We met with, or heard from, many community and interest groups and non-government organisations who held information useful to our inquiry. We met with representatives including from the Dunedin Abrahamic Interfaith Group, Foundation against Islamophobia and Racism, Purapura Whetu (mental health and social services Christchurch), the Refugee Council of New Zealand, the Religious Communities Leadership Forum and the Religious Diversity Trust Aotearoa.

14 We also met with representatives including from the African Communities Forum, Jewish Council, Migrant Action Trust, Multicultural Council of Wellington, New Zealand Asian Leaders, New Zealand Indian Central Association, Somali Education and Development Trust, Te Rūnanga o Ngāi Tahu, Third Culture Minds: Refugee and Migrant Youth Mental Health Charitable Trust and Transparency International.

### **4.4 Integrity agencies**

15 We met on a number of occasions with the Chief Human Rights Commissioner, the current and some former Race Relations Commissioners and staff of the Human Rights Commission.

16 We also engaged with the Privacy Commissioner, the Chief Ombudsman, the current and a former Auditor-General, the Chief Commissioner of Intelligence Warrants and the current and a former Inspector-General of Intelligence and Security.

### **4.5 Submissions process**

17 In order to reach a broad range of New Zealanders and hear their views, we opened a submissions process from 1 July 2019 to 27 September 2019. The original closing date of 31 July 2019 was extended to accommodate those people who needed more time to prepare their submission.

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<sup>5</sup> For more information on the Muslim Community Reference Group, see <https://christchurchattack.royalcommission.nz>.



- 18 We received 1,168 submissions – 1,123 from individuals (including researchers and academics) and 45 from organisations. The total number of submissions includes submissions that were received verbally and then transcribed.
- 19 The insights from the submissions are woven throughout the chapters of this report and summarised in our companion publication *Summary of submissions*.

#### 4.6 Public sector agencies

- 20 We took a comprehensive approach to understand what Public sector agencies knew. We wrote to all 217 agencies in the wider New Zealand Public sector asking for information held about the individual, whether any concerns about safety and security had been raised by iwi/Māori, ethnic or religious communities (including Muslim communities) with them and the role the agency has in New Zealand's counter-terrorism effort. The vast majority of agencies did not hold any information on the individual, but we have been assisted in our inquiry with other information they provided. In *Part 6: What Public sector agencies knew about the terrorist* we set out what information agencies held about the individual.
- 21 We issued numerous requests for information held by Public sector agencies. In some instances, we went back to agencies and asked for more information. For example, we received over 15,000 pages of evidence from New Zealand Police for analysis. By the end of our inquiry we had received over 73,500 pages of evidence and submissions.
- 22 We summonsed current and former chief executives of Public sector agencies and interviewed many other current or former Public sector employees who worked in those agencies. Some of those current or former Public sector employees approached us in confidence. We took evidence from employees from all levels within the Public sector agencies, including front-line staff.
- 23 Confidentiality orders (made under section 15 of the Inquiries Act 2013) ensured that individuals who appeared before us could be confident that they could give us their free and frank views. These orders also prevented coordination of evidence. We were pleased that individuals were forthcoming in expressing their views even when these differed from the positions of their agencies. From the relevant Public sector agencies themselves, we were looking for their organisation view rather than a system view.

## **4.7 Local government**

24 We met with the Mayors of Christchurch and Auckland, and councillors and council staff.

## **4.8 Experts**

25 We spoke to many people with expertise in areas material to the inquiry, including experts in ethnic and religious communities.

26 We are particularly grateful for the time made available to us by Lord Hogan-Howe QPM, former Commissioner of the Metropolitan Police Service (Greater London area) from 2011 to 2017, and John McKinnon CNZM QSO, former Chief Executive of the Ministry of Defence from 2006 to 2012 and Director of the External Assessments Bureau from 1995 to 2001. Their perceptive comments and advice helped our thinking.

27 We met with New Zealand's intelligence and security and law enforcement counterparts, academics and experts in Australia, Norway, the United Kingdom and the United States of America. These meetings increased our understanding of right-wing extremism, lone actor terrorists, the lessons learned by countries that have experienced similar terrorist attacks and the challenges facing other counter-terrorism systems.

28 We also consulted a range of subject matter experts within New Zealand:

- a) Dr Elaine Barrington-Ward, a Senior Medical Officer and Clinical Leader in the Endocrinology and Diabetes Department at Wellington Hospital, an expert in steroid and testosterone use.
- b) Ben Elley, an expert in online radicalisation and the far right.
- c) Te Maire Tau, Ūpoko (leader) of Ngāi Tūāhuriri (tribal authority for Christchurch).
- d) A New Zealand Police Armourer, who provided advice on firearms-related issues.

29 All of the people referred to in our website updates – and others who requested they not be listed – provided valuable insights and expertise to our inquiry.

## **4.9 Members of Parliament**

30 We interviewed several current and former members of Parliament who have held ministerial portfolio responsibilities in relation to national security and the intelligence and security agencies.

## 4.10 The individual

- 31 Before the individual entered pleas of guilty, our engagement with him through his then lawyers had been limited and formal in nature, as he was then facing trial. After he had pleaded guilty to all the charges he faced, we approached the individual, through his then lawyers, to see if he was prepared to talk to us. He was. Given our obligation to make all reasonable inquiries into the issues on which our Terms of Reference required findings and recommendations, we saw an interview with the individual as appropriate.
- 32 The individual was (and remains) detained in Auckland Prison. The facilities available for the interview in Auckland Prison were of limited size, with room for only three people other than the individual. He had counsel present. This left space for only the Chair of the Royal Commission and counsel assisting. The interview took place on 24 June 2020. There was an audio link so the Member of the Royal Commission and officers could join the interview.
- 33 We did not have the practical ability to compel the individual to talk to us. This was because the penalties under the Inquiries Act for not responding appropriately to a witness summons are inconsequential when compared to the penalties he faced at sentencing. So, his participation was voluntary. The individual did not wish to give his evidence on oath or affirmation. We did not press that issue.
- 34 We had reservations about some aspects of what he told us but much of it was plausible. We will refer to his evidence in more detail later in this report, particularly in *Part 4: The terrorist*.

## 4.11 Our engagement by numbers

- 35 Between April 2019 and September 2020, we held more than 395 meetings with affected whānau, survivors and witnesses, community organisations and individuals, Public sector agencies, integrity agencies, local government, members of Parliament, experts, academics and international representatives. Many of the Public sector employees interviewed were summonsed to appear and provided their evidence under oath or affirmation. We issued more than 47 summonses to current and former Public sector employees to appear before us. More than 330 section 15 orders were also issued to Public sector agencies and people to ensure the evidence gathering and natural justice process was rigorous.

## 4.12 Types of evidence received

- 36 The evidence we received included stories from community members, reports and reviews, Cabinet papers, ministerial briefings, interview transcripts, meeting notes, email records, police statements, audio recordings, financial reconstructions, credit card transactions, medical assessments, social media reports, information relied on by international media outlets, maps, photographs, videos, newspaper clippings, examination of physical evidence, international partner information and telecommunication records.

### **4.13 Internal deliberations**

- 37 Our internal deliberation process largely ran in parallel to our information and evidence gathering process. It included analysing the evidence, conducting research, preparing internal memoranda, holding workshops within the Royal Commission and pursuing additional lines of inquiry when appropriate.
- 38 Officers of the Royal Commission were encouraged to offer their unique perspectives on the complex issues that had to be resolved. This robust approach helped to develop and refine our thinking and, ultimately, paved the way to finalising the content of the report.

### **4.14 Due diligence process**

- 39 We undertook a comprehensive due diligence process with those who had participated in the inquiry. This included:
- a) an iterative natural justice process;
  - b) fact-checking;
  - c) reviews for sensitive and classified information; and
  - d) obtaining consent to use quotations.

We discuss these aspects of our process below.

#### **An iterative natural justice process**

- 40 Although we could not make decisions about civil, criminal or disciplinary liability, we could make unfavourable (adverse) findings against people or Public sector agencies. Section 14(2) and (3) of the Inquiries Act states that, if we intended to make findings against a person or agency, we had to make sure that person or agency understood the reasons for the unfavourable finding and had a fair opportunity to respond before we made our final decision. We followed a natural justice process that applied not only to provisional unfavourable findings, but also to any unfavourable statements. This process generally included:
- a) telling people and Public sector agencies if we intended to make unfavourable findings or unfavourable statements about them;
  - b) giving those people and Public sector agencies an opportunity to review the information on which the proposed unfavourable finding or statement was based, and to respond; and
  - c) telling people, community groups or organisations and Public sector agencies mentioned in the draft report that they were going to be mentioned.

In some instances, changes to our draft report required additional natural justice processes to be carried out.

### Fact-checking

- 41 As noted above, we received over 73,500 pages of evidence and submissions. This large volume of material meant there was, potentially, scope for factual inaccuracies in our report. To ensure we produced a factually accurate report, we requested those whose evidence or submissions had been relied on in the report (whether Public sector agencies, community groups, individuals or otherwise) to check the accuracy of parts of the report that were based on their evidence and submissions. No one received a full copy of the draft report.
- 42 The fact-checking aspect of our due diligence process was time-consuming. However, undertaking this process means our whole report has been fact-checked by relevant individuals and organisations.

### Reviews for sensitive and classified information

- 43 Our Terms of Reference precluded the disclosure of sensitive information in our report. We have been anxious throughout our inquiry to provide a report that can be published in full without redactions or suppressed sections. Accordingly, as part of our due diligence process, we asked the intelligence and security agencies to identify any sensitive information in the draft report content.
- 44 Broadly speaking, sensitive information relates to the operations of the intelligence and security agencies that, if it was released, would prejudice the security, defence, or international relations of New Zealand or would endanger the safety of any person. We undertook a comprehensive process to ensure the report did not contain any sensitive information. That process involved agency nominees reviewing the report for sensitive information and providing us with advice, asking Public sector agencies for their comments on sensitive information issues and holding a hearing to determine any outstanding issues. We decided how the sensitive information issues raised at the hearing should be resolved, including by sanitisation.
- 45 Sanitisation requires a restatement of information so as to limit the potential for harm to national security. Very little information required sanitisation. Such sanitisation as has occurred has not altered the substance of what we wanted to say.
- 46 Our Terms of Reference did not prevent the publication of classified information. Instead, we had discretion whether to publish such information. We asked Public sector agencies to identify any classified information contained in the draft report during the due diligence process and explain why they thought this should not be published. Some Public sector agencies considered that the report contained classified information that should not be published, at least in the way it was set out in the draft report.

- 47 To decide whether we would publish classified information in our report, we followed a broadly similar process to that undertaken in relation to sensitive information. All issues that arose were able to be dealt with by sanitisation or determining that the information could be included as is. The sanitisation processes did not affect the substance of what we wanted to say.
- 48 A substantial amount of information previously classified as Secret or Top Secret is included in our report.

### **Obtaining consent to use quotations**

- 49 As noted above, we gathered information and evidence in private. We gave all witnesses, and those who made submissions to us, other than the individual, the assurance that what they provided to us would remain confidential unless they later provided their consent for the material to be disclosed. We considered this essential in order to honour the assurance of confidentiality that we had given to participants.

### **4.15 Concluding comments**

- 50 We acknowledge that the requirement to proceed in private created some limitations. Ideally, we would have had the opportunity to test evidence and conclusions, which a public process might have provided. For the reasons discussed earlier, that was simply not practical. We have worked to secure the confidence of the Muslim organisations and individuals with whom we have engaged. We have also done our best to test the evidence and our conclusions. As to whether we have been successful, our report must speak for itself.

### **Important Notice**

Please be aware that the Royal Commission of Inquiry into the terrorist attack on Christchurch mosques on 15 March 2019 has made orders under section 15 of the Inquiries Act 2013 prohibiting the publication of the names and identifying particulars of the persons referred to in the report as:

1. Mr Breidahl's former partner;
2. Mr Breidahl's friend;
3. gaming friend;
4. gaming friend's parent;
5. former Dunedin Arms Officer (or former Dunedin District Arms Officer);
6. Firearms Licensing Clerk (or Dunedin Licensing Clerk);
7. Dunedin Vetting Officer; and
8. Waikato Vetting Officer.

It is an offence for any person to publish the names or identifying particulars of these people.

## Chapter 5: Reading the report

### 5.1 Structure

- 1 The report covers a wide range of topics, some of which are only loosely connected. As well, some of the issues are very specific whereas others recur throughout the report.
- 2 The first two Parts (*Part 2: Context* and *Part 3: What communities told us*) deal with issues that are relevant to everything that follows in the report. The next three Parts (*Part 4: The terrorist*, *Part 5: The firearms licence* and *Part 6: What Public sector agencies knew about the terrorist*) deal in forensic detail with specific aspects of our inquiry. *Part 7: Detecting a potential terrorist* provides a bridge to the more evaluative *Part 8: Assessing the counter-terrorism effort*. *Part 9: Social cohesion and embracing diversity* is a similarly evaluative exercise – this time in respect of Public sector involvement in social cohesion and encompassing the New Zealand’s approaches to hate crime and hate speech.
- 3 The findings we make are incorporated in the Parts in which the relevant issues are addressed. We make our recommendations, separately, in *Part 10: Recommendations*.

### 5.2 Anonymisation

- 4 Our Terms of Reference required us to make findings and recommendations about Public sector agencies. We are, therefore, concerned with actions taken at an agency or system level. We do not consider it necessary to name any current or former Public sector employees other than chief executives or deputy chief executives.
- 5 Other than experts who assisted the inquiry, we do not think it is appropriate to name private individuals whose names are not already in the public domain, which is the case with the individual’s mother and sister, Sharon and Lauren Tarrant, and Peter Breidahl. Naming other private individuals in our report may lead to undue public attention and possible harm.
- 6 Consistent with this policy, we have used the pronouns “they” and “them” in place of “he”, “she”, “him” and “her” and the adjective “their” instead of “his” or “her”. This has been to avoid providing unnecessary identifying detail in relation to the people whom we spoke to or whose actions we discuss.

### 5.3 Distressing content

- 7 A note of warning, this report contains material that is at times confronting, particularly to those affected by the 15 March 2019 terrorist attack. We provide visual warning prior to the most challenging sections. Some people may wish to avoid these parts.

## Glossary

<b>Term</b>	<b>Definition</b>
<b>EFTPOS</b>	Acronym for electronic funds transfer at point of sale. An electronic payment system.
<b>hui</b>	Te reo Māori (Māori language) term for a meeting or gathering.
<b>hussainiya</b>	An Arabic term for a congregation hall for Shia (a denomination of Islam) commemoration ceremonies.
<b>incendiary device</b>	A device designed to cause fires.
<b>Jumu'ah</b>	Jumu'ah is the prayer that occurs at solar noon on Fridays.
<b>magazine</b>	A device that contains ammunition to feed into the chamber of a firearm.
<b>masajid</b>	An Arabic term for more than two masjid.
<b>masjid</b>	An Arabic term for a mosque, the Muslim place of worship. In Arabic, masjid literally translates to “place of prostration (in prayer)”.
<b>masjidain</b>	An Arabic term for two masjid.
<b>Masjid an-Nur</b>	The Arabic term for the an-Nur Mosque.
<b>Public sector agency</b>	In general, an organisation that works for the government of New Zealand.  In this report, “Public sector agencies” means the 217 organisations listed in the appendix.
<b>scabbard</b>	A sheath or holster for a knife.
<b>shuhada</b>	An Arabic term for the plural “martyr”. The term shuhada is used in this report to refer to people who died as martyrs as a result of the terrorist attack on 15 March 2019.
<b>solar noon</b>	The time of day when the sun appears to have reached its highest point in the sky.
<b>whānau</b>	Te reo Māori (Māori language) term for family.







# Context

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## Chapter 1: Introduction

- 1 In this Part we explain some of the contextual issues and concepts that provide a background to our report.
- 2 Chapter 2 provides a brief overview of the New Zealand context. For those not familiar with New Zealand it provides a brief explanation of New Zealand's history, constitutional framework and diverse demographics.
- 3 In chapter 3 we describe the international and domestic human rights framework. This provides context for when we consider issues related to human rights throughout the report.
- 4 Chapter 4 provides an overview of New Zealand's national security system and the counter-terrorism effort. This introduces some concepts, Public sector agencies and governance structures that are examined later in the report.
- 5 In chapter 5 we explain the main concepts and terms associated with extremism. We outline the spectrum of harmful behaviours discussed in later Parts and focus on the key characteristics of right-wing extremism. This is of relevance to understanding the individual's behaviour and the activities of the Public sector agencies tasked with countering violent extremism and terrorism.

## Chapter 2: The New Zealand context

- 1 New Zealand is situated in the southwest Pacific Ocean and is geographically isolated from the rest of the world. New Zealand's population was just over 5 million in the year 2020, with its people spread primarily over its two largest islands, the North and South Islands. Situated in the North Island, Auckland is the largest city and home to one third of the country's population, with around 1.66 million inhabitants. Also in the North Island is New Zealand's capital, Wellington, with a population of around 500,000 in the wider region. This is followed by Christchurch in the South Island, which has a population of around 385,500.

### 2.1 The Māori – Crown relationship

- 2 First contact between Māori and Tauīwi occurred in the 17th century. Through the late 18th century and early 19th century, European traders, missionaries and later British settlers arrived in New Zealand. The British government had no legal authority to control the activities of settlers until the signing of Te Tiriti o Waitangi in 1840.<sup>1</sup>
- 3 Te Tiriti o Waitangi was signed by Māori and the British Crown in 1840. It is New Zealand's founding document.<sup>2</sup> With the signing of Te Tiriti o Waitangi, New Zealand became a British Colony and it paved the way for further settlement of British citizens. Te Tiriti o Waitangi came with a duty on the part of the Crown to protect Māori rights and property. There were (and still are) different interpretations of what was agreed in the Māori and English texts of Te Tiriti o Waitangi. A significant difference of interpretation is whether Māori ceded sovereignty (as in the English text) or whether they agreed to British governance over their lands (kāwanatanga in the Māori text) but retained self-determination (tino rangatiratanga, in the Māori text). The repeated failures on the part of the Crown to uphold its commitments under Te Tiriti o Waitangi have caused widespread and ongoing harms.<sup>3</sup>
- 4 From 1840 the pace of migration saw the Tauīwi population grow rapidly. It soon outnumbered Māori. By 1874 Māori made up less than one-tenth of the population and this remained the case for a century.<sup>4</sup>

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<sup>1</sup> Office of Treaty Settlements *Ka tika ā muri, ka tika ā mua / Healing the past, building a future* (2018).

<sup>2</sup> Office of Treaty Settlements, footnote 1 above.

<sup>3</sup> Rebecca Wirihana and Cheryl Smith "Historical Trauma, Healing and Well-Being in Māori Communities" (2014) 3(3) *MAI Journal*; Human Rights Commission *Human Rights and the Treaty of Waitangi: Human Rights in New Zealand* (2010); TK Kingi "The Treaty of Waitangi: A framework for Māori health development" (2017) 54(1) *Journal of Occupational Therapy*.

<sup>4</sup> Ministry for Culture and Heritage *Māori and European population numbers, 1838-1901* (29 August 2014) <https://nzhistory.govt.nz/media/photo/maori-and-european-population-numbers-1838-1901>.

- 5 The colonisation of New Zealand led to Māori incurring widespread loss of land through practices in breach of Te Tiriti o Waitangi.<sup>5</sup> This included large-scale land confiscation.<sup>6</sup> These confiscations occurred during and after the New Zealand Land Wars, a series of battles prompted by conflict over land sales and interpretations of Te Tiriti o Waitangi. Through this period the Crown attempted to suppress Māori protest and self-determination, including through the use of excessive force.<sup>7</sup> By 1930 Māori retained ownership of only six percent of land in New Zealand.<sup>8</sup>
- 6 The loss of land, warfare and imposition of laws, policies and practices designed to assimilate Māori<sup>9</sup> eroded Māori social structures and led to a loss of language and traditional knowledge.<sup>10</sup> This has had enduring impacts on Māori health, wellbeing and access to resources, which are seen today in disparities across a range of indicators.
- 7 Māori have sought resolution of grievances for the past 180 years and have demanded recognition of their Te Tiriti o Waitangi rights and tino rangatiratanga.<sup>11</sup> The Māori-led movement in the latter half of the 20th century, together with Waitangi Tribunal claims and subsequent negotiated settlements with the Crown,<sup>12</sup> have contributed to the revitalisation of Māori language and culture and socio-economic development.<sup>13</sup> The principles of Te Tiriti o Waitangi form the basis of the ongoing relationship between Māori and the Crown.

## 2.2 New Zealand's constitutional arrangements

- 8 New Zealand is a constitutional monarchy. The Sovereign (Queen Elizabeth II) is the head of state of New Zealand and is represented by the Governor-General. The Sovereign exercises certain powers and functions, acting on the advice of ministers.<sup>14</sup> The prime minister is the principal advisor to the Governor-General.

<sup>5</sup> Office of Treaty Settlements, footnote 1 above.

<sup>6</sup> Rebecca Wirihana and Cheryl Smith, footnote 3 above.

<sup>7</sup> Office of Treaty Settlements, footnote 1 above.

<sup>8</sup> Office of Treaty Settlements, footnote 1 above.

<sup>9</sup> For example, the Native Schools Act 1867, the Tohunga Suppression Act 1907.

<sup>10</sup> Leonie Pihama, Linda Tuhiwai Smith, Tessa Evans-Campbell, Ngaropi Cameron, Rihi Te Nana, Tania Mataki, Herearoha Skipper, Hinewirangi Kohu-Morgan and Kim Southey "Investigating Māori approaches to trauma informed care" (2017) 2(3) *Journal of Indigenous Wellbeing*.

<sup>11</sup> Mera Penehira, Alison Green, Linda Tuhiwai Smith and Clive Aspin "Māori and indigenous views on R & R: Resistance and Resilience" (2014) 3(2) *MAI Journal*; Office of Treaty Settlements, footnote 1 above.

<sup>12</sup> The Waitangi Tribunal was set up in 1975 to consider contemporary claims of breaches of Te Tiriti o Waitangi. In 1985 its powers were extended to allow it to consider historical breaches dating back to 1840.

<sup>13</sup> Human Rights Commission, footnote 3 above.

<sup>14</sup> Department of the Prime Minister and Cabinet *Cabinet Manual 2017* (2017).

- 9 The prime minister is the head of government. The executive branch of government consists of ministers and the public service. Ministers direct the executive branch of government, which makes decisions on government policies and proposes laws.<sup>15</sup>
- 10 Ministers are members of Parliament and are appointed by the Governor-General on the advice of the prime minister. Ministers are responsible for specific portfolios such as national security (Minister for National Security and Intelligence) or law enforcement (Minister of Police). Ministers are responsible for exercising the functions and powers provided for by their letter of warrant and as defined in legislation for their portfolios.<sup>16</sup>
- 11 Ministers collectively make decisions and determine government policy through the Cabinet decision-making process. Cabinet is the central government decision-making body. Issues will first be discussed at Cabinet committees before being considered by Cabinet. Cabinet committees are organised by subject areas (see Part 2, chapter 4 for a description of the Cabinet External Relations and Security Committee).<sup>17</sup>
- 12 As well as these collective responsibilities, ministers have individual responsibility for their portfolios. Ministers set the policy direction and priorities for their Public sector agencies but are generally not involved in day-to-day operations. They are, however, expected to answer to Parliament on matters relating to the policies and performance of the Public sector agencies within their portfolios and on public spending. Ministers are concerned not only with the short-term performance of Public sector agencies, but also with agency capability to continue to deliver government objectives in the longer term.<sup>18</sup>
- 13 The formal relationship between ministers and the public service is governed primarily by the Public Service Act 2020 and the Public Finance Act 1989. Chief executives serve as the main point of contact between their agencies and ministers. As set out in the *Cabinet Manual 2017*,<sup>19</sup> officials are responsible for supporting ministers in carrying out their ministerial functions, for example, by developing and implementing policy and strategy within their ministers' portfolios. They are expected to provide free and frank advice to their ministers and inform them of any significant developments within their portfolio. Officials must be politically neutral in their work.

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<sup>15</sup> Department of the Prime Minister and Cabinet, footnote 14 above.

<sup>16</sup> Department of the Prime Minister and Cabinet, footnote 14 above.

<sup>17</sup> Department of the Prime Minister and Cabinet, footnote 14 above.

<sup>18</sup> Department of the Prime Minister and Cabinet, footnote 14 above.

<sup>19</sup> Department of the Prime Minister and Cabinet, footnote 14 above.



- 14 New Zealand has a Mixed Member Proportional (MMP) electoral system, which was instituted in 1994. Under this system each person has two votes, one for their preferred political party and one for the preferred candidate in their electorate. Under a Mixed Member Proportional system, multi-party coalitions have been common. This requires political parties to compromise and cooperate in order to form a government.
- 15 The move to a Mixed Member Proportional system brought a number of changes to the functioning and performance of government in New Zealand. It reduced the dominance of the executive branch of government and expanded the scope for “more meaningful debate of the government policy”.<sup>20</sup> This type of system requires that governments spend more time gathering support for their policies, which can slow down the decision-making process, but means public consultation is more likely to influence government policy.<sup>21</sup> A potential consequence of this is that in the bargaining process that comes with the development and maintenance of multi-party coalitions, it may be difficult to gain support for policies that are unpopular with a significant proportion of voters.

### 2.3 Immigration and increasing diversity

- 16 Te Tiriti o Waitangi established a bicultural foundation for New Zealand, but through the Crown’s responsibility to govern and make laws for all New Zealanders it also established a foundation for multiculturalism.<sup>22</sup>
- 17 Until the late 20th century most migrants to New Zealand were of European origin.<sup>23</sup> As recently as 1991 only eight percent of the New Zealand population reported that they belonged to an ethnic group other than Māori or European.
- 18 New Zealand has long had strong links with the Pacific Islands and substantial waves of migration have led to a large Pasifika population in New Zealand. In 2018 about eight percent of New Zealand’s population were Pasifika.

<sup>20</sup> Geoffrey Palmer and Matthew Palmer *Bridled Power: New Zealand Government Under MMP* (Oxford University Press, Auckland, 1997) at page 15.

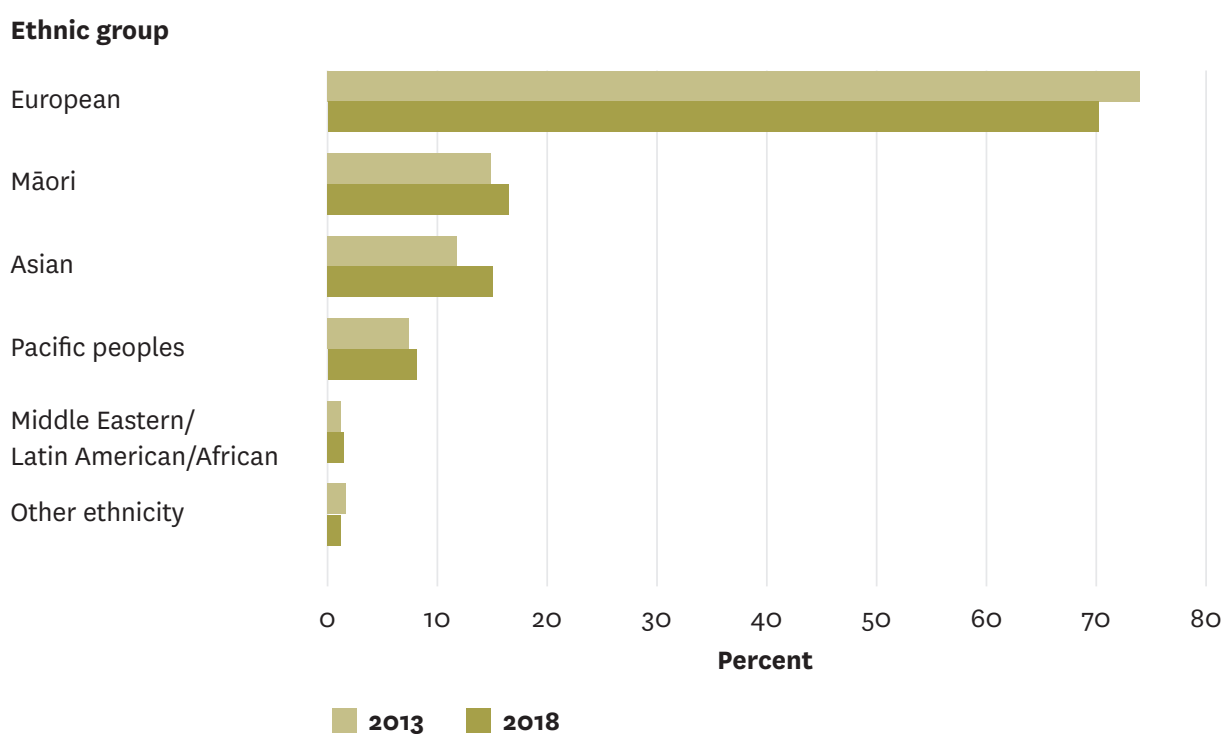
<sup>21</sup> Geoffrey Palmer and Matthew Palmer, footnote 20 above.

<sup>22</sup> Human Rights Commission, footnote 3 above.

<sup>23</sup> Paul Spoonley “New Diversity, old anxieties in New Zealand: the complex identity politics and engagement of a settler society” (2015) 38(4) *Ethnic and Racial Studies*.

19 Over the last few decades, changes in immigration policy and consequential increases in immigration have seen New Zealand become a more diverse nation.<sup>24</sup> By 2011, New Zealand was listed as the fifth most ethnically diverse country within the Organisation for Economic Co-operation and Development (OECD),<sup>25</sup> with one in every four residents in New Zealand born overseas.<sup>26</sup> As at the 2013 Census, New Zealand was home to 213 ethnicities and 160 languages. The change in New Zealand’s ethnic composition has happened within a generation. Auckland is now one of the most diverse cities in the world, more so than London or New York.<sup>27</sup> New Zealand’s ethnic diversity is expected to continue increasing.<sup>28</sup> By 2038, 34 percent of the New Zealand population will be non-European (compared with 29.8 percent as at the 2018 Census).<sup>29</sup> The table below shows the proportions of ethnic groups as at the 2013 and 2018 Censuses.

**Figure 2: Ethnic groups in New Zealand (2013 and 2018)**



<sup>24</sup> Paul Spoonley, footnote 23 above.

<sup>25</sup> Mai Chen *Superdiversity Stocktake: Implications for Business, Government and New Zealand* (Superdiversity Centre, 2015).

<sup>26</sup> The Royal Society of New Zealand *Our Futures Te Pai Tāwhiti: The 2013 Census and New Zealand’s Changing Population* (2013) at page 6.

<sup>27</sup> International Organization for Migration *World Migration Report 2015* (Geneva, 2015) [https://publications.iom.int/system/files/wmr2015\\_en.pdf](https://publications.iom.int/system/files/wmr2015_en.pdf).

<sup>28</sup> Stats NZ projections, [http://archive.stats.govt.nz/browse\\_for\\_stats/population/estimates\\_and\\_projections/NationalEthnicPopulationProjections\\_MR2013-2038.aspx](http://archive.stats.govt.nz/browse_for_stats/population/estimates_and_projections/NationalEthnicPopulationProjections_MR2013-2038.aspx).

<sup>29</sup> Stats NZ projections, footnote 28 above.

- 20 New Zealand has an ageing population and it is estimated that by 2051, one in every four people will be aged 65 years and over. They will be supported by an increasingly diverse workforce.
- 21 New Zealand's demographic changes have also contributed to increased religious diversity. Of those who do follow a religion, Christianity remains the single largest religion, with Catholicism now the largest Christian denomination.<sup>30</sup> The number of New Zealanders identifying with Buddhism, Hinduism, Islam and Sikhism has also increased.<sup>31</sup> Secularisation and the reduction in religious affiliation amongst European New Zealanders has also contributed to a change in New Zealand's religious make-up.

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<sup>30</sup> Stats NZ, 2013 *Census*.

<sup>31</sup> Stats NZ, footnote 30 above.

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## Chapter 3: Overview of New Zealand’s international and domestic human rights framework

### 3.1 Introduction

- 1 Using violence to cause terror in a population to pursue political goals is inconsistent with the rights and inherent worth of those targeted and is contrary to democracy. But mistargeted and disproportionate state responses to threats of terrorism also have implications for human rights. So, states must carefully balance the need to protect public safety (which includes the right to life) with the preservation of individuals’ human rights. The tension between these two requirements is a recurrent theme in this report.
- 2 This chapter:
  - a) sets out the history of the *Universal Declaration of Human Rights*;
  - b) describes the different types of human rights;
  - c) describes the international and domestic human rights framework;
  - d) discusses how New Zealand protects human rights; and
  - e) explains how human rights are relevant to our inquiry.

### 3.2 Historic context – the 1948 *Universal Declaration of Human Rights*

- 3 On 10 December 1948, the General Assembly of the recently created United Nations approved the *Universal Declaration of Human Rights*. The *Universal Declaration of Human Rights* sets out the human rights that the then international community recognised as being the universal entitlements of all people. These encompass both civil and political rights, enabling people to participate in the civic and political life of their community and also economic, social and cultural rights, which recognise that without freedom from fear and want, people cannot flourish.
- 4 Forty-eight states voted in favour of the *Universal Declaration of Human Rights*. Support came from all continents of the globe and from states with different political, cultural and religious systems. New Zealand played a key role in the drafting of the *Universal Declaration of Human Rights* and supported the inclusion of economic, social and cultural rights.
- 5 The immediate aim of the *Universal Declaration of Human Rights* was to promote human rights by teaching and education. Its long-term goal was to establish mechanisms that would secure the recognition and observance of human rights.
- 6 Human rights concepts recorded in legislation or reports are of limited significance unless they are valued by the population. Each generation needs to renew its commitment to, and faith in, human rights. That, in turn, requires strong political leadership to remind all of the benefits and intrinsic merit of human rights.

- 7 For this reason, the United Nations' *Vienna Declaration and Programme of Action* recommended that states develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information.<sup>32</sup>
- 8 Later in this chapter, we discuss the absence in New Zealand of a coherent programme to deliver such programmes within schools, adult education and public sector settings.

### 3.3 The types of human rights

- 9 Human rights can be grouped into:
  - a) First and second-generation human rights: civil and political rights (such as the right to life and freedom of expression and religion) and economic, social and cultural rights (such as the right to work and the right to education).
  - b) Third-generation human rights: rights that are collectively held by the community, such as the right to a clean environment and the right to sustainable development.
- 10 At the international level, since 1948, it has been consistently stated that first and second-generation human rights are “universal, indivisible, interdependent and interrelated”.<sup>33</sup> Human rights are universal because they are enjoyed by all human beings. And they are expected to be recognised and given effect to regardless of a state’s political system (though “national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind”).<sup>34</sup> Human rights are indivisible in the sense that no particular category of right is more important than the other and neither set of rights can operate without the existence of the other. They are interrelated and interdependent.
- 11 Recognition of third-generation human rights at the international and domestic level has been slow. Many states’ constitutional systems now recognise them and within the international system they are given partial effect through issue-specific instruments (such as the United Nations’ treaties on climate change and the environment).

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<sup>32</sup> United Nations *Vienna Declaration and Programme of Action* (1993) at Part II, paragraph 81.

<sup>33</sup> United Nations, footnote 32 above at Part I, paragraph 5.

<sup>34</sup> United Nations, footnote 32 above at Part I, paragraph 5.

- 12 There are some important distinctions between the different categories of human rights. For example, while civil and political rights are expected to be given full and immediate implementation by states, it is accepted that some economic and social rights can only be progressively realised over time, depending on the resources available to each state.<sup>35</sup>

### 3.4 International and domestic human rights systems

- 13 There is a complex web of international and domestic mechanisms that give effect to human rights. In addition to the United Nations and regional human rights systems, most states have adopted human rights in their domestic constitutions, legislation and government policies. Each state does so in accordance with its constitutional and legal systems as well as its social, cultural and political systems.

#### United Nations human rights system

- 14 The *Universal Declaration of Human Rights* is not a legally binding human rights instrument.<sup>36</sup> Instead it sets out a common understanding of important human rights, as accepted by the United Nations member states. The United Nations system has created numerous general and specific human rights instruments, including binding international treaties and non-binding declarations and resolutions. This work represents a substantial contribution to global human rights, underscoring the universal nature of human rights and progressively affirming practices and mechanisms that reinforce human rights standards as common standards to be observed by, and within, all states.
- 15 Since 1948, the United Nations has created a series of human rights treaties. While treaties are legally binding under international law, in New Zealand the executive branch of government cannot change New Zealand's domestic law by becoming party to a treaty. If the obligations being assumed under the treaty cannot be performed under existing law, legislation will be required.
- 16 The two most important United Nations human rights treaties are the *International Covenant on Civil and Political Rights* (1966) and its companion the *International Covenant on Economic Social and Cultural Rights* (1966). New Zealand has ratified both of these treaties, with some reservations, and has incorporated some of the rights they recognise into domestic law.

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<sup>35</sup> See Office of the United Nations High Commissioner on Human Rights *Frequently Asked Questions on Economic, Social and Cultural Rights* Fact Sheet No 33 (2008).

<sup>36</sup> There are many other non-binding declarations that the United Nations has agreed to, such as the *Declaration on the Rights of Indigenous Peoples*.

- 17 Both treaties require the right of non-discrimination to be respected. This means that all civil, political, economic, social and cultural rights must be provided to all people without discrimination and, more generally, that no laws should unfairly discriminate against people. Among the grounds upon which discrimination is prohibited are “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.<sup>37</sup> Like the *Universal Declaration of Human Rights*, both treaties recognise that there can sometimes be conflicts between rights, or between rights and the public welfare, and that these conflicts may require that certain rights be limited. Both treaties establish mechanisms and standards by reference to which such limits can be assessed.
- 18 The United Nations has adopted a range of human rights instruments:
- a) *International Convention on the Elimination of all forms of Racial Discrimination* (1965).
  - b) *Convention on the Elimination of all forms of Discrimination Against Women* (1975).
  - c) *Convention on the Rights of the Child* (1989).
  - d) *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (1990).
  - e) *Convention on the Rights of Persons with Disabilities* (2006).
  - f) *International Convention for the Protection of All Persons from Enforced Disappearance* (2006).

Each of these instruments is supervised by a committee of experts that undertakes regular reviews of the human rights performance of member states. These committees are often allowed to receive complaints from individuals that their rights have been breached by a state. New Zealand has signed up to all these instruments except for those related to migrant workers and enforced disappearance.

- 19 An important feature of the United Nations human rights framework is the “periodic reporting” mechanism. Each of the United Nations human rights treaties requires its expert committee to monitor individual countries’ compliance with the obligations in the relevant treaty on a periodic basis, typically every three to five years, depending on which treaty is involved. The periodic reporting mechanism requires individual countries to submit reports indicating how they are complying with the treaty and what measures they are taking to improve compliance. The expert committee considers the country report as well as any material provided by non-governmental organisations and publicly available material. It then questions country representatives during an open committee session. The committee will then issue a report on compliance, noting areas for improvement and making recommendations.

<sup>37</sup> United Nations *International Covenant on Civil and Political Rights* (1966) at Part II, Article 2.

- 20 In addition the Universal Periodic Review involves a review of the human rights records of all United Nations member states, every five years. The Universal Periodic Review provides the opportunity for each state to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. It is designed to ensure equal treatment for every country when their human rights situations are assessed. The aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

### Regional human rights systems

- 21 Another important development has been the creation of regional human rights systems. Such systems exist in Europe (the *European Convention on Human Rights*, which applies to 47 European states), North and South America (the *American Convention on Human Rights*, which applies to 23 states) and Africa (the *African Charter on Human and Peoples' Rights*, which applies to 53 states).
- 22 The only region without an international human rights system is the Asia Pacific region. There have been concerted efforts over the years to create an Asia Pacific regional human rights system and, at other times, a Pacific regional human rights system. Those efforts have not been successful.

### Limitations on rights and freedoms are allowed

- 23 An important feature of international and domestic human rights systems is the recognition that human rights can be subject to reasonable limits. The *Universal Declaration of Human Rights* permits limits to be placed on human rights “for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”.<sup>38</sup> In addition, the *Universal Declaration of Human Rights* states that the human rights recognised by it cannot “be exercised contrary to the purposes and principles of the United Nations”.<sup>39</sup>
- 24 Over the last half century, political systems and courts in many states have developed guidelines and rules about what limits on human rights are acceptable. We will consider how New Zealand has grappled with limits on human rights when we consider section 5 of the New Zealand Bill of Rights Act 1990 below.

### Not just about the obligations of states

- 25 An important development in the realisation of human rights over the last three decades has been the acceptance that for human rights to be universal, obligations must lie not only on states, but also on significant private actors (organisations and individuals) within those states.

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<sup>38</sup> United Nations *Universal Declaration of Human Rights* (1948) at Article 29.2.

<sup>39</sup> United Nations, footnote 38 above at Article 29.3.



- 26 For example, in the last 10 years, human rights frameworks to guide the business community have been established by the United Nations and in regional human rights systems. The best-known framework is the United Nations' *Guiding Principles on Business and Human Rights*.<sup>40</sup> This recognises that businesses have a responsibility to respect human rights and should work with states to ensure they are complying with human rights principles in the course of their business activities.
- 27 Separately, because the human rights of particular members of a community can be threatened by other members of the community, states must proactively protect the human rights of threatened community members. A state that exposes a threatened community to unacceptable risk by not taking appropriate intervention measures breaches its own human rights obligations. In this way, the human rights obligations of states also indirectly apply to the behaviour of private actors.

### Universal acceptance, but not necessarily universal implementation

- 28 An important feature of the success of the international human rights system has been the near universal acceptance of the core human rights principles. For example, 173 states are party to the *International Covenant on Civil and Political Rights*, while 171 states are party to the *International Covenant on Economic Social and Cultural Rights*. There are 182 states that are party to the *Convention on the Elimination of Racial Discrimination*.
- 29 Of course, agreeing to an international human rights instrument is not a guarantee that states are necessarily committed to full implementation of those obligations. A common criticism of the international human rights system is that many violations of human rights have occurred despite that system and many states take daily actions that are inconsistent with human rights principles. Those criticisms are, factually, correct. But they miss an essential point – one of the most important contributions of the international human rights system is that it establishes a framework and set of standards to measure the performance of states. Most states have accepted that they can and should be judged by these standards.
- 30 Different mechanisms have evolved over the decades to ensure that states effectively implement their international human rights obligations. Other mechanisms allow for state compliance with these instruments to be supervised and assessed. The various mechanisms respond to the needs and interests of different states and are designed to ensure that, over time, states improve the extent to which they recognise and abide by human rights instruments and principles.

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<sup>40</sup> United Nations *Guiding Principles on Business and Human Rights* (2011).

### 3.5 New Zealand's human rights systems

- 31 New Zealand's human rights systems include laws that give effect to international human rights instruments. In addition, a number of practices have been adopted that are additional to legislation and assist in the better recognition and protection of human rights in New Zealand.
- 32 While New Zealand accepted the *Universal Declaration of Human Rights* in 1948 and became party to the two international human rights treaties in 1966, it was slow to give effect to them in domestic law. Initially there was little specific legislative recognition or public awareness of the rights and obligations outlined in these instruments. The development of enforcement mechanisms and the improvement in public awareness within New Zealand remain a work in progress.

#### **What is the legal impact of the United Nations human rights instruments on New Zealand law?**

- 33 In New Zealand, as in many other countries that adopt the common law legal system, an international human rights instrument becomes part of the domestic law only if this is provided for by Parliament. In New Zealand, none of the international human rights instruments has been completely adopted into domestic law. Only parts of each international human rights instrument have been included in New Zealand law.
- 34 New Zealand courts are prepared to have regard to the international human rights instruments while undertaking their usual tasks of interpreting and applying the law, even if the instrument has not been adopted through legislation. But where New Zealand domestic law is inconsistent with an international human rights instrument, New Zealand domestic law prevails, and the courts must give effect to the domestic law, not to the international human rights instrument.
- 35 Many international human rights instruments allow individuals who claim to have been adversely affected by a law, policy or state action to bring complaints to a United Nations human rights body asking it to declare that their rights have been breached. Where a breach has occurred, the human rights body may suggest action that the state should take to remedy the situation. While the decisions of those United Nations complaints mechanisms are not legally binding on the state, the expectation is that the state will seek to give effect to those decisions. This can impact on which international human rights instruments New Zealand is willing to give effect to through domestic law. It can indirectly influence what law will and will not be enacted by Parliament.

### New Zealand's human rights laws

- 36 New Zealand gives effect to international human rights instruments through domestic law in two ways:
- a) by recognising specific human rights principles in specific laws, such as the right of children with disabilities to receive an education in the same setting as children not living with disabilities (provided by section 34 of the Education and Training Act 2020); and
  - b) through two general human rights laws – the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.
- 37 Despite its name, the Human Rights Act only focuses on one human right, the right to be free from discrimination. It prohibits discrimination on many grounds. The prohibited grounds of discrimination include sex, race, colour, religion, sexual orientation, disability and marital status. In the case of Public sector agencies, the Human Rights Act prohibits discrimination except where different treatment can be justified in a free and democratic society.<sup>41</sup> In the case of non-Public sector agencies, the Human Rights Act prohibits discrimination on those grounds in areas such as employment, providing goods and services and providing accommodation. This means there are greater non-discrimination obligations on Public sector agencies than on non-Public sector agencies such as private businesses.
- 38 The New Zealand Bill of Rights Act is broader. Its focus is on the protection of civil and political rights. It protects:
- a) the right to life and security of the person;
  - b) the right to political participation;
  - c) the rights of free expression, association, religion and thought;
  - d) the right to be free from discrimination;
  - e) the right to enjoy a minority culture; and
  - f) many rights related to the criminal justice system.
- 39 Notably absent from the New Zealand Bill of Rights Act are economic, social and cultural rights (such as the right to education, the right to housing and the right to social welfare). Also absent are the right to privacy, the right to property and third-generation rights such as the right to a clean environment.

<sup>41</sup> For an illustration of how this works in practice, see the decision of the Court of Appeal, *Ministry of Health v Atkinson* [2012] NZCA 184, [2012] 3 NZLR 456, where the Court held that a Ministry of Health policy affecting payments to the caregivers of disabled children was discriminatory and was not justified as it encroached on the right to be free from discrimination to an extent that was greater than was necessary to give effect to the Ministry's policy objectives.

- 40 Consistently with the *Universal Declaration of Human Rights*, section 5 of the New Zealand Bill of Rights Act allows rights and freedoms to be limited where that is demonstrably justified in a free and democratic society. Any limitation must be able to be shown to be justified – asserting that it is justified is not enough. And the limitation must be acceptable in a free and democratic society. This means that the values of a society that respects freedom and democracy set the standard against which any limitation will be assessed. Relevant to this assessment will be the legitimacy of the purpose of the limitation and whether the limitation is proportionate to its purpose. Generally speaking, the New Zealand courts recognise that Parliament should be given some flexibility in deciding how to balance human rights and limitations on those rights. But ultimately, section 5 of the New Zealand Bill of Rights Act means that the courts cannot avoid making a judgement call on whether a limitation on human rights is reasonable when a case requires them to do so.
- 41 In many countries bills of rights are part of the supreme law of the country, which means that all other law must respect the bill of rights or be set aside. That is not the position in New Zealand. Under New Zealand’s constitutional arrangements, Parliament is supreme and is free to enact legislation that is inconsistent with the New Zealand Bill of Rights Act. The courts cannot strike such legislation down. But the courts can declare that a particular law, or part of a law, is inconsistent with the New Zealand Bill of Rights Act.<sup>42</sup> A similar mechanism is available under the Human Rights Act in respect of discrimination.<sup>43</sup> When such a declaration is made by a court (or the Human Rights Review Tribunal) Parliament can decide whether and how it responds.

### **How New Zealand human rights laws have affected its political and legal systems**

- 42 The New Zealand Bill of Rights Act is the key source of legal obligation in respect of human rights in New Zealand.
- 43 At the political level, the fact that the New Zealand Bill of Rights Act has endured largely unamended for 30 years suggests that, even though it was the subject of opposition at the time it was proposed, it now enjoys a reasonably secure position within New Zealand’s political system.

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<sup>42</sup> See *Attorney-General v Taylor* [2018] NZSC 104, [2019] 1 NZLR 213, where a provision in the Electoral Act 1993 (which disqualified prisoners from voting) was held to be inconsistent with right to vote under section 12(a) of the New Zealand Bill of Rights Act. This provision has since been repealed.

<sup>43</sup> See *Howard v Attorney-General (No 3)* (2008) 8 HRNZ 378 (HRRT), where such a declaration was made.

- 44 Section 7 of the New Zealand Bill of Rights Act requires the Attorney-General to draw to the attention of Parliament any proposed legislation that appears to be inconsistent with the New Zealand Bill of Rights Act. The report must be tabled in Parliament and, in practice, such reports will often prompt debate at Select Committee and within the legislative chamber on whether it is appropriate for there to be an interference with rights. But probably more importantly, the reporting mechanism operates as a disincentive to governments from introducing a Bill into Parliament that would generate a negative report from the Attorney-General. When seeking Cabinet approval to introduce a Bill to Parliament, government ministers must confirm that Bills comply with the New Zealand Bill of Rights Act and the Human Rights Act. This obligation is set out in the *Cabinet Manual*.<sup>44</sup> Although there have been several instances where legislation has been passed that is inconsistent with the New Zealand Bill of Rights Act, it is rare for this to occur.<sup>45</sup>
- 45 Section 6 of the New Zealand Bill of Rights Act requires courts to interpret laws consistently with guaranteed rights where this is possible. And the courts are fully empowered to deal directly with breaches committed by Public sector agencies in the exercise of their official functions, such as how New Zealand Police deal with people suspected of offending.
- 46 Before the enactment of the New Zealand Bill of Rights Act, very few human rights cases were litigated before New Zealand courts. The enactment of the New Zealand Bill of Rights Act has significantly changed this.
- 47 Criminal justice rights are the subject of litigation every day in New Zealand. This enables the courts to confirm the importance of law enforcement agencies respecting human rights. Some of the courts' decisions have been controversial, but the important point is that the New Zealand Bill of Rights Act has enabled the issues to be litigated. The right to freedom of expression has been the subject of a large amount of litigation. As a result, the boundaries of important doctrines such as the law of defamation, hate speech and suppression of information about court cases have been the subject of critical review.
- 48 Litigation has also had substantial effects on how the right to freedom from discrimination is protected under New Zealand law. In litigation under the Human Rights Act, several laws have been held to be inconsistent with the right to freedom from discrimination. This has resulted in amendments to some of those laws. Litigation also gives vulnerable community members, who have often been ignored or marginalised, an effective voice. For example, litigation about the right to freedom from discrimination has resulted in the recognition of the adoptive rights of unmarried partners.<sup>46</sup>

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<sup>44</sup> Department of the Prime Minister and Cabinet, footnote 14 above at paragraph 7.65.

<sup>45</sup> An example of legislation being enacted despite a negative section 7 report is provided by the provision disqualifying prisoners from voting which was in issue in *Attorney-General v Taylor*, footnote 42 above.

<sup>46</sup> *Re AMM and KJO* [2010] NZFLR 629 (HC).

### Other ways that New Zealand upholds human rights principles

- 49 Giving effect to international human rights instruments through domestic laws is not the only way that New Zealand upholds human rights principles. Public institutions, participation in international assessments of compliance and public discourse also contribute.
- 50 There are several public institutions that contribute to New Zealand's observance of human rights, including the Human Rights Commission, the Office of the Ombudsman, the Privacy Commissioner, the Children's Commissioner and the Independent Police Conduct Authority. The Human Rights Commission's primary functions, which are set out in the Human Rights Act, are to:
- a) advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society;
  - b) encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society;
  - c) promote racial equality and cultural diversity;
  - d) promote equal employment opportunities (including pay equity); and
  - e) promote and protect the full and equal enjoyment of human rights by persons with disabilities.<sup>47</sup>
- 51 The Human Rights Commission exercises its functions through a mix of measures such as public advocacy, training and education campaigns, public statements on important human rights issues, submissions to Parliament and litigation. Before 2002, the Human Rights Commission could make decisions on complaints about alleged discrimination. Since 2002, the Human Rights Commission receives complaints and assists the parties to resolve them, but no longer makes decisions. If the parties cannot reach agreement, the complaint is referred to the Human Rights Review Tribunal for decision.
- 52 Public discourse on human rights issues also contributes to New Zealand's human rights system. Even where litigation has been unsuccessful, it has encouraged public discussion of important issues such as euthanasia.

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<sup>47</sup> Human Rights Act 1993, section 5(1).

### 3.6 How human rights are relevant to our inquiry

- 53 Human rights are relevant to our inquiry into the terrorist attack on 15 March 2019 in several ways:
- a) The use of violence breaches the right to life and security of the person.
  - b) The use of violence to pursue political ends undermines the right to fair political participation, by privileging the use of violence over the power of persuasion.
  - c) The use of violence to pursue discriminatory ends discourages communities targeted by terrorism from being themselves by, for example, discouraging them from engaging in their religious practices. It can make members of the target community fearful by, for example, making them feel that they could be attacked at any time simply because of their colour, ethnicity, religious affiliation or sexual orientation.
- 54 But terrorism also relates to human rights in another way. This is because state action to reduce the threat of terrorism, or to respond to a terrorist attack, can have an impact on human rights. In response to a terrorist attack, a state could introduce measures that threaten human rights, such as excessively harsh laws of arrest, detention without trial, surveillance and suppression of speech. If this were to occur, then terrorists would have succeeded in causing a democratic society to change how it balances public safety and human rights. Conversely, if done well, a state's response to an act of terrorism could reaffirm its commitment to core human rights principles and, at the same time, recognise the need for the wider public and communities within it to feel that they are not being asked to bear unreasonable risk, nor being blamed for the acts of a few people who would do the community harm.
- 55 The connection between human rights and terrorism has been recognised by the United Nations. The *Vienna Declaration and Programme of Action* states that “[t]he act, methods and practices of terrorism in all its forms ... are activities aimed at the destruction of human rights, fundamental freedom and democracy”.<sup>48</sup> It provides that “the international community should take necessary steps to enhance cooperation to prevent and combat terrorism”.

<sup>48</sup> United Nations, footnote 32 above at Part I, paragraph 17.

- 56 At the same time, the need for states to not overreact, and to proceed with caution and balance, has been consistently reaffirmed at the United Nations. Its 2006 *Global Counter-Terrorism Strategy* states that “international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including ... in particular human rights law, refugee law and international humanitarian law”.<sup>49</sup> Recognising the risk that terrorism can lead to the demonisation of certain sectors of the community, the *Global Counter-Terrorism Strategy* also states that “terrorism cannot and should not be associated with any religion, nationality, civilisation or ethnic group”.
- 57 We have considered human rights principles throughout our inquiry. They affect:
- a) the balance between freedom of expression and the expression of views that are hateful toward members of New Zealand’s ethnic and religious communities;
  - b) the extent of the surveillance that Public sector agencies should conduct to gather intelligence that can inform them of the people and networks who pose terrorism threats and risks to New Zealand;
  - c) the impact that “othering” can have on New Zealand’s ethnic and religious communities and the importance therefore of measures to counteract any temptation to see members of those communities as not being “real New Zealanders”; and
  - d) the core values that New Zealand’s Public sector agencies are meant to promote and protect.

### 3.7 Concluding comments

- 58 Human rights are enjoyed by everyone in New Zealand. New Zealand’s human rights system upholds those rights not only through laws and in the courts, but also in the practice of public institutions, the periodic reporting process before the United Nations human rights bodies and public discourse. New Zealand has agreed to be bound by several international human rights instruments, although not all of these have been incorporated into domestic law. These obligations contribute to the human rights principles that are understood, supported and reflected by New Zealand society.
- 59 The architecture of the international and domestic human rights systems and the direct and indirect limits that those systems impose on the freedom of legislators to make laws and judges to interpret laws is a theme we return to from time to time. But it must always be recalled that human rights are more than laws. They are just as much about individual and societal attitudes and behaviours. All New Zealanders have important contributions to make.

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<sup>49</sup> United Nations *Global Counter-Terrorism Strategy* (2006) A/RES/60/288.



## Chapter 4: Overview of the national security system, intelligence function and the counter-terrorism effort

### 4.1 Introduction

- 1 As we will explain, Public sector agencies were not aware of the individual's intent to carry out the 15 March 2019 attack. One of the major issues we must address in our report is why this was so. To do this we must review how Public sector agencies detect potential terrorists and the activities and preparation of the individual. As part of this exercise, we examine New Zealand's counter-terrorism effort (see *Part 8: Assessing the counter-terrorism effort*). This provides context for our consideration of whether the individual's activities and preparation could or should have been detected by Public sector agencies (see *Part 6: What Public sector agencies knew about the terrorist*).
- 2 This chapter provides a description of New Zealand's broader national security system and overviews of the intelligence function and the counter-terrorism effort, both of which are part of the national security system.

### 4.2 National security system

#### An all hazards, all risks approach

- 3 One of the most important duties of government is protecting the security of the nation. In our report we discuss national security, which is defined in New Zealand's *National Security System Handbook* as "the condition which permits the citizens of a state to go about their daily business confidently free from fear and able to make the most of opportunities to advance their way of life".<sup>50</sup>
- 4 The broad definition of national security reflects an "all hazards, all risks" approach to national security. This has been the policy approach of the New Zealand government since 2001. All significant risks to national security – whether from inside or outside New Zealand, from human or non-human sources – are addressed by the national security system. These include threats such as espionage, transnational organised crime, terrorism, cyber-security attacks, natural disasters and pandemics.

#### Threat versus risk

- 5 In our report we use the terms "threat" and "risk." They are not the same thing. A threat is a source of potential damage or danger. Risk is determined by assessing the likelihood of a threat occurring and the seriousness of the consequences if it does. The more likely the threat occurrence, and the more severe the likely consequences, the greater the risk. In the case of terrorism in New Zealand, the *threat* of terrorism was assessed as being low before 15 March 2019, but the consequences of a terrorist attack were considered sufficiently serious that the *risk* was assessed as high.

<sup>50</sup> Department of the Prime Minister and Cabinet *National Security System Handbook* (August 2016) at page 7.

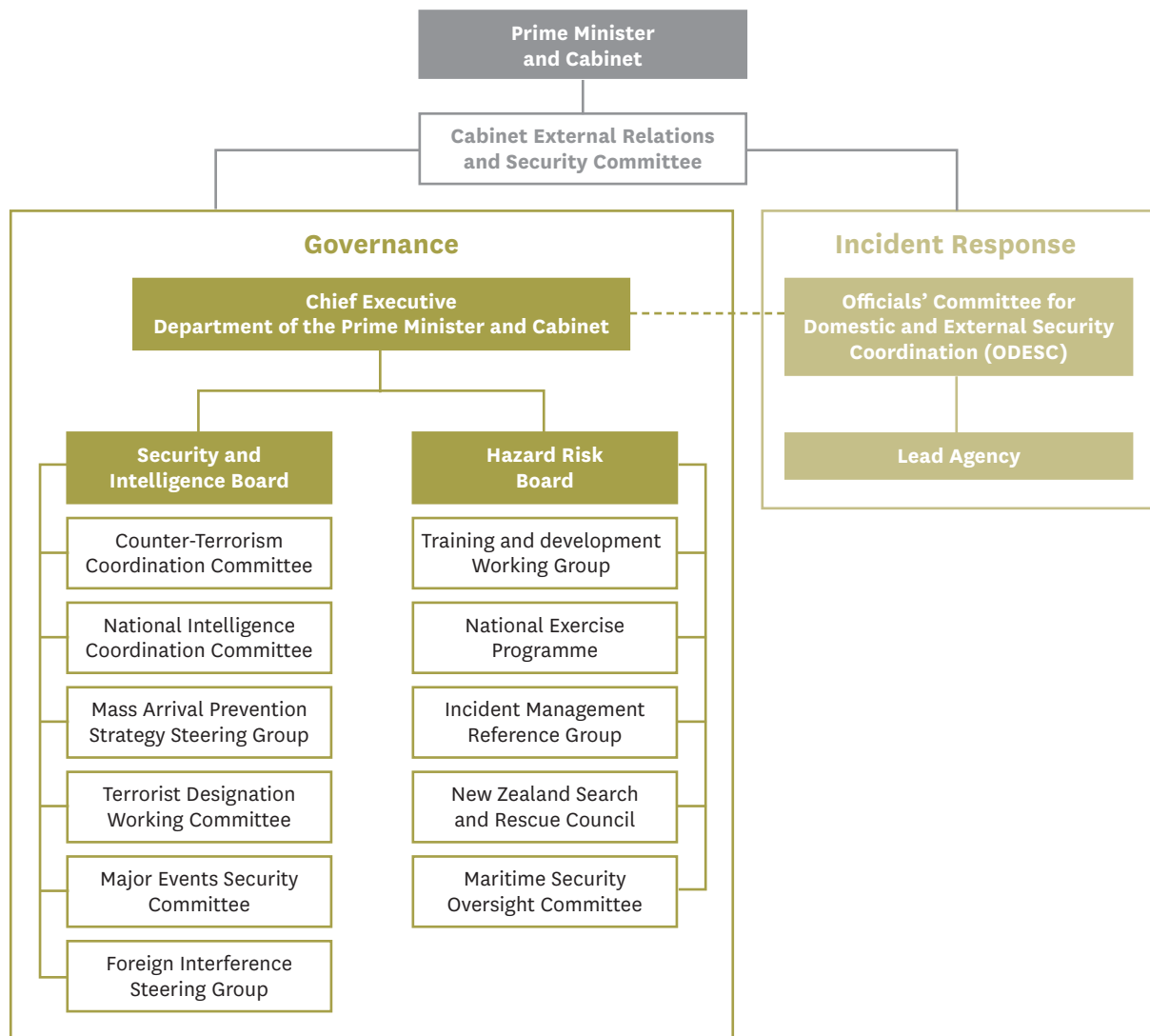
### The 4Rs approach

- 6 New Zealand's approach to national security is based on four areas of activity referred to as "the 4Rs":
  - a) **Reduction** – identifying and mitigating risks.
  - b) **Readiness** – developing national security capabilities before they are needed.
  - c) **Response** – taking action in the face of an imminent/close threat or in response to one.
  - d) **Recovery** – coordinating efforts to recover from an event.
- 7 So the system has two orientations – a proactive mode (Reduction and Readiness for an event that has not occurred) and a reactive mode (Response and Recovery from an event that has occurred).
- 8 We are interested mainly in the proactive mode of the national security system – Reduction and Readiness – and in relation to the threat and risk of terrorism. The proactive mode focuses on risk management and building national resilience. This includes building resilience of New Zealand's infrastructure, institutions and communities. Due to views expressed by Muslim communities, we have also looked at certain aspects of the Recovery phase. Our Terms of Reference specifically excluded us from looking into the Response to the terrorist attack.

### Roles within the national security system

- 9 The scope of the all hazards, all risks and 4Rs approach means that many Public sector agencies have roles in the national security system. For each type of national security risk, there is intended to be a lead agency. Other agencies make contributions based on their agreed roles and responsibilities.
- 10 Local government, the private sector and local communities also have increasingly important roles within the national security system. As we describe in Part 8, chapter 3, however, the efforts of Public sector agencies to engage the wider public in national security have been limited.
- 11 Some 30 Public sector agencies have roles in national security. This creates a need for governance of the system as a whole, including central coordination.
- 12 The national security system operates at three levels:
  - a) The prime minister and ministers.
  - b) Chief executives.
  - c) Officials (within Public sector agencies with national security responsibilities).

Figure 3: Governance of the National Security System



### The prime minister and ministers

- 13 New Zealand's national security is a core responsibility of the prime minister and executive government. The prime minister is the Minister for National Security and Intelligence, and the Cabinet is at the top of the national security system. It considers decisions and recommendations from the Cabinet External Relations and Security Committee. Membership of this committee includes the prime minister and ministers responsible for key agencies involved in national security.<sup>51</sup> Cabinet approves the National Security and Intelligence Priorities, which we discuss later in this chapter.

<sup>51</sup> See Department of the Prime Minister and Cabinet website (*ERS*) *Cabinet External Relations and Security Committee* <https://dpmc.govt.nz/publications/co-19-4-cabinet-committees-terms-reference-and-membership>.

## Chief executives

- 14 Like ministers, chief executives of Public sector agencies have collective and individual responsibilities. They are responsible to the appropriate minister for their department's "responsiveness on matters relating to the collective interests of government".<sup>52</sup> They also have more specific responsibilities, such as providing free and frank advice to ministers. Sometimes chief executives have responsibilities established by legislation specific to their agency. For example, the police commissioner must act independently of ministers regarding the maintenance of order, the enforcement of the law and the investigation and prosecution of offences.<sup>53</sup>
- 15 Two governance boards bring together the chief executives of agencies with national security responsibilities:
- a) The Security and Intelligence Board focuses on external and internal security threats and intelligence issues.
  - b) The Hazard Risk Board deals with emergency management and civil defence matters and hazard risks.
- 16 Both boards are chaired by the Department of the Prime Minister and Cabinet. Between them they cover all hazards, all risks.
- 17 It is the Security and Intelligence Board that is relevant for our purposes. It includes the chief executives (or their delegates) of the Department of the Prime Minister and Cabinet, the Government Communications Security Bureau, the Ministry of Business, Innovation and Employment, the Ministry of Defence, the Ministry of Foreign Affairs and Trade, New Zealand Customs Service, New Zealand Defence Force, New Zealand Police and the New Zealand Security Intelligence Service. Other chief executives may be invited to attend meetings if required.
- 18 The Security and Intelligence Board reports to the Cabinet External Relations and Security Committee. The Board's purpose, as defined in its terms of reference, is to:
- a) lead, build and govern the security intelligence system;
  - b) hold the system to account for delivery;
  - c) build system capabilities and capacity; and
  - d) remain alert to current threats and opportunities.
- 19 The Security and Intelligence Board meets monthly. Counter-terrorism is a regular feature of its discussions.

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<sup>52</sup> Public Service Act 2020, section 52(1)(b).

<sup>53</sup> Policing Act 2008, section 16(2).

### Officials

- 20 Several subcommittees of the Security and Intelligence Board bring together officials from different agencies to focus on particular national security issues. The subcommittees most relevant to our inquiry are the Counter-Terrorism Coordination Committee and the National Intelligence Coordination Committee (see Part 8, chapter 3).

### The role of the Department of the Prime Minister and Cabinet

- 21 The Department of the Prime Minister and Cabinet is the lead Public sector agency on national security. It is responsible for coordinating the activity of the agencies involved in the national security system. It does this through its National Security Group. This group also advises the prime minister and other ministers on national security matters.
- 22 As will become apparent, the Department of the Prime Minister and Cabinet's coordination role leaves a large measure of autonomy for the chief executives of the Public sector agencies involved in the national security system. This is particularly true of the Government Communications Security Bureau, New Zealand Police and the New Zealand Security Intelligence Service. We discuss the leadership and coordination role of the Department of the Prime Minister and Cabinet in some detail in Part 8, chapter 3.

### The challenges facing the national security system

- 23 New Zealand's national security system requires contributions from many different agencies. This presents some challenges.
- 24 First, these agencies are often responsible for many different work programmes (including programmes unrelated to national security). The agencies in the national security system therefore require mechanisms to prioritise their resources and their work programmes. Other countries – the United Kingdom for example – have national security strategies to help with this. As we discuss in Part 8, chapter 3, New Zealand did not have national security or counter-terrorism strategies in place before 15 March 2019 despite numerous attempts since at least 2012 to produce them.

- 25 Second, the national security system is affected by similar structural issues that impede interagency collaboration in other systems or networks of agencies in the Public sector. As Te Kawa Mataaho Public Service Commission recently said, “our public management system is fragmented and struggles to act cohesively to address cross-cutting problems”.<sup>54</sup> This is because within the current framework, the individual responsibility of chief executives to individual ministers incentivises officials to focus on their own agency’s outputs and outcomes. There is less incentive for them to focus effort *across* agencies and, ultimately, the individual gains of each agency will almost always take priority over interagency efforts.<sup>55</sup> There are more incentives for Public sector agencies to work vertically than horizontally. This hinders effective collaboration to address complex issues that cut across agency boundaries. The role of the central agencies (the Department of the Prime Minister and Cabinet, Te Kawa Mataaho Public Service Commission and the Treasury) is to provide leadership on cross-cutting issues. The Public Service Act 2020 provides new models aimed at making interagency collaboration easier to achieve.
- 26 Third, there are uncertainties and difficulties with the concept of resilience in New Zealand’s approach to national security. Resilience is arguably easier to achieve for infrastructure and institutions – for example, through physical changes to a building or measures to protect New Zealand’s information systems against cyber threats. Resilience for people is not so straightforward. A one-size-fits-all approach to resilience is unlikely to be effective when it comes to building community resilience. What is instead required is an appropriate separation between the concept of physical resilience and psychological resilience. This separation should guide the necessarily different approaches to building resilience of things and in people.<sup>56</sup>
- 27 There is evidence to suggest that community participation in national security plays an important role in community resilience. For this to happen, there must be deep engagement of the national security system with communities, civil society, local government and the private sector.<sup>57</sup>

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<sup>54</sup> Te Kawa Mataaho Public Service Commission *Impact Statement: State Sector Reform* (2019) at page 3 <https://www.publicservice.govt.nz/assets/Legacy/resources/Impact-Statement-State-Sector-Act-Reform.pdf>. This issue has been highlighted in successive reviews over the past 30 years including: New Zealand Government *Review of State Sector Reforms* (1991); Te Kawa Mataaho Public Service Commission *Ministerial Advisory Group on the Review of the Centre* (2001); Te Kawa Mataaho Public Service Commission *Better Public Services Advisory Group Report* (2011).

<sup>55</sup> This “commitment problem” is solved in the private sector through the use of contracts. However, Public sector agencies cannot enter into enforceable contracts with one another because they are not distinct legal entities. They are, rather, separate administrative units of the same legal entity, the Crown.

<sup>56</sup> Christopher Rothery *New Zealand’s National Security Framework: A recommendation for the development of a National Security Strategy* (a thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts in International Relations and Security Studies at The University of Waikato, 2018).

<sup>57</sup> Christopher Rothery, footnote 56 above.

### 4.3 The intelligence function

- 28 Intelligence is a key contributor to almost all activities in New Zealand’s counter-terrorism effort, which we discuss later in this chapter. It can indicate the emergence of a harmful ideology or inform decisions to designate a terrorist organisation or disrupt an imminent terrorist attack.

#### What is intelligence?

- 29 Intelligence is usually regarded as information that has been collected, processed and used to inform decision-making.<sup>58</sup> Ideally, it consists of the “right information, understood in context, delivered to the right customers, at the right time”. Sometimes intelligence comes from information that is publicly available, or is “open-source” – for example, the internet, newspapers, journals and other non-secret sources. Such intelligence is increasingly exploited by intelligence agencies around the world.
- 30 In contrast, secret intelligence is based on information obtained covertly, often using classified techniques and tools. Secret intelligence can be collected covertly from the internet or through more traditional means, such as human sources. Sometimes it is a combination of the two.

#### What guides intelligence activities?

- 31 Intelligence resources are scarce. As our report will illustrate, Public sector agencies must make tough choices about where to focus their resources. At a high level, the National Security and Intelligence Priorities set the focus area for all intelligence activity across the national security system. In the case of the Government Communications Security Bureau and the New Zealand Security Intelligence Service, the Priorities authorise *and limit* their intelligence activity. That is, their intelligence collection and analysis *must* contribute to the National Security and Intelligence Priorities.<sup>59</sup>
- 32 The National Security and Intelligence Priorities were updated approximately every three years before 15 March 2019. The current National Security and Intelligence Priorities were adopted in December 2018 and an unclassified version was published in an appendix to the Department of the Prime Minister and Cabinet’s 2019 Annual Report. In September 2020, the National Security and Intelligence Priorities were published on the Department of the Prime Minister and Cabinet’s website.<sup>60</sup> Terrorism is one of the 16 National Security and Intelligence Priorities. The wording of the Priority is broad, and therefore covers a wide range of intelligence activity, directed at a number of threats and risks. Choices about which

<sup>58</sup> “Raw” intelligence is unprocessed information that has been collected by an intelligence and security agency but which, by force of time constraints or other circumstance, may sometimes have to be taken into account in decision-making.

<sup>59</sup> Section 10(1) of the Intelligence and Security Act 2017 requires their collection and analysis of intelligence to be consistent with the priorities identified by the government, which, in practice, means the National Security and Intelligence Priorities.

<sup>60</sup> Department of the Prime Minister and Cabinet website *National Security and Intelligence Priorities* <https://dpmc.govt.nz/our-programmes/national-security-and-intelligence/national-security-and-intelligence-priorities>.

threats to allocate resources to rests with each agency. We discuss in more detail in Part 8, chapter 3 how the National Security and Intelligence Priorities operate in practice and particularly in respect of terrorism.

### **The New Zealand Intelligence Community**

- 33 The Government Communications Security Bureau, the National Security Group of the Department of the Prime Minister and Cabinet (including the National Assessments Bureau) and the New Zealand Security Intelligence Service (including the Combined Threat Assessment Group) make up the New Zealand Intelligence Community.
- 34 The New Zealand Security Intelligence Service focuses on a range of threats, including terrorism. It has a significant role in the counter-terrorism effort. Its collection methods are largely based on human intelligence activities. Human intelligence is information collected from people. It may come from a range of sources – from confidential human sources to tip-offs from members of the public. Other collection methods are also used, including physical surveillance, tracking devices, technical interception and listening devices – most of which require a warrant under the Intelligence and Security Act 2017.
- 35 The Government Communications Security Bureau is New Zealand’s signals intelligence agency. It mainly gathers intelligence through the collection and analysis of electronic communications such as telephone calls, text messages and online communication. The capabilities used by the Government Communications Security Bureau are specialised and highly technical. Most of the work it carries out also requires a warrant under the Intelligence and Security Act.
- 36 Some parts of the New Zealand Intelligence Community assess rather than collect intelligence. In New Zealand, intelligence assessments are mainly provided by two entities – the National Assessments Bureau and the Combined Threat Assessment Group. These agencies fuse multiple pieces of intelligence from various sources (for example, intelligence from other Public sector agencies and international partners) and produce assessments to inform decision-making. They do not provide policy advice or recommend actions as a result of their assessments.<sup>61</sup> This is done by the policy or operational agency, relevant to the particular issue.
- 37 The National Assessments Bureau prepares intelligence assessments on matters of national security, international relations and economic wellbeing.<sup>62</sup> Its assessments are either commissioned by customers (other Public sector agencies such as the Ministry of Foreign Affairs and Trade) or self-initiated.

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<sup>61</sup> This helps to ensure that assessments are impartial and that assessments are not tailored to support a particular decision.

<sup>62</sup> Intelligence and Security Act 2017, section 243.



- 38 The Combined Threat Assessment Group sits within the New Zealand Security Intelligence Service and may include secondees from other agencies, including the Department of Corrections, the Government Communications Security Bureau, the New Zealand Defence Force and New Zealand Police. It provides independent assessments to inform the national security system of the threat posed by terrorism to New Zealand and New Zealand’s interests (including those offshore). Its assessments usually have an immediate-to-12 month focus (except in relation to planning for a major event in New Zealand, such as a Rugby World Cup).
- 39 One of the Combined Threat Assessment Group’s roles is to set and regularly review New Zealand’s terrorism threat level. This is fixed on a six-level scale from “negligible” to “extreme” and is under continual evaluation. Threat assessments differ from the national counter-terrorism risk profile, which also considers the consequences of threat occurrence and determines the assessed risk.

**Figure 4: Scale of terrorism threat level**

Likelihood assessment	Threat Level
Terrorist attack, or violent criminal behaviour, or violent protest activity is expected	<b>EXTREME</b>
Terrorist attack, or violent criminal behaviour, or violent protest activity is assessed as highly likely	<b>HIGH</b>
Terrorist attack, or violent criminal behaviour, or violent protest activity is assessed as feasible and could well occur	<b>MEDIUM</b>
Terrorist attack, or violent criminal behaviour, or violent protest activity is assessed as a realistic possibility	<b>LOW</b>
Terrorist attack, or violent criminal behaviour, or violent protest activity is assessed as unlikely	<b>VERY LOW</b>

#### Other Public sector agencies that collect and assess intelligence

- 40 A number of other Public sector agencies collect and assess intelligence. In *Part 8: Assessing the counter-terrorism effort* we also discuss the intelligence functions of Immigration New Zealand, New Zealand Customs Service and New Zealand Police.

## Partner agencies

- 41 The Government Communications Security Bureau and the New Zealand Security Intelligence Service actively cooperate with international partner agencies in collecting and sharing intelligence information, most particularly with partners in the other Five Eyes countries – Australia, Canada, the United Kingdom and the United States of America. New Zealand Public sector agencies also work with non-Five Eyes countries and groupings.
- 42 The Government Communications Security Bureau and the New Zealand Security Intelligence Service depend heavily on their international partner agencies. This was well explained in the 2016 Cullen-Reddy Report and remains valid:

*As national security threats are becoming more complex and transnational, it would be extremely expensive for New Zealand to create a wholly self-reliant intelligence community. This is particularly so given our small size when compared to some of our partners. Through foreign intelligence partnerships, New Zealand draws on a much greater pool of information, skills and technology than would otherwise be available to it. For example, a foreign partner may have greater access to intelligence that requires the right mix of ethnic, cultural and language backgrounds to collect and analyse. Intelligence partnerships also help New Zealand prioritise and focus intelligence collection and assessment resources on the areas most important to us, while avoiding intelligence gaps.*

*We obtained some statistics from the Agencies that give a sense of how significant our international partnerships are. Of all security leads the New Zealand Security Intelligence Service investigates, around half are received from foreign partners. These represent possible threats to the security of New Zealand, most of which we would not be able to discover on our own (for instance, because they have a foreign source). New Zealand also gains considerably more from its international partnerships than we provide in return. For every intelligence report the New Zealand Security Intelligence Service provides to a foreign partner, it receives 170 international reports. Similarly, for every report the Government Communications Security Bureau makes available to its partners, it receives access to 99 in return.<sup>63</sup>*

- 43 International partner agencies also assist in other ways, with training, secondment of staff and cooperation on operational best practice.

## Monitoring and oversight of the intelligence community

- 44 Given the intrusive powers that can be used by intelligence and security agencies (such as surveillance), oversight is necessary to help ensure that the agencies' powers are used lawfully and appropriately, with minimal impact on members of the public. We discuss this oversight in detail in Part 8, chapter 3.

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<sup>63</sup> Hon Sir Michael Cullen KNZM and Dame Patsy Reddy DNZM *Intelligence and Security in a Free Society: Report of the First Independent Review of Intelligence and Security in New Zealand* (Cullen-Reddy Report) (2016) at page 45.

## 4.4 New Zealand's counter-terrorism effort

### Terminology

- 45 We use the term “the counter-terrorism effort” to refer to all activities undertaken by Public sector agencies (including the counter-terrorism agencies, the New Zealand Intelligence Community and the border agencies) to prevent, mitigate, respond to and disrupt actual or potential terrorist threats. This may involve disrupting the travel of potential or actual terrorists, or their financing or other logistical support.
- 46 Over the past decade, the ways that countries have undertaken counter-terrorism has evolved. This evolution is based on the understanding that the traditional approach can and should be complemented with activities that target the social, political and economic drivers of violent extremism and terrorism. This has resulted in a much wider range of actors, including local authorities, social policy agencies, non-governmental organisations and community groups becoming involved in counter-terrorism. This more comprehensive approach is often referred to as “countering violent extremism”. We have found the experiences in other jurisdictions are instructive for New Zealand's efforts.
- 47 There are different usages of the term countering violent extremism, but we use it to describe efforts to intervene before a person is radicalised to undertake a terrorist attack. Such efforts can cover a spectrum of activities. At one end are targeted interventions designed to support individuals showing signs of radicalisation. At the other end are activities that aim to prevent the emergence of violent extremism through building social cohesion. This includes a wide range of interventions focused on improving social outcomes, such as youth development, education and employment. While it is accepted that the efforts to build social cohesion support the aims of counter-terrorism, it is also generally accepted that these efforts should be pursued separately to counter-terrorism. Social cohesion has broader aims and is worthwhile in itself. We discuss this in more detail in *Part 8: Assessing the counter-terrorism effort* and *Part 9: Social cohesion and embracing diversity*.

### The key Public sector agencies

- 48 An effective counter-terrorism effort requires that multiple Public sector agencies work together as an integrated whole.
- 49 The agencies of primary interest for our purpose are set out below:
- a) **The Department of the Prime Minister and Cabinet** coordinates the counter-terrorism effort and provides strategic guidance and policy advice.
  - b) **The Government Communications Security Bureau** provides specialist intelligence support to New Zealand Police's and the New Zealand Security Intelligence Service's terrorism investigations. It also receives a large amount of signals intelligence from Five Eyes partners about foreign extremist individuals and organisations. This information is provided to relevant Public sector agencies when appropriate.
  - c) **New Zealand Police** are the lead agency for Response to a terrorism event that is underway or an imminent or close threat. They also collect intelligence on and investigate potential terrorist threats and have roles in the prevention of violent extremism.
  - d) **The New Zealand Security Intelligence Service** collects intelligence on and investigates possible and actual terrorist threats. It does not have enforcement functions – meaning, for example, it cannot arrest and prosecute a person. That is a role for New Zealand Police. The New Zealand Security Intelligence Service uses the intelligence it collects to inform (when appropriate) the New Zealand government and other Public sector agencies such as New Zealand Police, as well as international partner agencies, to enable mitigation of terrorism risks.
- 50 The agencies with the primary roles in the counter-terrorism effort are New Zealand Police and the New Zealand Security Intelligence Service. We refer to them as the “counter-terrorism agencies”.
- 51 Also of some relevance are mechanisms that are in place for the identification of potential terrorists before they board aircraft bound for New Zealand and at the border. These primarily involve Immigration New Zealand, New Zealand Customs Service and the New Zealand Security Intelligence Service. We discuss this later in our report in *Part 8: Assessing the counter-terrorism effort*.

### Where do terrorism leads come from?

- 52 Detection of potential terrorists usually starts with a lead suggesting that a particular person or perhaps a group of people pose a threat of terrorism. This may be based on information supplied by a Public sector agency or international partner agency. It may also result from a tip-off from a member of the public or the private sector. The more security aware New Zealand communities are, the greater the likelihood of tip-offs.
- 53 In some countries, there are public-facing counter-terrorism strategies that inform the public of threats and risks, explain the government's efforts to manage them and promote an appropriate role for the public. An example is a "see something, say something" message, with advice on what sorts of things might warrant a member of the public's attention and action. Before 15 March 2019, there was no such strategy in New Zealand.
- 54 New Zealand Police and the New Zealand Security Intelligence Service are not merely passive recipients of leads. For instance, an existing investigation into a subject of interest may result in the identification of another person who warrants investigation. Other efforts to generate leads include monitoring (by various mechanisms) of certain places (including on the internet) and the activities and communications of certain groups of people.
- 55 Analysing data sets for indicators of terrorism (such as travel patterns, financial transactions and social media activity) may provide opportunities to detect suspicious activity. Lead generation of this kind is based on identifying behaviours that can serve as indicators of terrorist intent or preparation. We discuss this in more detail in *Part 8: Assessing the counter-terrorism effort*.

# Chapter 5: Harmful behaviours, right-wing extremism and radicalisation



Distressing  
Content

## 5.1 Introduction

- 1 It is not possible to understand the pattern of events that both led to, and demonstrated, the individual's radicalisation without a general understanding of extreme right-wing thinking and some of its markers.
- 2 A description of the key dynamics of right-wing extremism is also required to understand the harms that communities have told us they have experienced.
- 3 The discussion that follows outlines what we mean by extremism and why it is important to look at a spectrum of behaviours and their consequences for society. We then address aspects of extreme right-wing thinking and behaviour that are relevant to the account we are about to tell about the individual, the behaviours evident in his radicalisation and mobilisation to violence and his resort to terrorism (see *Part 4: The terrorist*). Not wishing to amplify extreme right-wing ideologies, we do not provide a complete survey. We also discuss what we mean by radicalisation to violence and outline some of the drivers of radicalisation, and the challenges for Public sector agencies in identifying and mitigating the threat from right-wing extremism.

## 5.2 Extremism

- 4 Extremism is generally understood as a belief system underpinned by rigid and uncompromising beliefs outside the norm of a society. In the case of New Zealand this might be by rejecting democracy, the rule of law and human rights.<sup>64</sup> Extremism can have different ideological underpinnings and manifest in a number of ways. Central to extremist belief systems is a desire to bring about change and overhaul the political, social or religious environment to conform to the person's or group's idealised vision of society.
- 5 Extremist belief systems are characterised by a strong "us versus them" mentality, and belief in the supremacy of, or at least strong loyalty to, the group a person is part of.<sup>65</sup> This can be any political, religious, social, ethnic or other grouping. Anyone outside of that group (for example, people from a different religion or ethnicity) can present a threat to the group's existence. The group's survival is therefore contingent on hostility towards and suppression of those who are outside the group.<sup>66</sup>

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<sup>64</sup> Jayde Walker "An introduction to countering violent extremism" (2017) 5(2) *Practice: The New Zealand Corrections Journal*; Logan Macmair and Richard Frank "Voices against extremism: a case study of a community-based CVE counter-narrative campaign" (2017) 10 *Journal for Deradicalisation*; Astrid Botticher "Towards academic consensus definitions of radicalisation & extremism," (2017) 11(4) *Perspectives on Terrorism*; Tore Bjørgo and Jacob Aasland Ravndal *Extreme-Right Violence and Terrorism: Concepts, patterns, and responses* (International Centre for Counter-Terrorism Policy Brief, 2019).

<sup>65</sup> JM Berger *Extremism* (MIT Press, London, 2018).

<sup>66</sup> Astrid Botticher, footnote 64 above; Commission for Countering Extremism *Challenging Hateful Extremism* (Department of Security and Crime Science, United Kingdom, 2019).



### A spectrum of behaviours

- 6 In this report we will talk about a range of behaviours that cause harm to people, some of which are inspired by extremist ideologies and others which are not. These do not represent all the types of behaviours that cause harm but are those that are most material to our inquiry.
- 7 Having extreme beliefs does not automatically lead to violence and the majority of those who subscribe to an extremist ideology do not commit acts of violence. Violent extremism only occurs where an individual or group believes that violence is a legitimate (and often the only) way through which they can achieve systemic change. Violent extremism encompasses any violent actions committed to further extremist aims, including vandalism, spontaneous violence and terrorism.<sup>67</sup>
- 8 International evidence has shown there are also behaviours underpinned by an extremist ideology that are not violent but nonetheless can cause harm to individuals and create fear and division within societies.<sup>68</sup> This occurs when they are done with the intention of inciting or amplifying hate against a group. The United Kingdom Commission for Countering Extremism uses the term “hateful extremism” to describe “behaviours that are actively hateful or incite hate towards an identified out-group for the survival of an in-group”.<sup>69</sup> This includes conduct that spurs hatred, such as protests or campaigns led by extremist groups that involve denigrating, insulting, belittling or vilifying perceived others. Some activities conducted by individuals and groups in what we term the radical right below would fit within this category.
- 9 There are also a wide range of behaviours that are targeted at people based on their ethnicity or religion.<sup>70</sup> These behaviours are not what would be termed extremist (as they are not motivated by a desire for change) but are underpinned by hostile attitudes to people of certain religions and ethnicities. This can include physical and verbal harassment.

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<sup>67</sup> John Horgan “From profiles to pathways and roots to routes: Perspectives from psychology on radicalization into terrorism” (2008) 618(1) *The Annals of the American Academy of Political and Social Science*; Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above; United Nations Office of Drugs and Crime (n.d.) “Radicalisation” and “Violent Extremism” <https://www.unodc.org/e4j/en/terrorism/module-2/key-issues/radicalization-violent-extremism.html>.

<sup>68</sup> Commission for Countering Extremism, footnote 66 above.

<sup>69</sup> Commission for Countering Extremism, footnote 66 above at page 10.

<sup>70</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above.



- 10 Other behaviours that can cause harm are racist remarks or micro-aggressions. Racist remarks and micro-aggressions are similar and have been defined as “brief and commonplace daily verbal, behavioural or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory or negative slights and insults”.<sup>71</sup> This includes, for example, making statements that reinforce negative stereotypes about ethnic or religious communities or making statements that cause people who are not from the majority group to feel that they do not belong.

Figure 5: A spectrum of harmful behaviours

Racism and micro-aggressions	Religiously and/or ethnically motivated harassment and abuse	Hateful extremism	Violent extremism
<ul style="list-style-type: none"> <li>Biased or belittling jokes</li> <li>Stereotyping – Muslim students being asked to explain and account for the behaviour of Islamist extremists</li> <li>Micro-aggressions – someone not from the majority group being told they speak English well, which sends a message that they are a foreigner</li> </ul>	<ul style="list-style-type: none"> <li>Physical abuse – women having their religious attire pulled off in public</li> <li>Verbal abuse – people being told in aggressive and threatening ways to “go back to where they came from”</li> <li>Online harassment – Facebook messages making derogatory remarks about a person’s religion</li> </ul>	<ul style="list-style-type: none"> <li>Coordinated online or offline campaigns aimed to convince their audience to adopt hateful or discriminatory attitudes</li> <li>Protests that promote white identity</li> <li>Distributing pamphlets denigrating certain ethnic or religious communities</li> </ul>	<ul style="list-style-type: none"> <li>Terrorism – advocating for, planning, materially supporting or carrying out terrorist attacks</li> <li>Assault – serious physical violence committed by members of a white supremacist group at a protest</li> <li>Vandalism, property damage and arson – setting fire to a masjid</li> </ul>

- 11 While extremist views may be seen by wider society as morally abhorrent or problematic, holding such views and acting on them in certain ways (for example through public engagement and protest) is often not illegal.<sup>72</sup> Describing behaviours that do not involve violence or the threat of violence as extremist and seeking to discourage or impose legal or social sanctions on them have presented challenges (for instance, complaints that rights to freedom of speech and democratic debate are being limited) and, in this way, exacerbated polarisation.<sup>73</sup>

<sup>71</sup> Derald Sue, Christina M Capodilupo, Gina C Torina and Jennifer M Bucceri “Racial microaggressions in everyday life: Implications for clinical practice” (2007) 62(4) *American Psychologist*.

<sup>72</sup> Noémie Bouhana *The Moral Ecology of Extremism: A Systemic Perspective* (Commission for Countering Extremism, Department of Security and Crime Science, United Kingdom, 2019).

<sup>73</sup> Commission for Countering Extremism, footnote 66 above.





- 12 We are also interested in behaviours further along the spectrum and which sit outside the counter-terrorism effort. This is because there are often “fluid boundaries” between hate crime and terrorism especially in the case of right-wing extremism.<sup>74</sup> Internationally we have seen that violence sits at the peak beneath which are many other behaviours that cause harm and create an environment that is conducive to violence.<sup>75</sup>
- 13 Many individuals and groups who engage in behaviours that could be considered hateful extremism support dehumanising and divisive rhetoric against perceived others but are careful to avoid direct engagement with, or endorsement of, violence.<sup>76</sup> Rhetoric of this kind can shift the boundaries of what is considered acceptable public debate towards a normalisation of, for example, Islamophobic and anti-immigrant sentiment.<sup>77</sup> It is likely that these behaviours encourage and legitimise the use of violence.<sup>78</sup> We discuss this in regards to the far right below.
- 14 Behaviours outside of violent extremism can cause harm at the individual level to the mental health and wellbeing of those who are targeted, and at the societal level through increased social division, intolerance and polarisation.<sup>79</sup> This can have negative impacts on social cohesion. We discuss this in more detail in *Part 9: Social cohesion and embracing diversity*.

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<sup>74</sup> United Nations Security Council Counter-Terrorism Committee Executive Directorate *CTED Trends Alert: Member States concerned by the growing and increasingly transnational threat of extreme right-wing terrorism* (April 2020) at page 2.

<sup>75</sup> Commission for Countering Extremism, footnote 66 above.

<sup>76</sup> Jacob Davey and Julia Ebner *The Fringe Insurgency: Connectivity, Convergence and Mainstreaming of the Extreme Right* (Institute for Strategic Dialogue, 2017); Jacob Davey and Julia Ebner ‘*The Great Replacement: The Violent Consequences of Mainstreamed Extremism*’ (Institute for Strategic Dialogue, 2019).

<sup>77</sup> Jacob Davey and Julia Ebner (2017), footnote 76 above; Jacob Davey and Julia Ebner (2019), footnote 76 above; Australian Muslim Advocacy Network *Interim Research Report: An Introduction to Extreme Right Actors and Ideologies Targeting the Islamic Community* (August 2020).

<sup>78</sup> Richard McNeil-Willson, Vivian Gerrand, Francesca Scrinzi and Anna Triandafyllidou *Polarisation, Violent Extremism and Resilience in Europe today: An analytical framework* (BRaVE - Building Resilience against Violent Extremism and Polarisation, 2019); Jonathan Githens-Mazer and Robert Lambert *Islamophobia and Anti-Muslim Hate Crime: a London Case Study* (European Muslim Research Centre, University of Exeter, United Kingdom, 2010); Coleen E Mills, Joshue Freilich and Steven M Chermak “Extreme Hatred: Revisiting the Hate Crime and Terrorism Relationship to Determine Whether They Are ‘Close Cousins’ or ‘Distant Relatives’” (2017) 63 *Crime & Delinquency*.

<sup>79</sup> Commission for Countering Extremism, footnote 66 above.



### 5.3 The nationalist far right, the radical right and the extreme right-wing

- 15 To the right of traditional right-wing conservative and libertarian opinions is a political space that has been called the far right. It is occupied by a range of ideologies, orientations and patterns of thinking. These include a strong form of nationalism that is not so much an ideology<sup>80</sup> but rather an orientation that holds that western civilisation and its values are under threat from non-native (or alien) elements, whether people (particularly immigrants) or ideas (such as multiculturalism). It is this form of far right thinking that is primarily relevant for our inquiry. There are other far right patterns of thinking – including “deep-state” conspiracy theories (such as QAnon)<sup>81</sup> or anti-feminist ideologies (such as “incel” ideology).<sup>82</sup> While sexist attitudes often form part of extreme right-wing thinking and anti-feminist ideologies can act as a gateway to other extreme right-wing ideologies,<sup>83</sup> these patterns of thinking are of less relevance for our purposes. Right-wing extremism experts Tore Bjørgo and Jacob Aasland Ravndal have provided a simple taxonomy of the nationalist far right, which for the purposes of this report, we adopt.<sup>84</sup>

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<sup>80</sup> Alexander Meleagrou-Hitchens and Hans Brun A *Neo-Nationalist Network: the English Defence League and Europe's Counter-Jihad Movement* (The International Centre for the Study of Radicalisation and Political Violence, 2013) at page 30.

<sup>81</sup> QAnon relates to a conspiracy theory in which a “deep state” made up of political elites secretly controls the United States of America.

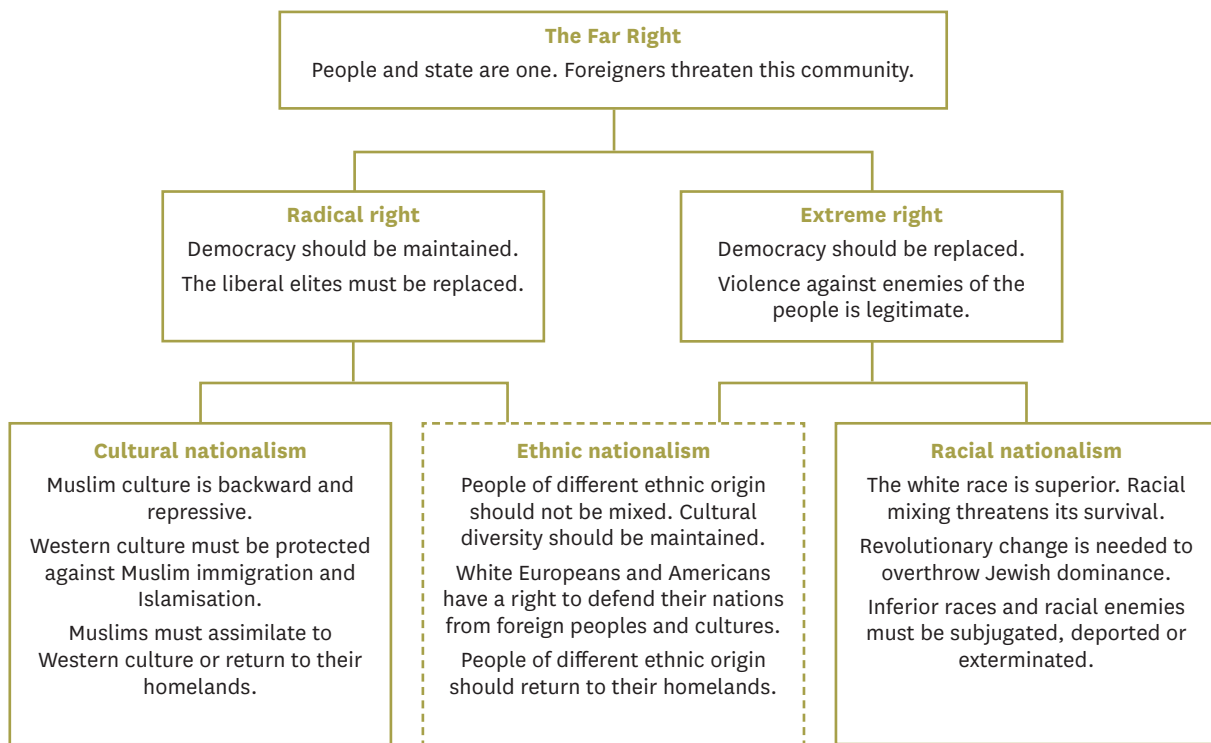
<sup>82</sup> “Incels” stands for “Involuntary Celibates”. Incels are an online community of males unable to form sexual or romantic engagements. Their behaviour is informed by a misogynist ideology that men are entitled to sexual access to women and that feminists are controlling society to the detriment of men. A number of incels have committed acts of terrorism.

<sup>83</sup> United Nations Security Council Counter-Terrorism Committee Executive Directorate, footnote 74 above.

<sup>84</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at page 3.



Figure 6: Taxonomy of the nationalist far right



- 16 What Tore Bjørge and Jacob Aasland Ravndal define as the radical right is encompassed by the broad concept of extremism that we outlined earlier. While involving a slightly different usage of extremism, the distinctions drawn by Tore Bjørge and Jacob Aasland Ravndal have considerable explanatory value in the context of right-wing thinking and action.
- 17 Within the Tore Bjørge and Jacob Aasland Ravndal taxonomy, the radical right works for change within the framework of democracy (for example, through changes to immigration policy), whereas extremists are willing to use, or more commonly express support for, non-democratic methods such as violence to achieve their political aims.<sup>85</sup> There are radical right political parties in Western countries that participate in elections.

<sup>85</sup> Tore Bjørge and Jacob Aasland Ravndal, footnote 64 above at page 2.



- 18 There is considerable overlap in the underlying thinking of those on the radical right and extreme right-wing. For legal and tactical reasons, those on the extreme right-wing tend to avoid public statements advocating violence and thus are not always easy to distinguish from those on the radical right. There has been a concerted effort by some extreme right-wing groups to tone down extreme discourse in order to reach and engage with a larger number of individuals. These groups may use less extreme figureheads and channels to reach new audiences and in this way shift the boundaries of what is “acceptable public discourse”.<sup>86</sup> Further, given the implausibility of the expressed aims of some of those on the radical right, most particularly peaceful implementation of lawfully imposed requirements for Muslim individuals to return to their homelands (referred to sometimes as “remigration”), it is questionable whether associated rhetoric should be taken at face value.
- 19 Another complication, particularly for counter-terrorism agencies, is that of those who advocate for or express support the use of violence and are thus on the extreme right-wing of Tore Bjørgo and Jacob Aasland Ravndal’s taxonomy, most are “talkers” and very few are actually committed to following through on, or materially supporting, extremist violence or terrorism.
- 20 There are three classes of nationalism identified by Tore Bjørgo and Jacob Aasland Ravndal, although these are not mutually exclusive:
1. **Cultural nationalists**<sup>87</sup> promote a version of nationalism in which the nation is defined primarily in terms of culture and history.<sup>88</sup> They tend to reject the idea that some races are superior to others and focus on what they perceive as cultural differences, for example claiming that beliefs associated with Islam are incompatible with Western culture and democracy.<sup>89</sup> Gaining in popularity after the attacks of 11 September 2001 (and more recently the 2015 refugee crisis in Europe), these movements tend to present themselves as opposed to Islamist extremism rather than Muslim communities.<sup>90</sup> While cultural nationalists have grievances against a variety of groups, their primary grievance is against Muslim immigrants. Many cultural nationalists claim there is a conspiracy to “Islamise” Europe through the “stealthy” imposition of Islamic Sharia law. Almost all Muslim individuals and communities in the West are seen through this frame, with evidence of “Islamisation” seen everywhere – even in the availability of halal meat in the West.<sup>91</sup> The radical right call for the protection of Western or European culture through policies such as banning the building of masajid in Western countries and stopping all Muslim immigration.<sup>92</sup>

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<sup>86</sup> This is referred to as shifting the “Overton window” see Jacob Davey and Julia Ebner (2017), footnote 76 above at page 15.

<sup>87</sup> It is worth noting that this refers only to cultural nationalism as it relates to the academic literature on the far right. The concept of cultural nationalism is used differently by political philosophers who argue for forms of civic or liberal nationalism. See for example: Will Kymlicka *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Clarendon Press, Oxford, 1995); Yael Tamir *Liberal Nationalism* (Princeton University Press, New Jersey, 1993).

<sup>88</sup> Peter Davies and Derek Lynch *The Routledge Companion to Fascism and the Far Right* (Routledge, London, 2002) at page 217.

<sup>89</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at pages 4-5.

<sup>90</sup> Toby Archer “Breivik’s Mindset: The Counterjihad and the New Transatlantic Anti-Muslim Right” in Max Taylor, PM Currie and Donald Holbrook (eds) *Extreme Right-Wing Political Violence and Terrorism* (Bloomsbury Academic, London, 2013).

<sup>91</sup> Alexander Meleagrou-Hitchens and Hans Brun, footnote 80 above at page 1.

<sup>92</sup> Alexander Meleagrou-Hitchens and Hans Brun, footnote 80 above at page 28.



2. **Ethno-nationalists/ethnic nationalists** tend to emphasise differences between ethnic groups (based on cultural and linguistic differences), rather than promoting racial hierarchies.<sup>93</sup> They believe that all ethnic groups, including Europeans, have a right to protect their unique culture and identity. Ethnic mixing is seen to be harmful and they often have grievances against a wide range of groups.<sup>94</sup> Examples of this type of ideology are the Identitarian<sup>95</sup> movements in Europe and the more moderate wing of the “Alt-Right” (sometimes referred to as the “Alt-Lite or Alt-Light”) in the United States of America. Self-identifying ethno-nationalists generally do not encourage or support violence in public, although are often found either explicitly or implicitly supporting violence within closed groups.
3. **Racial nationalists** define the ideal nation in racial terms, embracing the idea of an original state of society that existed before the ethnic make-up was altered (by waves of immigration).<sup>96</sup> They fight for a society based on racial purity and the separation of races, drawing inspiration from National Socialism (Nazism), fascism and varieties of white supremacy. Racial nationalists often embrace anti-Semitic conspiracy theories that Jews promote immigration, equality and racial mixing to destroy the “white race”. Cultural nationalists and ethno-nationalists also often subscribe to these same anti-Semitic conspiracy theories. They tend to reject the values of democracy and human rights and consider violence a legitimate means to achieve their goals (though not always).<sup>97</sup>

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<sup>93</sup> Ben Lee *Overview of the Far Right* (Centre for Research and Evidence on Security Threats (CREST), Lancaster University, United Kingdom, 2019) at page 5.

<sup>94</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at pages 4-5.

<sup>95</sup> The Identitarian movement was founded in 2003 in the South of France as Les Identitaires or (in English) Generation Identity. It is a pan-European, white nativist group that advocates an ethnically and culturally homogenous Europe.

<sup>96</sup> Alexander Meleagrou-Hitchens and Hans Brun, footnote 80 above at page 26.

<sup>97</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above.



- 21 Common to much far right thinking is “the Great Replacement” theory, popularised by the French author Renaud Camus in 2011 (though drawing on a tradition going back to the 19th century).<sup>98</sup> This theory is that native inhabitants of Western or European countries are being replaced by non-European peoples through immigration and the growth of ethnic minority communities. Soon, immigration and declining white birth rates will result in the native (white) population becoming a minority. Muslim immigrants are typically singled out as a threat.<sup>99</sup> This theory is closely linked to conspiracy theories popular among ethno-nationalists and racial nationalists (including white supremacists), including the ideas of “white genocide”,<sup>100</sup> “Eurabia”<sup>101</sup> and “cultural Marxism”.<sup>102</sup>
- 22 As we will explain, the individual’s political thinking was far right in nature and showed many of the signs of ethno-nationalism (see *Part 4: The terrorist*).

### Race war and accelerationism

- 23 Some on the extreme right-wing see race war – a large-scale clash between races pitting whites against all others – as inevitable, desirable or both. They sometimes allude to this using other terms, including “Rahowa” (a contraction of Racial Holy War) and “Day of the Rope”.<sup>103</sup> “Accelerationists” advocate and commit acts of violence on the basis that they are likely to set off a chain of events involving action and reaction that will bring forward the race war and the hoped-for consequence of a white ethno-nationalist state.

### Use of the internet

- 24 One of the most notable changes in the right-wing extremist movement has been its movement from the streets to the internet. In previous decades, the extreme right-wing mostly organised on the streets in gangs or protest movements. Today, extremism has substantially, although not completely, moved from physical meetings and street activism to the internet and social media.<sup>104</sup>

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<sup>98</sup> Jacob Davey and Julia Ebner (2019), footnote 76 above.

<sup>99</sup> Australian Muslim Advocacy Network, footnote 77 above.

<sup>100</sup>The term “white genocide” was first popularised by the white supremacist David Lane who argued that white populations are being replaced through immigration and integration, abortion and violence against white people. It differs from the Great Replacement theory in that it is often tied explicitly to anti-Semitic conspiracy theories – suggesting that Jewish people deliberately orchestrate population change. See Jacob Davey and Julia Ebner (2019), footnote 76 above.

<sup>101</sup> The Eurabia theory was popularised in the early 2000s and claims that Western countries are slowly being brought under Islamic rule. The Oslo terrorist referenced the Eurabia concept.

<sup>102</sup> Cultural Marxism is a theory that has been in existence since the early 20th century. It has been popularised by the far right and claims that liberal and left-wing elites are conspiring to use cultural institutions – such as universities, schools, the media and government bureaucracies – to promote ideas that set out to destroy the values that underpin Western society. The promotion of feminism, multi-culturalism and gay rights are all seen as evidence of cultural Marxism.

<sup>103</sup> This comes from *The Turner Diaries*, a novel written in 1978 by neo-Nazi leader William Pierce (under the pseudonym “Andrew Macdonald”). In the novel, “The Day of the Rope” refers to the day white supremacists conducted mass lynching of all “race traitors” including politicians, journalists and women in relationships with non-white men.

<sup>104</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at page 13.



- 25 Right-wing extremists were some of the earliest to use the internet for extremist purposes.<sup>105</sup> For example, the world's largest white supremacist website, Stormfront, was established in 1996.<sup>106</sup> More recently, the extreme right-wing has exploited the power of the internet through an array of online platforms and spaces, which it uses to connect with like-minded people and ultimately to recruit new members, some of whom have committed acts of violence and terrorism.<sup>107</sup> Indeed, lone actor right-wing extremist terrorists, such as the individual, are never quite alone as they are often part of virtual communities on the internet.<sup>108</sup>
- 26 People from different ideological viewpoints (Identitarians, neo-Nazis and incels) are converging on similar platforms.<sup>109</sup> Research suggests that these platforms are instrumental in spreading right-wing ideology across different online communities, including more mainstream ones.<sup>110</sup> The European anti-Islamic vigilante group, Soldiers of Odin, has used Facebook as a propaganda and recruitment tool to spread anti-Muslim hate globally. Researchers estimated that the Pan-European white nationalist group known as Generation Identity had – as of May 2019 – approximately 70,000 followers on its official Twitter account.<sup>111</sup> The main accounts of these groups have subsequently been banned from Twitter and Facebook, although groups such as these often use unbranded pages to avoid these bans.
- 27 As extremist content is increasingly removed from the major platforms, right-wing extremists are gathering more and more on unmoderated fringe platforms. The platform Gab (a hybrid of Twitter and Facebook) was established in 2016 in direct response to the removal of prominent far right and right-wing extremist figures from major social media platforms. The site has been widely described as a “safe haven” for right-wing extremists. By the end of 2018 it had approximately 450,000 users and had posted approximately 30 million comments.<sup>112</sup> It sees “populist political candidates, Identitarians, neo-Nazis and alt-right trolls mingle, allowing for the transfer of ideas which leads to a more cohesive ideology”.<sup>113</sup> Gab came to public attention when it emerged that the man who killed 11 people at a Pittsburgh synagogue in October 2018 had been an active user.<sup>114</sup>

<sup>105</sup> Jessie Daniels *Cyber Racism: White Supremacy Online and the New Attack on Civil Rights* (Rowan and Littlefield, New York, 2009).

<sup>106</sup> Florian Hartleb *Lone Wolves: The New Terrorism of Right-Wing Single Actors* (Springer, Switzerland, 2020).

<sup>107</sup> Maura Conway, Ryan Scrivens and Logan Macnair *Right-Wing Extremists' Persistent Online Presence: History and Contemporary Trends* (International Centre for Counter-Terrorism, 2019) at page 2.

<sup>108</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at page 2; Florian Hartleb, footnote 106 above.

<sup>109</sup> Jacob Davey and Julia Ebner (2017), footnote 76 above at pages 25-27.

<sup>110</sup> Jacob Davey and Julia Ebner (2019), footnote 76 above at page 24; Australian Muslim Advocacy Network, footnote 76 above.

<sup>111</sup> Maura Conway, Ryan Scrivens, Logan Macnair, footnote 107 above at pages 6-7.

<sup>112</sup> Maura Conway, Ryan Scrivens, Logan Macnair, footnote 107 above at page 13.

<sup>113</sup> Jacob Davey and Julia Ebner (2017), footnote 76 above at page 26.

<sup>114</sup> Maura Conway, Ryan Scrivens, Logan Macnair, footnote 107 above at page 9.



- 28 Other platforms that were not set up for hosting right-wing extremist content – including Reddit and 4chan and some online gaming platforms – have been “hijacked” by right-wing extremists. After the 15 March 2019 terrorist attack, a popular Reddit pro-President Trump forum (or “subreddit”), “The\_Donald” contained posts justifying the attack and promoting anti-Muslim hate,<sup>115</sup> although it has subsequently been removed by Reddit.
- 29 4chan started by providing forums for subcultures of young people and Japanese manga and anime enthusiasts.<sup>116</sup> Over the years, these forums expanded to include a wider range of topics contained on image boards. These boards are entirely anonymous, with no user details or logins required. 4chan’s “politically incorrect” board is infamous for being dominated by extreme right-wing content. 8chan was basically “a more extreme version of 4chan” and “was known as being a haven for [right-wing extremist] causes almost from its founding”.<sup>117</sup> In 2019 it was associated with four deadly terrorist attacks – the 15 March 2019 terrorist attack, a synagogue attack in Poway, California on 27 April 2019, a Walmart attack in El Paso, Texas on 3 August 2019 and a mosque attack in Bærum, Norway on 10 August 2019. These terrorist attacks were all perpetrated by individuals who were active on 8chan. Each attacker pre-announced their intentions, and two of them uploaded their manifestos, on the platform’s forums.<sup>118</sup>
- 30 In the past, YouTube has been often associated with far right content and radicalisation. There has been much debate about the way YouTube’s recommendation system works.<sup>119</sup> One theory is that this system drove users to ever more extreme material into what is sometimes said to be a “rabbit-hole”. An alternative theory is that the way in which YouTube operates facilitates and has monetised the production of videos that attract viewers and the widespread availability of videos supporting far right ideas reflects the demand for such videos.<sup>120</sup> What is clear, however, is that videos supporting far right ideas have been very common on YouTube. YouTube has made changes in response to these criticisms, in particular to their recommendation system, so it is less likely to continue recommending increasingly extreme content and has also made it more difficult to access extreme content.

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<sup>115</sup> Jacob Shamsian “Reddit is Allowing a Major Trump-Supporting Community to Flourish Despite Members Defending the New Zealand Mosque Shooter” *Business Insider* (United States of America, 22 March 2019). <https://www.insider.com/reddit-the-donald-cringe-anarchy-new-zealand-shooting-mosque-muslims-2019-3>.

<sup>116</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at pages 13-14.

<sup>117</sup> Maura Conway, Ryan Scrivens, Logan Macnair, footnote 107 above at page 13.

<sup>118</sup> Tore Bjørgo and Jacob Aasland Ravndal, footnote 64 above at pages 13-14.

<sup>119</sup> The system that generates recommended videos for the viewer based on similar content to videos selected and other viewers with similar viewing histories.

<sup>120</sup> Kevin Munger and Joseph Phillips “A Supply and Demand Framework for YouTube Politics” (2019) *Penn State Political Science*. The “rabbit-hole” theory is also discussed.





### Propaganda, “humour”, irony and lulz

- 31 In December 2017, the style guide for the far right website, the Daily Stormer, was leaked. It provides insight into the established conventional strategies and tactics used within extreme right groupings. A common tactic is to draw people in with a particular type of humour. Two passages are of interest:

*It should be understood first and foremost that the Daily Stormer is not a “movement site”. It is an outreach site, designed to spread the message of nationalism and anti-Semitism to the masses.*

*This has worked out very well so far, and the site continues to grow month by month, indicating that there is no ceiling on this. As such, though we do mean to keep readers who are already in the know informed and entertained, it should always be considered that the target audience is people who are just becoming aware of this type of thinking.*

*The goal is to continually repeat the same points, over and over and over and over again. The reader is at first drawn in by curiosity or the naughty humor and is slowly awakened to reality by repeatedly reading the same points. We are able to keep these points fresh by applying them to current events.*

...

*Lulz*

*The tone of the site should be light. Most people are not comfortable with material that comes across as vitriolic, raging, non-ironic hatred.*

*The unindoctrinated should not be able to tell if we are joking or not. There should also be a conscious awareness of mocking stereotypes of hateful racists. I usually think of this as self-deprecating humor – I am a racist making fun of stereotype of racists, because I don’t take myself super-seriously.*

*This is obviously a ploy and I do want to gas kikes. But that’s neither here nor there.*

### Right-wing extremism in New Zealand

- 32 Although the individual was an Australian citizen we do not describe the extreme right-wing in Australia. This is because we are not investigating the actions of Australian Public sector agencies. We briefly explain below what is known about the radical and extreme right-wing in New Zealand. This is not because the individual had any known connections with New Zealand individuals or groups. We later assess the activities of Public sector agencies in relation to right-wing extremism and the following description provides an explanation of what is currently known about right-wing extremism in New Zealand (see *Part 8: Assessing the counter-terrorism effort*).



- 33 Right-wing groups have been active in New Zealand for many decades and there have been at least three hate crime murders (committed by members of the Fourth Reich, a right-wing gang). Right-wing extremism in New Zealand has followed a similar trajectory to that seen internationally. Street-based neo-fascist and white power groups that were prominent up until the early 2000s have given way to new configurations of online groupings connected to an international alt-right movement.<sup>121</sup>
- 34 Jarrod Gilbert and Ben Elley who study the alt-right in New Zealand have speculated that similar conditions exist here as have given rise to new alt-right groups elsewhere, such as the ongoing effects of the 2007-2008 Global Financial Crisis, growing income inequality and a shrinking middle-class.
- 35 A small number of alt-right groups in New Zealand have emerged, including those targeting universities for recruitment. These groups appear to share similar ideological roots to groups on the far right in the United States of America and elsewhere. For example, one such group describes themselves as an “identitarian activist organisation committed to the revitalisation of our country and our people”, and opposed to immigration (amongst other things). These groups have avoided making overtly racist statements and use terminology “commonly employed by the alt-right to signal white nationalism while maintaining plausible deniability”.<sup>122</sup>

## 5.4 Radicalisation to violence

- 36 Most people with extreme right-wing views do not act on these views through violence. The process through which people develop commitment to a particular extremist ideology is called radicalisation. The process through which an individual comes to see violence as a feasible tool to address their grievances is called radicalisation to violence.
- 37 Radicalisation to violence is highly individualised and there is not one model that can explain why people choose to commit violence. Rather, a person’s individual characteristics (their background, life experiences and personality), the social groupings they are part of and the wider socio-economic and political environment they live in, all interact in unique ways influence a person’s likelihood of radicalising.<sup>123</sup>

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<sup>121</sup> Jarrod Gilbert and Ben Elley describe the alternative right or “alt-right” as the online white supremacist communities that grew in prominence especially after the 2016 presidential election in the United States of America. See Jarrod Gilbert and Ben Elley “Shaved heads and sonnenrads: comparing white supremacist skinheads and the alt-right in New Zealand” (2020) *Kōtuitui: New Zealand Journal of Social Sciences Online*.

<sup>122</sup> Jarrod Gilbert and Ben Elley, footnote 121 above at page 289.

<sup>123</sup> Clark McCauley and Sophia Moskalenko “Mechanisms of Political Radicalization: Pathways Toward Terrorism, Terrorism and Political Violence” (2008) 20(3) *Terrorism and Political Violence*; Tahir Abbas “Far Right and Islamist Radicalisation in an Age of Austerity: A Review of Sociological Trends and Implications for Policy” (International Centre for Counter-Terrorism Policy Brief, 2020); Noémie Bouhana, footnote 72 above.



- 38 Certain social, political and economic conditions can create environments that are more conducive to the development of extremist worldviews and behaviours. They may lead individuals to feel aggrieved and perceive violence as a legitimate way to act on their grievances.<sup>124</sup> For example, the Global Financial Crisis caused economic insecurity and downward social mobility for many people. This created conditions in which some felt that their status and the material advantages they were owed were under threat, leading to a sense of grievance, frustration and a heightened (and regressive) commitment to protecting Western norms and values.<sup>125</sup>
- 39 The conditions a person grew up in can play a role in their radicalisation, although precisely how will vary. Some people will progressively develop extremist views over their lifetime and others will be triggered by specific incidents or events.<sup>126</sup> While there is no common socio-economic profile, a number of studies have shown those who are susceptible to right-wing extremism to be young men who are educated and with relatively stable socio-economic backgrounds, but with limited employment prospects.<sup>127</sup> Childhood exposure to violence and trauma can, in some cases, create a propensity to hostility, violence and authoritarian views, which can act as “emotional precursors” to a later adoption of extremist attitudes.<sup>128</sup>
- 40 There are cases – particularly involving lone actor terrorists – where those who have engaged in violent extremism have personality disorders and mental health conditions.<sup>129</sup> Generally speaking though, violent extremists are thought more likely to have “personality issues” (rather than personality disorders) that can make them difficult to engage with and which can lead to social alienation.<sup>130</sup>

<sup>124</sup> Kris Christmann *Preventing Religious Radicalisation and Violent Extremism: A Systematic Review of the Research Evidence* (Youth Justice Board/Office for Counter-Terrorism, United Kingdom, 2012); Magnus Ranstorp *The Root Causes of Violent Extremism*, (Radicalisation Awareness Network Issues Paper, 2016).

<sup>125</sup> Noémie Bouhana, footnote 72 above; Tahir Abbas, footnote 123 above; Jarrod Gilbert and Ben Elley, footnote 121 above.

<sup>126</sup> Tahir Abbas, footnote 123 above.

<sup>127</sup> Ineke van de Valk and Willem Wagenaar *The Extreme Right: Entry and Exit* (Racism & Extremism Monitor, Anne Frank House, Netherlands, 2010); Peter Sitzer and Wilhelm Heitmeyer “Right-wing extremist violence among adolescents in Germany” (2008) *New Directions for Youth Development*; Raffaello Pantucci, Clare Ellis and Lorien Chaplais *Lone-Actor Terrorism: Literature Review* (Royal United Services Institute Occasional Papers, 2015); Luke Munn “Alt-Right Pipeline: Individual Journeys to Extremism Online” (2019) 24(6) *First Monday*; Jarrod Gilbert and Ben Elley, footnote 121 above.

<sup>128</sup> Jessica Stern “Radicalization to Extremism and Mobilization to Violence: What Have We Learned and What Can We Do about It?” (2016) 688(1) *The Annals of the American Academy of Political and Social Science*; Peter Sitzer and Wilhelm Heitmeyer, footnote 126 above.

<sup>129</sup> Jayde Walker, footnote 64 above; Matteo Vergani, Muhammad Iqbal, Ekin Ilbahar & Greg Barton “The Three Ps of Radicalization: Push, Pull and Personal. A Systematic Scoping Review of the Scientific Evidence about Radicalization into Violent Extremism” (2018) 443(10) *Studies in Conflict & Terrorism*.

<sup>130</sup> Raffaello Pantucci, Clare Ellis and Lorien Chaplais, footnote 127 above.



- 41 Psychological distress brought about by particular experiences – a traumatic event, a change in employment status, inter-personal conflict – can also leave a person more receptive to extremist worldviews, or accelerate their radicalisation.<sup>131</sup>
- 42 Radicalisation is almost universally acknowledged as a group phenomenon in which social relations and networks play a key role in preparing people to commit extremist violence.<sup>132</sup> A person may come into contact with extremists in a multitude of ways, such as through existing networks of friends and family, public outreach by those involved in these groups or, increasingly, online engagement.<sup>133</sup> When someone with generalised grievances comes into contact with individuals or groups who are able to provide a wider framework through which they can understand their grievances, extremist worldviews can be reinforced.<sup>134</sup>
- 43 Participation in a group enables a range of processes that may facilitate the use of violence, including a solidifying of dehumanising thinking, an increased perception of crisis and belief in the use of violence as a legitimate tool.<sup>135</sup> This is also the case for lone actor terrorists. A 2018 study analysing lone actor terrorists’ attack planning and preparation found that, for many, participation in extremist groups and access to extremist material and role models helped to break down any moral barriers they had to using violence. The wider radical environment within which they exist and draw inspiration from therefore plays an important role in their decision to undertake violence.<sup>136</sup>
- 44 Understanding what causes individuals to radicalise to violence is crucial for Public sector agencies, organisations, community groups and individuals working in preventing and countering violent extremism. However, radicalisation is not a linear process and factors that may contribute to one person’s radicalisation will not necessarily have the same effect for another. A person may move along the radicalisation to violence spectrum depending on the circumstances of their life at the time. All of these factors present considerable challenges for intelligence and security and law enforcement agencies in identifying and prioritising persons of concern within their finite resources.

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<sup>131</sup> Kris Christmann, footnote 124 above; Matteo Vergani, Muhammad Iqbal, Ekin Ilbahar & Greg Barton, footnote 129 above; Caitlin Clemmow, Noémie Bouhana and Paul Gill “Analysing person-exposure patterns in lone-actor terrorism: Implications for threat assessment and intelligence gathering” (2019) 19 *Criminology and Public Policy*; Bart Schruuran, Edwin Bakker, Paul Gill and Noémie Bouhana “Lone actor terrorist attack planning and preparation: A data-driven analysis” (2018) 63(4) *Journal of Forensic Sciences*.

<sup>132</sup> Jamie Bartlett and Carl Miller “The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization” (2012) 24(1) *Terrorism and Political Violence*.

<sup>133</sup> Daniel Koehler “The Radical Online: Individual Radicalisation Processes and the Role of the Internet” (2014/15) 1 *Journal for Deradicalisation*; Ineke van de Valk and Willem Wagenaar, footnote 127 above.

<sup>134</sup> John Horgan, footnote 67 above.

<sup>135</sup> Daniel Koehler, footnote 133 above; Luke Munn, footnote 126 above.

<sup>136</sup> Bart Schruuran, Edwin Bakker, Paul Gill and Noémie Bouhana, footnote 131 above.



- 45 Considerable effort has therefore gone into identifying indicators that could suggest someone is mobilising to violence and is actively planning a terrorist attack, such as whether a person is participating in online extremist discussion forums, has escalating anger about a grievance, is building psychological and/or technical capability (such as learning online how to make bombs) and is undertaking planning (such as conducting reconnaissance).<sup>137</sup> These indicators are often generic and understanding their significance – for example, whether what an individual says online suggests they subscribe to an extreme right-wing ideology and are willing to act on it – requires a sophisticated knowledge of the dynamics of right-wing extremism.

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<sup>137</sup> Caitlin Clemmow, Noémie Bouhana and Paul Gill, footnote 131 above.

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## Chapter 6: Concluding comments

- 1 In this Part we have introduced some of the key issues and concepts that will be referred to throughout our report. We have described changes at the national and international level such as increased diversity in New Zealand and the rise of the far right internationally.
- 2 Understanding the rise of the far right is important for our inquiry as the 15 March 2019 terrorist attack was carried out to advance an extreme right-wing ideology. We have explained that where a number of people are espousing similar extremist views, it is very difficult to predict who will go on to commit acts of violence as the vast majority of those who hold extreme views do not mobilise to violence. It is therefore important that the counter-terrorism effort is well equipped to identify people who advocate for, plan or otherwise materially support violent extremism and terrorism. We assess this effort in *Part 8: Assessing the counter-terrorism effort*.
- 3 The changing make-up of New Zealand and the experiences of ethnic and religious communities, including Muslim communities, are central to our inquiry. Violence is not the only harm caused by extremism. There are a range of other behaviours that cause harm and undermine social cohesion and potentially create an environment more conducive to violent extremism. We have described a spectrum of harmful behaviours and will return to this throughout the report.
- 4 A challenge for society and government is developing appropriate responses to harmful behaviours which are effective in limiting their occurrence and frequency but which do not, at the same time, exacerbate divisions. This requires responses that protect the right of all people to live safely and free from discrimination while not endangering human rights through the imposition of laws that undermine democratic values.

# Glossary

Term	Definition
<b>4Rs</b>	New Zealand’s integrated approach to national security includes four areas of activity known as the 4Rs – Reduction, Readiness, Response and Recovery.
<b>constitutional monarchy</b>	A system of government where there is a Sovereign (that is, monarch) who does not rule, but instead carries out constitutional, ceremonial and representational duties. The monarch, Queen Elizabeth II, is New Zealand’s head of state, while the prime minister is the head of government.
<b>counter-terrorism agencies</b>	New Zealand Police and the New Zealand Security Intelligence Service.
<b>counter-terrorism effort</b>	Counter-terrorism activities undertaken by relevant Public sector agencies to detect terrorists and disrupt their organisation, planning, preparation and attacks.
<b>the Crown</b>	The meaning of “the Crown” varies according to the context in which it is used. Generally, it describes executive government conducted by ministers and the relevant Public service agencies. It does not normally include organisations that have their own corporate identities, such as state-owned enterprises.
<b>far right</b>	<p>A range of views and ideologies that are underpinned by a strong form of nationalism that holds that Western civilisation and its values are under threat from non-native people (particularly immigrants) and ideas (such as multiculturalism). Both the radical right and extreme right-wing fit under the broad umbrella of the far right.</p> <p>We do not use a hyphen for far right even when it is being used as an adjective.</p>

<b>Term</b>	<b>Definition</b>
<b>Five Eyes</b>	The intelligence sharing partnership between Australia, Canada, New Zealand, the United Kingdom and the United States of America.
<b>human intelligence (HUMINT)</b>	Information derived from covert human sources, private individuals who volunteer information, face to face meetings with individuals, community engagement and communications.
<b>iwi</b>	Te reo Māori (Māori language) term that refers to a tribe – a group of Māori people bound together by descent from a common ancestor and associated with a distinct territory.
<b>Māori</b>	The indigenous population of New Zealand.
<b>New Zealand Intelligence Community</b>	The Government Communications Security Bureau, the New Zealand Security Intelligence Service and the National Security Group of the Department of the Prime Minister and Cabinet (including the National Assessments Bureau).
<b>Pasifika</b>	A collective term for people of Pacific Island descent.
<b>polarisation</b>	Increasing divergence between individuals and groups holding different views.
<b>Public sector agency</b>	In general, an organisation that works for the government of New Zealand.  In this report, “Public sector agencies” means the 217 organisations listed in the appendix.
<b>Public sector agencies involved in the counter-terrorism effort</b>	The Department of the Prime Minister and Cabinet, the Government Communications Security Bureau, Immigration New Zealand, New Zealand Customs Service, New Zealand Police and the New Zealand Security Intelligence Service.



<b>Term</b>	<b>Definition</b>
<b>radicalisation</b>	The process through which people develop commitment to a particular extremist ideology. People can radicalise to violence when they come to see violence as a feasible tool to address their grievances.
<b>radical right</b>	Ideologies and beliefs that form part of the far right. Those on the radical right generally use democratic means to achieve their aims and do not openly endorse the use of violence as a legitimate tool to achieve their aims.
<b>right-wing extremism</b>	<p>Ideologies and beliefs that form part of the far right. Those on the extreme right-wing often believe that democracy should be replaced and see non-democratic means, such as violence, as legitimate tools to achieve their aims.</p> <p>We use a hyphen for right-wing even when it is not being used as an adjective.</p>
<b>signals intelligence (SIGINT)</b>	Information derived from electronic communications (“signals” such as phone calls and emails), the primary component of which is communications intelligence (COMINT).
<b>Tauiwi</b>	A person in New Zealand of non-Māori descent.
<b>Te Tiriti o Waitangi</b>	Te reo Māori (Māori language) name for the Treaty of Waitangi – New Zealand’s founding document signed by Māori and the British Crown in 1840.
<b>trolling</b>	The deliberate act of making comments, usually on internet forums, to provoke a reaction from readers.
<b>Waitangi Tribunal</b>	A tribunal that considers contemporary and historical breaches of Te Tiriti o Waitangi.



## What communities told us

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## Chapter 1: Introduction

- 1 Our Terms of Reference included an expectation that we would connect with New Zealand’s Muslim communities on matters relating to the inquiry. We understood the importance and need to do so. We have also engaged with communities and we have heard from the wider New Zealand public during our inquiry.
- 2 An important group of people we engaged with was the whānau of the 51 shuhada, and the survivors and witnesses of the terrorist attack and their whānau. This group of people could collectively be referred to as victims. We heard from some people that they dislike the term victim being used, while others said the term validates the harm they have experienced. Some people prefer the term survivor, while others dislike that term or prefer not to be labelled at all. For this report, we use the description “affected whānau, survivors and witnesses”.
- 3 This Part summarises their views and perspectives, as well as those of other individuals, communities and interest groups that we heard from. We engaged mainly through private meetings with people or organisations, including meeting regularly with our Muslim Community Reference Group. We also received 1,168 submissions from the public. We heard from a variety of people, providing us with diverse perspectives and experiences.
- 4 These insights, experiences and views have been a central part of our inquiry and have been reflected in our report. In addition, we have endeavoured to address specific issues or questions raised by communities directly at the end of relevant Parts of our report.
- 5 We note at the outset that the number of people we heard from represents a small proportion of all New Zealanders and they describe largely negative experiences. There have been clear and consistent themes in what we heard, and we believe the issues raised cannot be ignored. Hearing these perspectives helped inform the questions we put to Public sector agencies and the lines of inquiry we pursued to meet our Terms of Reference. In this Part we are primarily recording, and not assessing, what we heard. To the extent that assessment is necessary that comes in later Parts of our report.
- 6 In the next chapter, we explain in more detail who we engaged with, why we engaged with them and how we approached the engagement process.
- 7 Chapter 3 summarises what we heard about the impact of the terrorist attack on affected whānau, survivors and witnesses. The chapter highlights the ways in which the terrorist attack changed the lives of affected whānau, survivors and witnesses, which extends well beyond the direct harms that resulted from the terrorist attack, both physical and non-physical. We set out the view that the Public sector agencies’ systems of support, through which affected whānau, survivors and witnesses are navigating, are insufficient and have exacerbated the trauma and grief that they have already experienced.

- 8 Chapter 4 summarises what communities told us about the broader context in which the terrorist attack occurred. We heard from communities that in general New Zealand is viewed positively. But some people have been, and continue to be, subjected to unacceptable and harmful behaviour. What we heard from communities highlighted that there are parts of New Zealand society that do not align with the loving, welcoming New Zealand that came out in full strength immediately after the terrorist attack. We also heard that some communities perceive bias and deficiencies in Public sector agencies that create or exacerbate an environment in which they do not feel safe or supported. This has eroded the trust that some have in New Zealand's Public sector agencies.
- 9 Chapter 5 sets out what communities told us about matters that were outside the scope of our inquiry. In some instances, we wrote to relevant Public sector agencies to highlight these issues and where appropriate asked them to follow up the matters directly.
- 10 Throughout our inquiry, the main points we heard were that:
  - a) it is critical that Public sector agencies enable genuine community engagement in decision-making;
  - b) Public sector agencies should value the unique expertise that community and other non-government organisations can contribute to decision-making on issues relating to their communities, and support them to do so;
  - c) Public sector agencies' ability to understand and meaningfully engage with communities is hindered by an insufficient appreciation of diversity and a lack of cultural competency;
  - d) the preparedness of Public sector systems for the ongoing recovery of those affected by the 15 March 2019 terrorist attack has been found wanting;
  - e) New Zealand is generally viewed in a positive light, but harmful, hateful and discriminatory behaviour remains commonplace; and
  - f) embracing New Zealand's diversity would support openness of thought and action and may lead to some harmful societal norms being challenged.

## Chapter 2: Who we engaged with

### 2.1 Affected whānau, survivors and witnesses

- 1 Affected whānau, survivors and witnesses have been at the heart of our inquiry. We were very aware that the Royal Commission was established because of the tragedy of 15 March 2019. This tragedy caused immense grief, hurt and loss, which will be felt by affected whānau, survivors and witnesses indefinitely. We had a deep sense of responsibility to provide them with answers to their questions, and reassurance where we could.
- 2 We met with wives, husbands, parents, children, sisters, brothers, aunts, uncles and cousins of the shuhada or those who were attending the masjidain and survived the terrorist attack, some of whom were injured (physically and/or mentally) and others who witnessed aspects of the terrorist attack.
- 3 We wanted people to have an opportunity to share their stories, and their evidence, in their own words. We wanted to hear their thoughts on anything that happened in the lead up to the terrorist attack, or ideas they had to help prevent such an attack from happening again. When needed, we asked questions to prompt discussion.
- 4 We acknowledge the openness and willingness of affected whānau, survivors and witnesses to talk to us. These conversations have strengthened the inquiry by ensuring we kept people at the heart of our work and in this way have made this a better report.
- 5 More detailed insights from our meetings and the reports we received are summarised in our companion publication *What we heard from affected whānau, survivors and witnesses*.

### 2.2 Communities

- 6 It was also important to us that we heard from many New Zealanders who had valuable views and perspectives to offer on the matters we were inquiring into. We heard from these groups:
  - a) Our **Muslim Community Reference Group**, who provided us with knowledge and insights. They enabled us to better understand, from the members' own experiences, how Public sector agencies interact and engage with New Zealand's Muslim communities. We acknowledge their service, sacrifice, perseverance and the impact they made in helping us think about our role and responsibilities. The Muslim Community Reference Group's frank advice and wise counsel, and the relationships built, are gratefully acknowledged and respected.
  - b) **Community and interest groups**, including New Zealand's Muslim communities and communities of affiliation or identity, interest, faith, place or national origin who provided us with a deeper understanding of common issues, concerns and themes.
  - c) **Members of the New Zealand public**, who engaged with our submissions process. We received a total of 1,168 submissions – 1,123 from individuals (including researchers and academics) and 45 from organisations.

- 7 The submissions are summarised in our companion publication *Summary of submissions*.
- 8 Our approach gave people and communities the freedom to talk about a wide range of topics, both within and outside the scope of our Terms of Reference. Although our Terms of Reference prevented us from making findings or recommendations on issues that were out of scope, we have recorded these issues and discuss them at the end of this Part.



## Chapter 3: Impact of the terrorist attack on affected whānau, survivors and witnesses

- 1 We have sought to reflect what we heard from affected whānau, survivors and witnesses. Some wanted to speak with us about the direct impacts of the terrorist attack, both physical and psychological, many of which will have long-lasting effects. There have also been a range of indirect impacts, often resulting from limitations in the support provided. In some cases, we heard that these experiences have been re-traumatising. A more detailed summary of what we heard is set out in our companion publication *What we heard from affected whānau, survivors and witnesses*.

### 3.1 The terrorist attack

- 2 Affected whānau, survivors and witnesses who had lost loved ones told us about how the terrorist attack affected them. Survivors who suffered physical injuries in the terrorist attack told us about the progress of their recovery. Some suffered severe injuries that will have lifelong impacts.
- 3 We heard from people who had undergone multiple surgeries as part of their physical recovery but were not fully healed. Some will never regain the full use of their limbs. Some survivors require full-time care and purpose-built facilities in their homes to help them live with their injuries.
- 4 Many survivors could not return to work immediately, and some had to change vocation because of their injuries. While many survivors reported that their employers were supportive, giving them ample time off to recover, some people lost their jobs because they could no longer perform their tasks. A few survivors lost their businesses.
- 5 Everyone we met with had experienced some form of psychological distress, such as anger, fear, stress, depression, anxiety, difficulty sleeping or survivor's guilt. Many people had received, or were still receiving, counselling or other psychological support, while some were ineligible to receive publicly funded support. Some people said their spouses and children had also experienced psychological distress, and that support from Public sector agencies and non-government organisations was limited and for some ineffective.
- 6 Affected whānau, survivors and witnesses also shared with us a range of secondary impacts, that is the impacts caused by the terrorist attack indirectly, either through the effect on people or as a consequence of measures taken, or not taken, to provide support to affected whānau, survivors and witnesses. Some people's relationships (with spouses, whānau and friends) have been damaged. This included different views within a whānau about the receipt or distribution of the financial support provided as a result of the terrorist attack, or the toll on whānau members of supporting loved ones. It was common for whānau to come from overseas to support loved ones who had survived the terrorist attack. This could have adverse consequences for those who came. We were told that it:

*... can be detrimental to family members who have successful careers and a stable, flourishing life overseas. In New Zealand their qualifications and work experiences will likely not be recognised and in the longer term this places undue stress and pressure on an already vulnerable family unit.*

- 7 For women who had lost their husbands, the consequences went beyond the emotional impact of the terrorist attack. In many instances this meant the loss of the main financial provider for the whānau. Some women are taking on additional roles within their whānau and learning new skills such as driving or financial literacy. Simultaneously, these women are carrying more of the parenting responsibilities while dealing with their own grief and recovery needs. This limits their time and ability to seek support for themselves, look for employment and to work or study.
- 8 Some witnesses of the terrorist attack told us that they were not eligible for financial support from the Accident Compensation Corporation as they had not suffered any physical injuries. They felt that their mental wellbeing continued to be affected by stress, depression, anxiety and difficulty sleeping and that this would have lifelong impacts. They considered they were the “forgotten victims”.

### **3.2 Public sector system of support**

#### **Cultural understanding**

- 9 We heard that the services and support offered by Public sector agencies and some non-government organisations often do not appropriately acknowledge the diverse nature of Muslim communities and do not account for different needs. Over 50 countries of origin are represented among those who attend Masjid an-Nur and the Linwood Islamic Centre. There are language and cultural complexities that add to the already difficult environment of engaging with Public sector agencies. We were told that:

*... going on a year post the attacks, families are still waiting for adequate wrap around services that are culturally and linguistically responsive and which fully addresses their complex needs.*
- 10 Meetings set up by Public sector agencies sometimes did not have interpreters present, or appropriate languages were not offered. This compounded the challenges some people faced in understanding what support options were available and how to access them. In some cases, it meant that people were relying on whānau members to translate what Public sector agencies were saying. We were told of instances where some people felt that their whānau member was not impartial or may not have been passing on all relevant information.

### Policies and practices required to support people's recovery

- 11 We heard about how Public sector agencies have been engaging with affected whānau, survivors and witnesses. While people commented on the overall generous support from the public and Public sector agencies in the direct aftermath of the terrorist attack, we also heard that Public sector agencies have been uncoordinated, rules-bound and inflexible in their approach to offering support. Some people said there is a disconnect between what ministers have promised publicly and the reality of how officials are dealing with individual situations.
- 12 We also heard that in some cases the Public sector support available to people and communities affected by the terrorist attack is inadequate, or those who are eligible for it are not always made aware of what they are eligible for. We heard that the Public sector agencies' one-size-fits-all approach has not been sufficient.
- 13 Many said that most of the support being offered by Public sector agencies is focused on short-term assistance, which does not account in a culturally appropriate way for the ongoing and long-term needs of the communities deeply affected by the terrorist attack. For example, we were told that Recovery activities needed to include long-term community-building initiatives that enable these communities to be self-sufficient and not dependent on the state. This could include initiatives such as interest free loans (that allow for religious restrictions on borrowing) to support their businesses.
- 14 We heard of experiences that have been re-traumatising or have caused additional stress. We were told that:
- If trauma speaks to one's inability to speak; the inability to articulate, come to terms with, and make sense of loss, then in many ways subsequent experiences with government agencies in the months since the attacks have been for many a concerted process of re-traumatisation, since they have perpetuated the survivors' inability to recover.*
- 15 Public sector agencies and non-government organisations do not have a common definition or eligibility criteria for those who identify as victims. We heard that eligibility for support often involved strict interpretations of rules and that criteria were applied inconsistently. This was confusing to those affected. The level of support offered sometimes differed depending on the organisation or individual offering it. All of this has left some people with the view that Public sector agencies and non-government organisations are creating a victim hierarchy or a priority list of victims, causing grievances and straining relationships.

- 16 We were told about the importance of Public sector agencies employing a people-centred approach to support the recovery of affected whānau, survivors and witnesses. Critical elements of this are that affected whānau, survivors and witnesses are provided with the opportunities and space to be heard and listened to in a culturally and linguistically appropriate manner, and that they are engaged in the development of immediate, medium and long-term solutions rather than just informed or consulted on solutions. We were told:

*It is paramount to elevate the voices of victims. Victims have sobering sentiments as well as ideas for solutions to key issues, but struggle to be heard on these ideas.*

### Support services

- 17 We heard from some people that the financial support provided to them immediately after the terrorist attack had been helpful. But we also heard from people who were struggling to cope financially, on top of the other challenges they were facing, particularly as financial support was scaled back over time.
- 18 Some survivors with physical injuries said they felt pressured to return to work by the Accident Compensation Corporation despite medical advice that they were not ready.
- 19 A few people felt that the Accident Compensation Corporation did not have sufficient flexibility in its systems for an event such as this, and it was not taking into account the complications caused by firearms injuries, such as retained bullet fragments and nerve damage.
- 20 Some women whose husbands had been the sole income earner said they felt pressured by the Ministry of Social Development to place their preschool children in care so they could find work.
- 21 Some people told us that Public sector agencies do not account for the recovery needs of those who witnessed the terrorist attack but were not physically injured. We have heard of the post-traumatic stress being suffered by many of these people, whose symptoms include difficulty sleeping and recurrent mental images of the terrorist attack. Some witnesses of the terrorist attack who did not suffer physical injuries were not provided with Public sector support until third-party advocates stepped in to assist. Others who have tried to access support have been told they are not eligible for publicly funded recovery and support services.
- 22 Many of those we met with told us about the challenges they faced getting visas for whānau members to come to, or remain in, New Zealand to help them while they were getting their lives back together. People were concerned about the requirement for someone to have been in New Zealand on 15 March 2019 to be eligible for the discretionary visa that the Government had put in place for support people. Some expressed their frustration that allowances were not being made in what were exceptional circumstances.

- 23 We heard of the need for immigration issues to be considered on a case-by-case basis given the complexities associated with the circumstances of each whānau. For example, members of the Somali community who had lost loved ones or had survived the terrorist attack faced challenges due to New Zealand not recognising the Somali passport as a valid travel document (although it is accepted by some Public sector agencies for refugee purposes). This meant it took significantly longer to get the whānau support they needed. In some cases, affected whānau were not granted visas until late 2020. These visas were granted after we wrote to Immigration New Zealand outlining these issues and seeking their assistance to progress matters due to the negative impact on the wellbeing of these whānau.
- 24 We were told of the deficiencies in support available to affected whānau, survivors and witnesses in relation to the criminal justice system. A submission made on behalf of some of this group spoke of the “deep widespread trauma in being excluded from the criminal process and being unable to have input into or feel any meaningful participation in this process”.
- 25 We heard of disillusionment and a loss of hope and trust, largely due to the lack of acknowledgement of victims in the criminal justice process and the feeling that they were not being heard. That submission also noted that the issues and concerns that victims have had in this specific case were seen to be a demonstration of the issues that victims face more broadly in New Zealand’s criminal justice system. There were complaints of a disconnect between the principles of victims’ rights as set out in the Victims Code,<sup>1</sup> and victims’ experiences of the criminal justice system, including re-traumatisation.
- 26 We heard that the purpose and scope of a victim impact statement was not clearly explained to many affected whānau, survivors and witnesses. We were told this impacted on what they wrote in their victim impact statement. In many cases this was compounded by a lack of interpreters.
- 27 Some people said that the narrow and prescriptive format of the victim impact statement template produced by the Ministry of Justice and provided to affected whānau, survivors and witnesses was not appropriate given the unique circumstances in this case and was further disempowering.

<sup>1</sup> The Victims Code sets out how you can expect to be treated when you are a victim of crime, <http://www.victiminfo.govt.nz/support-and-services/victims-rights/victims-code-full-text-version/>.

### 3.3 Solutions proposed to improve the Public sector's system of support

- 28 What we heard from affected whānau, survivors and witnesses reflected much hurt and frustration with Public sector agencies. It was distressing for them to have to outline their concerns over and over again to different employees in the same Public sector agencies, and with different Public sector agencies that were not working in a collaborative manner. We heard that Public sector agencies did not adequately recognise the needs of affected whānau, survivors and witnesses, and did not provide sufficient integrated and tailored support services to help their recovery from the terrorist attack in the medium to long-term.
- 29 Affected whānau, survivors and witnesses shared with us their thoughts on how Public sector agencies could improve their support for whānau recovering from a future attack and how this interrelates with their experience of the criminal justice system. It was suggested that Public sector agencies need to have flexible plans in place to respond to the medium and long-term recovery needs of affected whānau, survivors and witnesses, and that these plans must be co-designed with affected whānau, survivors and witnesses in a culturally and linguistically appropriate manner. For example, the terrorist attack on 15 March 2019 resulted in a range of recovery needs from an immigration perspective. Some suggested that Immigration New Zealand could create a special visa for whānau members to travel in and out of New Zealand for a few years, for support purposes, to reduce the burden for grieving people.
- 30 We were told that Public sector agencies should be seeking cultural and linguistic expertise so that they can understand:
- a) the challenges faced by, and recovery needs of, traumatised people and communities;
  - b) the challenges that people working with traumatised people and communities are likely to face and ensure that there is interpretation support available;
  - c) how people who have experienced a terrorist attack are likely to receive and process information;
  - d) how to build trust-based, collaborative relationships with ethnic and religious communities; and
  - e) how community engagement activities can support psychological recovery needs.

- 31 One submission from affected whānau, survivors and witnesses recommended that the government establish a long-term restorative justice process co-designed by affected whānau, survivors and witnesses. The restorative justice process would be established to address the ongoing complex needs of affected whānau, survivors and witnesses. It would provide affected whānau, survivors and witnesses with an opportunity for accountability, to heal, to have a voice and vindication (including compensation in appropriate cases).
- 32 The process would require the full engagement of all relevant Public sector agencies and relevant non-government agencies. This means a process that caters for affected whānau, survivors and witnesses that is conducted in a space in which they are comfortable. The submission emphasised that it is important to determine the needs of affected whānau, survivors and witnesses. The submitter also noted that:

*... coronial processes, which is another investigatory process (and which will incorporate the circumstances of death including after the shooting had commenced, the police and medical response etc.), rather than standing alone as yet another process – and likely re-traumatising process – to be added on to the victims’ post-shooting legal experience should instead be incorporated into a single restorative process within which both coronial considerations (and thus any recommendations for prevention under the Coroners Act for example) as well as other consonant restorative principles and practices.*

- 33 The best way to put in place a restorative justice process would be to hear from affected whānau, survivors and witnesses themselves, then analyse what needs are being met and those that are yet to be met:

*The most fundamental and critical need right now is for victims to be heard and involved in long-term solutions. The above recommendation [for a restorative justice process] incorporates a victim-centred approach, free from the bureaucratic system that allows victims to enable themselves with the tools to help themselves and their communities, long-term.*

- 34 We were told that a coronial inquiry should be held to provide an independent assessment of the response to the terrorist attack including the response of New Zealand Police and hospitals and ensure that all outstanding questions are answered.
- 35 Some affected whānau, survivors and witnesses proposed that there should be a minister responsible for affected whānau, survivors and witnesses of the terrorist attack and the implementation of our recommendations, similar to the Minister Responsible for Pike River Re-entry, and that all relevant Public sector agencies would report to that minister. This would ensure transparency and accountability, and give communities confidence that changes will happen. They said that it should not be left to communities alone to hold the government and Public sector agencies to account.

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## Chapter 4: What communities told us about the broader context in which the terrorist attack occurred

### 4.1 Introduction

- 1 This chapter sets out the themes from our meetings with individuals, academics, communities and interest groups, and the themes contained in written submissions. It draws on what we learned from our Muslim Community Reference Group about the broader context in which the terrorist attack occurred.
- 2 We heard from a range of people about their views of New Zealand and their personal experiences. Many people we met have moved to New Zealand from overseas, often in search of a better life. The length of time they have lived here ranges from a few months to decades. They shared their experiences of their lives in New Zealand and their interactions with Public sector agencies. They gave us their suggestions for what, in their view, needed to change to prevent such a terrorist attack in the future.
- 3 We predominantly heard from ethnic and religious communities, including Muslim communities, and there were consistent themes in what we heard, as set out below. For some people, their experiences changed after the 15 March 2019 terrorist attack.

### 4.2 New Zealand is viewed positively, but widespread racism, discrimination and Islamophobia exists

- 4 Many people said their experiences of New Zealand and New Zealanders before the terrorist attack of 15 March 2019 were positive. New Zealand felt peaceful and safe to them, and they never thought a terrorist attack could happen here. They felt that New Zealanders were very accepting and friendly people. We heard consistently that at the local level, most people are welcoming.
- 5 Despite these positive experiences, many of the same people that we heard from had personally suffered racist incidents or knew of whānau and friends who had. Women in hijab, for example, reported experiencing street harassment and felt uncomfortable reporting the incidents to New Zealand Police or other Public sector agencies. They felt their hurt and frustration would not be taken seriously by New Zealand Police or other agencies.
- 6 People said they had experienced discrimination at work, in trying to find a job, or said their children had been bullied at school. For example, we were told:

*A [Muslim] tertiary student reported being warned she would not get a job if she turned up to an interview “dressed like that”. Secondary schools students reported experiencing a lot of discrimination and harassment. Some have had their scarves torn off and were punched, and ending up in fist fights as a result. Even teachers have challenged students about the actions of ISIS, and other terrorists.*



- 7 Some people we heard from believed the root cause of the discrimination they experience is a combination of ignorance and racism. They felt that this racism can often be both at a personal and institutional level and subtly permeates parts of New Zealand society. The Muslim Community Reference Group shared these views.
- 8 We were also told that there are some general misunderstandings about Islam. Some people in Muslim communities believe they are subject to guilt by association with Islamist extremist terrorism. We heard of increased harassment and discrimination faced by some New Zealand Muslim individuals and communities when Islamist extremist terrorist attacks occurred overseas.
- 9 The lack of awareness in New Zealand about ethnic and religious communities is considered by many to be a barrier to embracing diversity. The Muslim Community Reference Group noted that in New Zealand, people learn about Muslim culture and beliefs primarily through the media.
- 10 Members of the Muslim Community Reference Group and some submissions also expressed concerns about the way that local and international media reporting has contributed to increased anti-Muslim views in New Zealand and around the world. They believe that this occurs through inaccurate reporting, and a general failure to challenge racist and extremist remarks. Many people we talked to or heard from shared this belief. Many people commented that biased reporting had increased significantly since the terrorist attacks on 11 September 2001 in the United States of America. We were presented with research and statistics on the representation of Islam in New Zealand media to support this view.
- 11 We heard similar sentiments from many people that the way that New Zealand Public sector agencies and politicians talk about national security issues adds to anti-Muslim rhetoric. We heard that what people say really matters, particularly people in leadership positions. One person told us that:

*We think too often about minorities – “they are us” – emphasising their difference even if that was not the intent. Language is critical.*
- 12 We were told by some people that community relationships were limited and that hostile rhetoric was increasing, for instance about immigration, and that it felt like New Zealand’s social cohesiveness was diminishing.
- 13 We also heard that the challenges faced are not unique to Muslim communities. We heard from the Muslim Community Reference Group that “different ethnic groups need to be included in this, they are also targets of racism”. For example, some religious communities and Māori also told us about their experiences of racism, adversity and injustice.

- 14 In this vein, we were told that our recommendations should support a better and safer New Zealand not only for Muslim communities, but also for the range of communities that make up New Zealand. Our recommendations need to be “forward-looking and inclusive of all New Zealanders regardless of faith, ethnicity or culture”.
- 15 Since 15 March 2019, communities report that some people feel less safe, especially those who have visible faith markers. We heard from a few people who said they are worried about their whānau and friends who wear hijab. We heard from one group that:

*We stopped feeling safe in New Zealand after the 15 March attacks – this event has shaken us, especially our women who tend to be the “flag bearers” as their dress is a visual demonstration of their faith.*

- 16 Some women said they felt more scared going out on their own wearing hijab. They told us they avoided going to public places and doing things that used to be part of their daily routine, such as taking their children to school or going on an evening walk.
- 17 On the other hand, some people feel just as safe as before, or safer, and noted they are receiving support from non-Muslim New Zealanders. We heard of situations where once-distant neighbours were now regularly speaking with their Muslim neighbours and of women openly acknowledging and engaging with Muslim women on the street.

### **4.3 New Zealand law does not sufficiently protect people from hate-motivated crime and hate speech**

- 18 Many told us the terrorist attack occurred in a context of widespread racism, discrimination and Islamophobia, where pre-judgements or hostile behaviours (including hate-based threats and attacks) are rarely recorded, analysed or acted on. We were also told that racism can come in many forms, from harsh comments to offensive actions. We heard that racism occurs frequently in public spaces, often comes from strangers and can escalate to violence.
- 19 There are many positive things New Zealanders can learn from one another in an increasingly diverse country, but we were told not everyone thinks that way. We were referred to a number of incidents of politicians making remarks that disparaged ethnic and religious communities. These incidents were seen as unacceptable, but at times common in New Zealand.
- 20 We heard from many people about their concerns that harmful behaviour towards people based on their national origin, religion, gender identity, disability or sexual orientation, which vary from verbal to physical in nature, are not taken sufficiently seriously by New Zealand Police.

- 21 A particular frustration we heard was that harmful behaviours and allegations of hate crimes are not recorded by New Zealand Police. We heard much about hate crimes and related issues more broadly, which are discussed further in other chapters of this Part. Some people we met with said they had reported racist incidents to New Zealand Police, but there was no outcome. This was either because the report was not formally recorded, New Zealand Police did not take the incident seriously or they did not hear back from New Zealand Police about what had been done in response to their report. One submission referred to a threat that was made in February 2019 to burn a Qur'an outside a masjid, coincidentally on 15 March 2019 (see Part 6, chapter 2). The submitters felt that New Zealand Police had not taken this threat sufficiently seriously, and that it took some time for New Zealand Police to report back to them about any action undertaken.
- 22 We heard from our Muslim Community Reference Group that:
- ... there is a lack of trust that police will act on reports or claims. People eventually choose not to report their issues or experiences because they feel nothing will be done.*
- 23 This was a common sentiment that we heard from a range of communities. However, we did hear from a few people of a perceived change in attitude from New Zealand Police since 15 March 2019. They said they had reported hate-motivated incidents since 15 March 2019 and felt these had been taken seriously. On the other hand, some people indicated to us they still had concerns about New Zealand Police responses to hate-motivated incidents, and that the New Zealand Police practice for responding was not consistent across the country.
- 24 For migrants in particular, we were told that there are often additional elements that can add to a reluctance to report racist or hateful incidents to New Zealand Police. We heard of some migrants feeling “lucky” or “grateful” to be in New Zealand, and not wanting to complain as this might impact them being able to stay in the country or risk them being seen as a “trouble-maker”. Some migrants said that their perception of New Zealand Police or other authorities is sometimes influenced by their experiences in the countries they have come from, and that such experiences can discourage speaking up or reporting.
- 25 Some people said they had noticed an increasing number of racist incidents in a range of settings, and more racist comments on social media since 15 March 2019.

- 26 A few people told us that the way New Zealand handles hate speech is important, given its freedom of speech rights. They believe that further restricting and criminalising hate speech would be misconceived, as it is likely to drive hate speech underground where it cannot be challenged and, in this way, contribute to more radicalisation. However other people held contrary views, believing that hate crimes should be established as a separate category of offence and that they should include acts of hatred that target people and property. We heard that:

*[There is] a clear line between the freedom to openly and publicly discuss, defend, and teach different positions on moral and social issues and theological matters, and professing hatred and inciting violence. While the former are necessary for the maintenance and progress of a free and democratic society, the latter are destructive for a free and democratic society.*

- 27 Nearly everyone we met with believed that confronting racism and prejudice would make New Zealand safer and contribute to preventing a terrorist attack in the future. They said that the key to eliminating racism lies in education at the primary, secondary and tertiary levels and that all New Zealanders need the tools to identify racism and prejudice and how to respond in a safe and calm manner.

#### **4.4 Solutions proposed to address racism, discrimination, hate crime and hate speech**

- 28 Our Muslim Community Reference Group made it clear to us that efforts must be undertaken by Public sector agencies, local government and the private sector to eliminate racism and discrimination, including:
- a) equipping the education system to implement programmes about the diverse nature of New Zealand's communities;
  - b) supporting communities and workplaces to reduce discrimination through programmes and resources to support knowledge about cultural, linguistic, national origin and other forms of diversity;
  - c) promoting and celebrating diversity, including through public celebrations for key religious and cultural events; and
  - d) publicly sharing positive stories about ethnic and religious communities.
- 29 We heard that eliminating racism and discrimination should be a priority across all sectors, not just the Public sector, and action needs to be focused on all ages and communities of interest. We were told by some members of the Muslim Community Reference Group, and others we met with, that initiatives cannot be one-off – cultural competency needs to be part of continuing professional development and valued by both Public sector and private sector employers.

- 30 We heard that Māori history, insights and experiences, and a Māori worldview, would be invaluable in learning more about New Zealand, and that this and education about Te Tiriti o Waitangi should be incorporated in the implementation of anti-racism and discrimination programmes and initiatives.
- 31 While the Public sector must drive efforts to eliminate racism and discrimination, members of the Muslim Community Reference Group emphasised the importance of encouraging, supporting and empowering communities to work together on these issues. These sentiments were echoed by others we heard from.
- 32 Many people believe Public sector agencies should collect data to understand the extent of racism and discrimination and have the evidence base to design effective policy responses. Some suggestions were also made about legislative change to broaden the scope of hate speech offences, noting the delicate balance between peoples' safety and freedom of expression.
- 33 We were told that a system needs to be developed for reporting, collating and analysing complaints of hate speech and hate crimes. Others suggested a national hate crime action plan, with a whole-of-government approach to dealing with anti-social and unacceptable behaviours and preventing extremism, including the development of de-radicalisation programmes.
- 34 One group called for regularly including Islam and Muslim communities in official and popular rhetoric. They told us:
- [This would involve] media in New Zealand making a conscious effort to normalise Muslim representations on screen, and to take a critical, rational, and ethical approach to priming and framing stories involving Islam, Muslims, and Muslim-majority countries and regions.*
- 35 To counter the media being the primary source of education about Islam and other religions, we were told that education about diversity needs to be provided by educational institutes, places of worship (including churches and temples) and direct personal engagement with Muslim communities.
- 36 We were also told that the Public sector needed to put more resources into campaigns like *Stand up to racism: That's us*, which is run by the Human Rights Commission.

#### 4.5 Experiences with the Public sector

- 37 We heard that the terrorist attack took place in the context of a society, including Public sector agencies, which frequently misunderstands Muslim communities and cultural diversity more broadly, and in which many Muslim New Zealanders feel they face prejudice and discrimination.

- 38 Many people, community organisations and groups told us that Public sector agencies do not effectively explain to people how the information they provide will be used or shared. For example, people told us they had attended meetings with Public sector agencies to discuss community programmes, or to raise concerns about Public sector agency-led programmes. Afterwards, Public sector agencies often did not share notes of those meetings to ask whether they accurately reflected the discussion, nor did they confirm any agreed actions arising from the meetings or get back in touch to let attendees know what the outcome was.
- 39 Some people spoke of being asked repeatedly for the same information from the same Public sector agencies, which further eroded their trust and confidence in the agencies.
- 40 One group told us about their experiences trying to get issues specific to Muslim communities noticed by the Public sector, and of working with Public sector agencies on a potential national strategy to deal with issues raised by Muslim communities. They told us of their frustration at feeling they needed to constantly drive this work rather than supporting the Public sector agencies, that their voice was not being heard and that the work did not appear to go anywhere with little explanation as to why. The group talked about how they volunteered significant time and energy to support Public sector agencies to deliver, and felt let down by the agencies' limited efforts.

#### 4.6 New Zealand's counter-terrorism effort

- 41 We heard from communities that they understand and generally support the objectives of the national security system. However, some people told us they believe the 15 March 2019 terrorist attack demonstrated a "catastrophic failure" of the national security system. We were told by a submitter with experience in the national security system that:

*The assumptions that underpin these reflections are that there was systemic failure of the national security system – by definition a major terrorist attack resulting in the death of 51 people cannot be anything other than a failure. I am assuming the relevant agencies were taken by complete surprise, and there is not a single point of failure (e.g. a human error) that had a different course of action been taken would have prevented or disrupted the attack. My assumption is that the system was not looking and never had a chance to prevent the attack – hence the systemic failure.*

- 42 We also heard from some that the national security system had failed to prevent the terrorist attack as it was only focused on a perceived threat of Muslim individuals and communities while not focusing on any other threats. For example, one person told us:

*They were watching us, not watching our backs.*

43 We heard that communities feel that they have limited visibility about what Public sector agencies are doing to keep them safe. Some communities reported to us that their engagement with agencies involved in New Zealand’s counter-terrorism effort feels one-sided – in that communities provide information to agencies, but it had not obviously been recorded in meetings, they do not receive a response about how that information is used and/or they do not see their advice being acted upon. Consequently, these people feel their advice is not being listened to or is not valued.

44 We heard from communities that they feel the New Zealand counter-terrorism effort has been focused exclusively on Islamist extremist terrorism, and that this is not unique to New Zealand. One submission referred to the 2015 *Review of Australia’s Counter-Terrorism Machinery*, which assessed the threat environment exclusively in terms of Islamist extremist terrorism and explicitly linked violent extremism to Muslim individuals and communities.

45 For many of those that we heard from, a terrorist attack inspired by Islamophobia was not unforeseen. We heard that:

*The events of the day were presaged by so many tell-tell signs of its coming, all of which were evident and all of which were ignored by those who had power to act.*

46 Members of our Muslim Community Reference Group told us:

*We warned them of dangers, and they didn’t listen.*

47 We also heard from some people more broadly about their frustration that concerns they raised about the rise of right-wing extremism and Islamophobia in recent years were not acted on. Of the people we heard from who expressed a view about the activities of Public sector agencies, many were of the view that counter-terrorism agencies had failed to monitor the online posts of the individual and other people or groups with extreme right-wing views and they felt this failure allowed the attack on 15 March 2019 to occur. One submitter told us:

*It is inconceivable that New Zealand’s professional internet community was aware of the threat posed by alt-right radicals but [the New Zealand Security Intelligence Service] were not.*

48 We heard similar sentiments from some members of the Muslim Community Reference Group who had reported concerns about racism, discrimination and hate crimes to Public sector agencies including New Zealand Police, but they felt that their concerns were often not taken seriously or followed up. They told us that “we actually need to see evidence of [Public sector] agencies acting on our concerns in order for us to trust them”. In their view, counter-terrorism agencies are not identifying extremists (particularly right-wing extremists or white supremacists) due to preconceptions and bias about who poses a threat to New Zealand. In particular, we were told about the vulnerability of young men to sophisticated recruitment strategies from extreme right-wing groups and a belief that New Zealand’s counter-terrorism agencies are not picking up harmful extremists.

- 49 We were told that “even now, we are still being engaged with like we are the threat”. The Muslim Community Reference Group expressed that many of these issues stem from the fact that counter-terrorism agencies appear to have limited competency when it comes to Muslim culture.
- 50 Many people and community organisations we spoke to or heard from believe there is low capability and capacity, if any, in relation to countering violent extremism (including from the extreme right-wing) in Public sector agencies involved in New Zealand’s counter-terrorism effort.
- 51 Some submissions and people we talked to noted that while Public sector agencies might agree that intelligence resulting from diverse sources and collective efforts enhances outcomes, many believe that the agencies’ understanding of how to achieve these outcomes was limited. This meant these agencies could be taken by surprise by something that a diverse team might have known about and would have identified as an opportunity or a risk.
- 52 We heard of the need for a counter-narrative to harmful extremism – or in other words, positive, alternative messaging. One submitter told us:

*Too often the government or community are silent on their messaging. That causes confusion and doubt. There needs to be strong messaging around the condemnation of any violent acts for whatever purpose and readily available information on supporting communities in identifying and dealing with disaffected members who are engaging in or have engaged in violent extremism.*

- 53 Many discussed the need for a strategy to prevent or counter extremism, believing that New Zealand had not taken sufficient action on this issue, despite governments in other countries doing so.
- 54 Some members of our Muslim Community Reference Group said they believe that the New Zealand Security Intelligence Service’s activities and surveillance has often had a negative impact on their communities because it creates paranoia, suspicion and fear. Similarly, some Muslim communities believe the national security system is prejudiced against them, and they feel targeted. We were told “it is no secret that prior to these attacks, the Muslim community was under the microscope for being a potential threat to national security”. We also heard from non-Muslim communities who reported feeling targeted by the intelligence and security agencies.
- 55 We were told about negative personal experiences with the national security system, such as recruitment approaches, with people being asked to provide information about Muslim friends and whānau to the New Zealand Security Intelligence Service. Some expressed to us that they were concerned about what would happen to them personally if they did not comply with requests for information. They were worried that, if they questioned the process, they might get in trouble with the New Zealand Security Intelligence Service and other Public sector agencies.



- 56 We heard stories from people who had been approached by counter-terrorism agencies but were unclear which agency they were from, or what the purpose of the engagement was. Some felt uncomfortable about the way in which they were approached and/or questioned by the counter-terrorism agencies.
- 57 We also heard of a perceived power imbalance between counter-terrorism agencies and communities, and that people who are approached by these agencies are often unsure what their rights are. We heard that when approached, individuals and communities do not feel empowered or knowledgeable enough to effectively engage with counter-terrorism agencies and challenge them.
- 58 Many people shared with us their personal experiences when entering and exiting New Zealand and their interactions with the border agencies – Immigration New Zealand and New Zealand Customs Service.
- 59 We heard, particularly from ethnic and religious communities, including Muslim communities, of a belief that front-line staff from Immigration New Zealand and New Zealand Customs Service undertake racial profiling. Some of the experiences people shared with us included a perception that Muslim individuals entering New Zealand, including those born in New Zealand and/or travelling on a New Zealand passport, face a longer screening process than non-Muslim travellers. This was echoed by some members of the Muslim Community Reference Group, with comments such as:

*... we are targeted [by Immigration New Zealand and New Zealand Customs Service]. This bias could perhaps allow other potential threats to slip through security.*

- 60 We heard of personal experiences or those of friends and whānau. For example:

*A few years ago my son travelled overseas for business ... When he came back he was interrogated for a couple of hours. His laptop was looked at as well his phone and he wasn't sure why. The next time he travelled the same thing happened and he was very frustrated and started asking why? He travelled often to bring business to New Zealand. He had a New Zealand passport, so we do not understand the need for him to be screened at New Zealand's border each time he returned from travel? He was bluntly told in the end that they wanted to make sure he is not affiliated with ISIS!*

## 4.7 Solutions proposed to improve New Zealand's counter-terrorism efforts

- 61 Communities provided a range of suggestions for improving New Zealand's counter-terrorism effort.
- 62 Some people felt that New Zealand Police and the intelligence and security agencies should be more proactive in identifying and assessing possible terrorist threats from ideologies other than Islamist extremism. Specifically, they suggested that these agencies should increase monitoring of anti-Muslim, extreme right-wing and other threats to vulnerable communities on social media. They suggested that online threats should be taken more seriously and investigated to determine the terrorism threat to New Zealanders.
- 63 We heard that the way New Zealand's National Security and Intelligence Priorities are set needs to change (see Part 8, chapter 3). People told us that the process for setting and reviewing New Zealand's National Security and Intelligence Priorities should be opened up to a Parliamentary and/or community process. This would help ensure that the National Security and Intelligence Priorities are robustly debated, and enable a directed conversation amongst New Zealanders on risks and threats to security and prosperity.
- 64 We were told that the government must publicly set out its strategy for preventing and countering violent extremism and terrorism and there should be significant community involvement in its development. One submitter noted that while most countries have a comprehensive national security strategy, New Zealand continues to rely on a *National Security System Handbook* that mostly addresses the Response to crises rather than Reduction, Readiness and Recovery activities.
- 65 Some people suggested more training for staff in New Zealand Police and the intelligence and security agencies to enable diversity of thinking to protect against groupthink and thus recognise escalating threats sooner.
- 66 It was proposed that New Zealand should allocate counter-terrorism resources based on empirical evidence and coordinate with international partner agencies. The Australia New Zealand Counter-Terrorism Committee's work on counter-terrorism policy, capabilities, legislation and the enabling environments of all forms of extremism was identified as a useful vehicle.
- 67 There was also a call for both prevention programmes and de-radicalisation programmes for members of extremist movements, radical groups and some gangs to be funded by the government and developed and delivered in partnership with relevant communities and experts.



## 4.8 The firearms licensing system

- 68 Various communities and groups, including some members of the Muslim Community Reference Group, questioned why the Government was amending the Arms Act 1983 before the Royal Commission presented its findings. What we heard about this is discussed below in chapter 5.
- 69 Many people we heard from questioned how the individual was able to obtain a firearms licence, and there was a general feeling that there is room for improvement in the current checks and balances in place for firearms licence holders and owners. People familiar with the firearms licence application process had very strong views about the lack of robustness of the decision to grant the individual a firearms licence, believing that had vetting been correctly applied, the individual would not have been able to obtain a firearms licence. This view was largely based on factors that these people believed to be true, including:
- a) the individual's travel to North Korea and the Turkish border with Syria (and his travel patterns more generally);
  - b) that the individual's firearms licence referees did not know him personally; and
  - c) that none of the individual's family members were included in background checks undertaken by New Zealand Police during the licensing process.
- 70 Most of what we were told about firearms and firearms licensing in our community engagement processes came through our submissions process. Approximately three quarters of the submissions we received used a template that referred to the individual's firearms licence application and whether he would have fulfilled the requirements of the fit and proper person test in the firearms licence applications process. While these particular submissions used this template, most included unique content on firearms licensing.
- 71 One group submission noted other factors that they considered to be relevant (and believed to be true) and therefore should have come to light in the interview of the individual during the licensing process, for example, that:
- a) he had just arrived in New Zealand;
  - b) he did not have any friends or relatives in Dunedin (or anywhere in New Zealand); and
  - c) there was no indication he wanted the firearms for recreational purposes, as he joined a rifle club in February 2018, some six months after his arrival in New Zealand.
- 72 The group who made this submission considered that factors such as these should have raised concerns about why the individual wanted to own firearms.



- 73 Many people told us of things that they believed to be true about the individual's referees used in his firearms licence application, including that:
- a) his referees did not meet New Zealand Police's requirements;
  - b) his two referees were related to each other and were therefore inappropriate referees; and
  - c) his referees only knew the individual through an online forum, and had never met him in person.
- 74 Some of these submissions about firearms licensing also discussed New Zealand Police's administration of the process and outlined the relationship between New Zealand Police and the licensed firearms community.
- 75 We heard that licensed firearms owners in New Zealand come from a range of different backgrounds. They have varied interests and reasons for owning firearms, with some having had a lifelong interest in firearms and some having only obtained their licences relatively recently.
- 76 Firearms owners suggested that if the firearms vetting process had been stringently applied, the individual would not have been able to obtain a firearms licence.
- 77 Many people shared their own experience of the firearms licensing process, particularly the New Zealand Police vetting process, comparing it to the vetting process they expected would have been applied to the individual. Many of these people felt, in their experience, that the vetting officer was invested in taking the time to do a thorough job and that the process was not just a "box-ticking exercise".
- 78 We also heard from a few people who thought that the firearms licensing process should be stricter, with some outlining their own experiences. One submitter observed people taking the test answering incorrectly and being encouraged to select a different answer. Another submitter felt that their vetting interview should have been more in-depth and "probing" than it was, believing their application form was almost "rubber stamped".
- 79 People who told us about how the licensing process had changed (either in their experience or according to what they had heard from others) considered that the process had become less rigorous and thorough following changes to the administration of the firearms licensing system. For example, one submission from a licensed firearms owner reflected on the changes that occurred between the time they applied for their licence and the renewal process they recently went through:



*I initially applied for my licence at the end of 2009 and the application and interview process was quite an ordeal. The arms officer carrying out the interviews asked many questions and framed in different ways. ... A month ago I went through the renewal process and it was significantly different, my reference was interviewed over the phone and the questions for myself and next of kin didn't allow for follow up questions for the arms officer to ask.*

- 80 Many submitters discussed the relationship between licensed firearms owners and New Zealand Police. Licensed firearms owners historically viewed the relationship with New Zealand Police positively but they felt it had deteriorated over time, and that it was no longer seen as a valuable relationship by New Zealand Police. For example, a firearms organisation expressed to us that “increasingly firearms user groups, rather than being seen as allies in the safe use of firearms, were instead treated as nuisances and their input and advice not sought nor listened to”.
- 81 We were asked a number of questions about the firearms licensing process, which are answered to the extent possible in *Part 5: The firearms licence*.

#### **4.9 Solutions proposed to manage firearms and firearms licensing**

- 82 Where people suggested changes relating to firearms and firearms licensing, they were generally calling for strengthened processes and practices, as set out below.
- 83 Many firearms owners called for more robust and consistent implementation of the firearms licensing process, possibly through establishing an independent authority. We were also told the firearms licensing vetting process should be strengthened through a threshold for the fit and proper person test. This should include psychometric assessment for extremist and racist beliefs, looking for signs of right-wing extremism or other extremist behaviour and an assessment of activity on social media. We were told the vetting process could also be further strengthened by replacing casual vetting staff with sworn New Zealand Police officers who had specialist training in psychological assessments (to apply the fit and proper test). People also suggested centralising and standardising processes across Districts and a periodic review of Districts.
- 84 Other submitters wanted a review of all current licences issued in the last five years to ensure that correct process has been followed. Some felt the licences of individuals who come to the attention of New Zealand Police for racist beliefs and signs of extreme right-wing views, including on social media, should be revoked.

85 Other suggestions included:

- a) Automatic investigation of large, unusual, or frequent purchase orders.
- b) Scrutinising purchases by licence holders who have held firearms licences for less than one year.
- c) A review of large, unusual or frequent purchase orders in the last five years.
- d) Strengthening the regulatory regime for rifle clubs and ranges, including placing obligations on operators to report suspicious behaviour to New Zealand Police.

#### **4.10 The role of Public sector agencies in promoting and embracing diversity**

- 86 We heard that there is a widespread perception that some Public sector agencies' understanding of New Zealand's increasingly diverse population is at best superficial. Our Muslim Community Reference Group told us that diversity as a concept in the Public sector appears to be "only understood through a Pākehā lens" and that "as long as New Zealand sees ourselves as a predominantly 'white' / European society, we cannot embrace our diversity properly". We were told that ethnic and religious communities (and especially Muslim communities) were often "othered" in the media and by Public sector agencies and by politicians perpetuating the idea of ethnic and religious communities belonging to a "different and separate" community at odds with national and global communities.
- 87 We were told about examples of unconscious bias, racism and prejudice against different cultures and ethnicities by Public sector agencies or employees, and the need for the Public sector to take active steps to ensure their workplaces are truly inclusive and free from racism and discrimination. A liberal democracy is one that values diversity, but we were often told that this was not reflected by the New Zealand Public sector in its employment practices, policy advice and service delivery.
- 88 Some people feel there are not enough Māori, Pasifika and people from ethnic and religious communities in Public sector agencies, especially at the chief executive level and second and third management tiers. We heard that Public sector engagement and diversity efforts often feel tokenistic, and that:

*It's a great look for people to have a person of colour in the team. They get wheeled out for events.*

- 89 We heard that Public sector agencies need to be more reflective of the diversity of New Zealand's population. This includes becoming more culturally competent and multilingual, so that the Public sector can provide policies, programmes and services to the communities it serves in an effective and respectful way. We were told this will work better if Public sector agencies take a collaborative approach to partner and co-design initiatives with communities.
- 90 Many people commented that changes in New Zealand's demographics, education system, migration flows and expectations about equality of opportunity are all impacting on working opportunities, and these changes will continue over the next 20 years. They told us that now more than ever the future success of New Zealand will depend on the ability of employers, especially Public sector agencies, to optimise a diverse talent pool and take swift action to enable this to occur.
- 91 Many people also discussed the perceived lack of a government strategy or ownership (through the existence of a dedicated agency, for example) to promote social cohesion and social inclusion.
- 92 We heard that no Public sector agency was leading a public discussion on what social cohesion or social inclusion means for New Zealand now and into the future. We were told it was important that New Zealanders understand what social cohesion means for democracy and what everyone can do to embrace ethnic and religious communities and promote social cohesion.
- 93 We were also told that "we measure what we value". As New Zealand does not have any measures in place for social inclusion, social cohesion and diversity in the Public sector, this suggests that Public sector agencies currently see no value in these things. As a result we do not know our shortcomings and what activities might contribute to improving social inclusion and social cohesion in New Zealand.
- 94 We heard from some people that the Office of Ethnic Communities should be a stand-alone government department to sit alongside Te Puni Kōkiri and the Ministry for Pacific Peoples. The new government department would provide advice to ministers and Public sector agencies on all government policies and programmes with insights from ethnic and religious communities, and deliver key programmes. We were told that the current role of the Office of Ethnic Communities and its placement in the Department of Internal Affairs demonstrated it was not held in high regard by ministers, Public sector agencies or New Zealanders. We also heard that the Office of Ethnic Communities was ineffective within the Public sector and in working with communities. We were told that religious communities did not receive support from the Office.

- 95 We heard community frustration about the recent significant funding increase that Government provided to the Office of Ethnic Communities and not direct to communities themselves to assist them to deliver their own solutions. Some people felt that the Office of Ethnic Communities was an agency that had previously failed them and, in its rush to upskill, did not employ good recruitment practices.
- 96 Many people asked questions relating to New Zealand's increasingly diverse demographics and countering harmful behaviour. Our views on these matters can be found in *Part 9: Social cohesion and embracing diversity*.

#### **4.11 Solutions proposed to improve how Public sector agencies respond to New Zealand's increasing diversity**

- 97 Our Muslim Community Reference Group and some submitters considered Public sector agencies must embrace diversity by:
- a) increasing recruitment from ethnic and religious communities, including for leadership positions;
  - b) improving employment opportunities in the Public sector across New Zealand, including moving the Public sector from being primarily based in Wellington;
  - c) valuing life experience alongside formal education when making recruitment decisions; and
  - d) supporting staff who have skills and experience in working with ethnic and religious communities, and upskilling and providing training to further increase opportunities for people.
- 98 Our Muslim Community Reference Group wanted to highlight that this is an attitude-based solution – it must not be seen as a box-ticking exercise, as has been the case in the past. They told us that government needs to recognise the value that diversity contributes to society, workplaces and communities in general.
- 99 We were also told of the importance of diversity at all levels within Public sector agencies, including at the decision-making table. We heard that a critical part of implementing this solution will involve recognising what perspectives or life experiences are missing from consideration. A lack of diverse perspectives in policy setting and programme decisions affecting all New Zealanders means those decisions may be ineffectual or unintentionally cause harm.



## 4.12 Public sector agency engagement with communities

- 100 We received many comments on community engagement. We were advised there is no commonly agreed definition of “community engagement” and the term is often used interchangeably with a number of other concepts, such as consultation, participation, consideration and empowerment. We were told that Public sector agencies do not understand nor put into operation effective community engagement. Our Muslim Community Reference Group saw the relationship between communities and Public sector agencies as critical to effective governance, policy development, and delivery of services. We heard from many people that community engagement by Public sector agencies is often tokenistic. They feel that decisions are made and the community is informed of the decision rather than being provided an opportunity to help identify issues and collaborate on developing solutions. We heard that Public sector engagement with communities is often characterised by not clearly defining the purpose of the engagement and that it is often not clear who is being engaged and why.
- 101 We heard that insufficient diversity and cultural competency in Public sector agencies means that when they engage with communities, agency staff and community members can draw different conclusions about the outcomes. For example, a community member who raises concerns about threatening behaviour may not provide all relevant information or context. This is because they have assumed that the agency is aware of such information or context, an assumption that may be incorrect.
- 102 We also heard that communities are often expected to volunteer their knowledge or take a day of leave from their employment to contribute to a Public sector agency engagement process. Many people consider that Public sector agencies need to sustainably resource communities to be involved in Public sector agency processes, and that there is some way to go in developing effective engagement practices with communities.
- 103 Our Muslim Community Reference Group told us that:
- Departments often take community silence as acceptance! Offer engagement pathways that work not just for the organisation but also for the community.*
- 104 We also heard that when there is engagement, the relevant Public sector agency will often choose to “cherry-pick” and engage with a small group of people, sometimes on an ad hoc basis. Often this is from a few specific organisations or national organisations that may be perceived as representing the broader community of interest. We were told that engagement must be broad and inclusive, and not just with national organisations. Our Muslim Community Reference Group emphasised that engagement must not be tokenistic and must account for the diverse nature of Muslim communities.

- 105 We were told by many that Public sector agencies risk not getting a representative view by repeatedly returning to the same representatives to draw on their insights and knowledge. In addition, this places a burden on already stretched and sometimes overstretched community leaders and may also marginalise parts of communities that are not involved in the engagement process.
- 106 We were told by many people that the government needed to resource, support and facilitate community-driven initiatives, rather than Public sector agencies imposing initiatives on communities. We also heard that Public sector agencies were sending unskilled employees to engage with communities on issues of importance. Under the guise of engagement, Public sector agencies were requiring busy community leaders and members to upskill Public sector employees who have no background and expertise working with Muslim communities and to do so without recompense.

#### **4.13 Solutions proposed to improve how Public sector agencies engage with communities**

- 107 In order to better represent the changing demographics of New Zealand, our Muslim Community Reference Group told us that Public sector agencies must improve how they engage with ethnic and religious communities about their safety and security needs.
- 108 Improvements could include:
- a) meaningfully and respectfully engaging with a broad variety of people (including for example, women, youth, people with a range of national origins) and groups, rather than just one body or group;
  - b) engaging with communities on their terms, and putting measures in place to ensure that communities understand the results of that engagement;
  - c) increasing Public sector agencies' resources so that they liaise more effectively with ethnic and religious communities;
  - d) resourcing communities to enable them to effectively and efficiently engage with Public sector agencies;
  - e) listening to communities' needs and concerns about their safety and security with an open mind;
  - f) empowering communities, including through providing advice and information, to make their own communities safer; and
  - g) clearly reporting on engagement outcomes with communities regarding safety and security concerns.



- 109 We heard that Public sector agencies need to respect the expertise of communities rather than dismiss it. This includes recognising their expertise and compensating them for their time and expenses. Public sector agencies also need to ensure they do not place a burden on vulnerable communities by having to solve problems arising from exclusion and marginalisation. This means that Public sector agencies should not overburden those within the community they approach for advice nor expect vulnerable communities to be responsible for reducing the discrimination against them.

#### 4.14 Questions asked about what Public sector agencies knew about the individual

- 110 Many people asked us questions relating to the individual. Often these were expressed in relation to what Public sector agencies knew about him, and a general disbelief that he had not come to the attention of any relevant Public sector agency before the 15 March 2019 terrorist attack.
- 111 No one that we heard from through our community engagement processes, including in submissions, said they personally knew the individual who carried out the terrorist attack.
- 112 We were asked that the individual not be named, and that the terrorist attack only be referred to in terms of the 51 shuhada, to ensure the individual received no publicity or attention. The Muslim Community Reference Group noted the importance of ensuring that when the individual is referenced in our report, it is as “the ‘subject of interrogation’ rather than giving him light and space”.
- 113 We were also asked by some to dismiss the individual’s reasoning and background, and not publicly share this information.
- 114 Despite this, many people shared their views on the individual, in particular how he could have obtained a firearms licence. We also heard a number of rumours about the individual’s activities. We have set these out as we heard them in this chapter, and in *Part 4: The terrorist* we provide an accurate account of the individual’s activities. What we heard about the individual’s firearms licensing process is discussed in more detail in *Part 5: The firearms licence*.
- 115 Many people questioned why the individual had not previously come to the attention of New Zealand and Australian agencies involved in the counter-terrorism effort. A few people raised a more specific question – why the individual was not identified by these agencies as a person of interest, given the fact that he had visited countries with travel advisory warnings. Many people questioned why he was not checked more thoroughly by Immigration New Zealand and New Zealand Customs Service on entering New Zealand.



116 People were uncertain about what information about the individual was known to Public sector agencies before 15 March 2019. Further, people questioned whether, if such information existed, it would have been taken into account by relevant Public sector agencies to scrutinise the individual's entry into New Zealand or subsequent firearms licence application. Many people we met with or heard from felt that if the individual had not been of European descent, he would have come under much closer scrutiny by agencies involved in the counter-terrorism effort and the public.

117 A few people queried whether there had been adequate information sharing between Australia and New Zealand when the individual entered New Zealand. For example, one submitter told us that:

*A fundamental point in the attack of 15 March is that the [individual] was an Australian citizen. As such, he was able to travel to and work in New Zealand freely.*

118 We heard from some people, including some affected whānau, survivors and witnesses, that they thought the individual must have had support to carry out the terrorist attack and do not consider he was a lone actor. They believe this was either through direct support (that more than one person was involved in the terrorist attack) or indirect support (such as through online communities). We also heard from members of Muslim communities that they thought the individual visited Masjid an-Nur, the Linwood Islamic Centre and masajid around the country before the terrorist attack. Many people we heard from could not comprehend how the individual was able to carry out the extent of activities that he did without being detected either by agencies involved in the counter-terrorism effort or by New Zealanders observing his behaviours.

119 People we heard from thought that if Public sector agencies had monitored social media this may have alerted them to the potential threat and did not understand why the individual's social media was not monitored.

120 The people who spoke to us about the individual had specific questions they want answered by our report, including:

- a) Did he have direct or indirect support to carry out the terrorist attack?
- b) How could he afford to buy all the weapons and equipment needed to carry out the terrorist attack?
- c) How did he accumulate so much ammunition without drawing the attention of the counter-terrorism agencies?
- d) Given the fact he had visited countries with travel advisory warnings, why was he not checked more thoroughly by Immigration New Zealand on entering New Zealand? and
- e) How did he know the "perfect time" to enter Masjid an-Nur?

121 These and other questions raised by communities about the individual and what Public sector agencies knew about him are answered to the extent possible in *Part 4: The terrorist*, *Part 5: The firearms licence* and *Part 6: What Public sector agencies knew about the terrorist*.

## Chapter 5: What communities told us about “out of scope” matters

- 1 We were provided with many people’s thoughts and views on matters that were outside the scope of our Terms of Reference.
- 2 Although the Terms of Reference prevented us from making findings or recommendations on these issues, there was nothing preventing us from recording them as having been raised. These included concerns about the Terms of Reference, the identification process, changes to the Arms Act following the terrorist attack, New Zealand Police’s response to the terrorist attack and the individual’s interaction with the criminal justice system.

### 5.1 Terms of Reference

- 3 Many people had views about our Terms of Reference, generally in relation to the scope of our inquiry.
- 4 Many people felt our Terms of Reference were too narrow. Some felt this meant they could not comment on non-operational matters, such as Public sector agencies’ organisational culture and context. Some considered our Terms of Reference would not achieve proper scrutiny of Public sector agencies or an adequate explanation to the public about what happened. They did not allow for appropriate remedies. The list of named Public sector agencies was seen as too narrow, as it did not include the Department of the Prime Minister and Cabinet (the lead agency for the national security system) or other agencies involved in social cohesion work, such as the Department of Internal Affairs, the Ministry of Social Development and the Ministry of Education.
- 5 We were also told that our Terms of Reference were not clear as to what we could inquire into and could be interpreted in a number of ways.
- 6 Some also felt that there should have been wide engagement with affected whānau, survivors and witnesses, and Muslim communities more generally, on the Terms of Reference before they were finalised. We also heard that an appropriate expert representative from the Muslim community should have co-led the Royal Commission and that we should have enlisted other expertise, such as from Māori, to facilitate discussions and engagement with communities.

### 5.2 Identification process

- 7 Many affected whānau, survivors and witnesses we met with felt that the process for identifying their deceased or injured loved ones, particularly in hospital, caused them additional and unnecessary grief. Some people said they received conflicting and inconsistent information from New Zealand Police officers and hospital staff in the first 24 hours after the terrorist attack. We were told that family members were asked to describe their loved ones over and over again by different New Zealand Police and hospital staff. In one case, a whānau member who had witnessed their loved one being killed was told by New Zealand Police and hospital staff not to lose hope, and that their loved one could be being treated in another hospital. This false hope caused considerable additional grief.

- 8 People we met with were frustrated about how long it took for their deceased loved ones to be moved from the scene and to be formally identified. In one case, a close whānau member read about the death of their loved one in a newspaper article rather than being informed by New Zealand Police.
- 9 They questioned whether inexperience and lack of understanding about traditional Muslim naming conventions, and variations in how Muslim names are spelled, may have contributed to the delays in identification. This also led to confusion for whānau members who were trying to find their loved ones and understand what had happened to them.

### **5.3 Changes to the Arms Act following the terrorist attack**

- 10 Most submissions we received on the changes to the Arms Act were highly critical of the reforms undertaken by the Government in 2019 and the then proposed changes, which were enacted in 2020. Comments included that it was a “knee-jerk reaction” penalising responsible licensed firearms owners, resulting in higher compliance costs and not impacting on criminals.
- 11 Many who submitted on firearms matters felt the 2019 law change (banning most semi-automatic firearms) had the effect of blaming the 250,000 legal firearms owners for the actions of one person. Some felt distressed that they were no longer considered to be fit and proper to own some of their firearms.
- 12 There were many comments on the speed of the 2019 law change. A number of submitters considered that it was undemocratic, allowing for little or no public consultation.
- 13 Some people noted the illegal trade and importation of firearms was rife in New Zealand, and believed banning legally owned firearms would neither change this nor make the public safer.
- 14 In relation to the 2019 and 2020 amendments to the Arms Act passed by the Government following the 15 March 2019 terrorist attack, we received many comments from submitters who did not support the legislative changes, in particular:
  - a) querying the accuracy and usefulness of firearms registration;
  - b) suggesting that the money spent on the buyback of firearms and new processes such as a firearms register could be better invested elsewhere;
  - c) asserting that the ban on military style semi-automatics and assault rifles would prevent people from carrying out leisure activities such as competitive shooting; and
  - d) asserting that people should have been allowed to retain these firearms with restrictions.

## 5.4 New Zealand Police response to the terrorist attack

- 15 We heard from many people about the response to the terrorist attack. This was the most frequently raised topic in our meetings with affected whānau, survivors and witnesses.
- 16 Many affected whānau, survivors and witnesses we met with expressed anger, grief, frustration and concern about how long it took for New Zealand Police to enter Masjid an-Nur and the Linwood Islamic Centre, and to allow emergency medical services through the cordons at the scenes. Nearly everyone we met with believed that more lives would have been saved if the injured had received medical treatment sooner. On the other hand, a few people were happy with the New Zealand Police response to the terrorist attack.
- 17 Many people that we heard from were frustrated that New Zealand Police did not act quickly to protect other masajid and gathering places of Muslim communities both within Christchurch and across New Zealand. They believe that lives could have been saved at the Linwood Islamic Centre if New Zealand Police had deployed quickly to that location.
- 18 Some affected whānau members were also frustrated that they were not permitted to go inside the New Zealand Police cordons at the scene to search for their loved ones.
- 19 We were informed by some that they believe bystanders and victims were subjected to inappropriate, and even aggressive, conduct by New Zealand Police in attendance at the masjidain immediately following the terrorist attack.
- 20 We were told at our 8 November 2020 hui with affected whānau, survivors and witnesses that they still have outstanding questions about the response of New Zealand Police and hospitals to the terrorist attack.
- 21 Many affected whānau, survivors and witnesses advised that the former Police Commissioner, Mike Bush, had announced an independent review of the New Zealand Police response to the terrorist attack. Many affected whānau, survivors and witnesses felt frustrated that the results of the review had not been made public and it should have been by now. Some affected whānau, survivors and witnesses felt that their trust and confidence in New Zealand Police had further diminished as a result. Some affected whānau, survivors and witnesses were suspicious that the review had identified a number of faults that New Zealand Police did not want to be transparent about.

## 5.5 The individual's interaction with the criminal justice system

- 22 Some people we met with said New Zealand should have harsher sentences for terrorism. A few people suggested New Zealand should reintroduce the death penalty, with some claiming this would deter terrorist attacks in future. A few people also criticised the significant time it took to conclude the criminal process, noting the impact of the delay on the ability of affected whānau, survivors and witnesses to heal.
- 23 Some people we heard from were concerned that the prison conditions in New Zealand were not harsh enough for the individual. Many expressed distress that the state would pay more each year (that is, \$1.8 million per year)<sup>2</sup> to imprison the individual than to support those directly affected by the terrorist attack.
- 24 A few people shared concerns and frustration that the individual was able to send correspondence to like-minded people while in prison. They questioned how this could have been allowed to occur and sought accountability from the Department of Corrections.

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<sup>2</sup> Kate MacNamara "Christchurch mosque shootings: [name of individual] prison bill to cost taxpayers \$3.6m – Cabinet papers" *New Zealand Herald* (New Zealand, 4 August 2020).



## Chapter 6: Concluding comments

- 1 Our thinking throughout the inquiry has been informed by the wealth of information we received through our community engagement processes. We heard from a range of people, but many themes we heard were consistent.
- 2 We heard that communities want to be part of Public sector and local government decision-making processes that affect them in order to create and realise their visions for the future. They want genuine engagement, with a strong wish to collaborate on policy, programmes and service delivery, particularly when it comes to addressing the safety and security of New Zealand and concerns that are directly relevant to them. An important element is Public sector agencies building long-term and meaningful relationships with communities, and informing communities of the results of their contributions and what, if any, change has occurred.
- 3 In addition to this, the value of community organisations and other non-government sectors being involved in decision-making on issues relating to their communities needs to be recognised by Public sector agencies. The expertise that can be offered by those whom the decisions will affect should be respected and valued.
- 4 There is a lack of cultural and linguistic competence and a poor understanding of the implications of New Zealand's increasingly diverse demographics in Public sector agencies. These barriers appear to hinder respectful and appropriate engagement with communities and affect agencies' ability to understand what people's concerns mean for those agencies. For the Public sector to effectively serve communities and respond to their concerns, it needs to equip and empower its workforce to better understand and reflect the diversity of New Zealand society. We acknowledge the work underway but encourage further action. In *Part 9: Social cohesion and embracing diversity* and *Part 10: Recommendations* we talk more about this.
- 5 Despite the collective support New Zealand communities provided to those directly affected by the terrorist attack, the Public sector system of support has been found wanting by many. The 15 March 2019 terrorist attack demonstrated that Public sector systems of support need to have sufficient flexibility to adapt to a variety of different circumstances and the specific recovery needs of the affected communities. Affected communities need to be more actively engaged (in a culturally and linguistically appropriate manner) in the design and development of short, medium and longer-term Recovery plans to ensure their physical, medical, psychological, financial, cultural, emotional and other wellbeing needs will be met. *Part 10: Recommendations* discusses this further.

- 6 New Zealand is generally viewed in a positive light, but many personal experiences demonstrated to us that harmful, hateful and discriminatory behaviour remains commonplace. A loving, embracing side of New Zealand society was brought to the fore immediately after the terrorist attack, but also exposed has been less attractive parts of New Zealand society.
- 7 A recurrent theme was that fostering a society in which New Zealand's diverse demographic makeup is embraced, and harmful and hateful behaviours are not accepted, would minimise the need for legal intervention. More than this, embracing diversity has broader benefits and recognises the values that people from diverse backgrounds bring to a society. Embracing diversity will support diversity of thought, and may lead to existing societal norms being challenged. All New Zealanders have a role to play in bringing about societal change. *Part 9: Social cohesion and embracing diversity* and *Part 10: Recommendations* discuss this further.

# Glossary

Term	Definition
<b>4Rs</b>	New Zealand’s integrated approach to national security includes four areas of activity known as the 4Rs – Reduction, Readiness, Response and Recovery.
<b>Dā’ish</b>	The Arabic acronym for the Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS). An Islamist extremist terrorist organisation.
<b>groupthink</b>	The practice of thinking or making decisions as a group driven by the urge to conform and valuing harmony over critical thinking or evaluation.
<b>hijab</b>	A head covering worn in public by some Muslim women.
<b>iwi</b>	Te reo Māori (Māori language) term that refers to a tribe – a large group of people bound together by descent from a common ancestor and associated with a distinct territory.
<b>Māori</b>	The indigenous population of New Zealand.
<b>Pasifika</b>	A collective term for people of Pacific Island descent.
<b>Public sector agency</b>	In general, an organisation that works for the government of New Zealand.  In this report, “Public sector agencies” means the 217 organisations listed in the appendix.
<b>Qur’an</b>	The central religious text of Islam.
<b>Recovery</b>	One of the 4Rs. Recovery activities are focused on bringing about the immediate, medium-term and long-term recovery of individuals and communities after a national security event.
<b>shuhada</b>	An Arabic term for the plural “martyr”. The term shuhada is used in this report to refer to people who died as martyrs as a result of the terrorist attack on 15 March 2019.
<b>Te Tiriti o Waitangi</b>	Te reo Māori (Māori language) name for the Treaty of Waitangi – New Zealand’s founding document signed by Māori and the the British Crown in 1840.
<b>whānau</b>	Te reo Māori (Māori language) term for family.





