



The Federation of
Islamic Associations
of New Zealand (Inc.)

اتحاد الجمعيات الإسلامية النيوزيلندية

SINCE 1979

FURTHER SUBMISSION TO THE CHIEF CORONER, CORONIAL SERVICES.

8 FEBRUARY 2022

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PREAMBLE

*Our submission is a continuation of the previous submission
(See Appendix 1).*

*We have reviewed the Minute from the Chief Coroner and the
Responses by the Police. Based on the above, our submission
addresses the proposed 'scope' of the Inquiry.*

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1.00 ISSUE 15: DID THE INDIVIDUAL HAVE INDIRECT SUPPORT FROM ON-LINE ASSOCIATES ?¹

1.1 Incorrect Police Response:

We have found the Police response as incorrect and as such the conclusion invalid.

1.2 Police Response: With respect to the Samsung Tablet of the terrorist, the police stated that it was sold and “when located, had been factory reset (which prevents further examination”.

1.3 Why Incorrect ? The police are incorrect in that it is possible for further examination even after factory reset.. There are two technical responses

1.3.1 Unlike iOS devices , the majority of Android devices do not come with encryption enabled by default. There is an option to do so on every android device but it is not used by the majority of consumers. The Police have not stated that the terrorist used encryption. As such, according to a leading cyber security expert we have contacted (with one of the highest level cyber security qualifications in NZ), **it is possible to recover data from Android devices (Samsung devices) even after factory reset.** There are certain conditions to be met such as the device was not encrypted before factory reset or encrypted after factory reset.

1.3.2 Every android device backs up to Google automatically if there is enough storage available. It is **possible to recover, at minimum, contact details, Messages, Photos and in some cases full device backup on Google drive or Samsung Cloud service.** If there is no data recoverable from the device itself then Google and Samsung cloud accounts can provide information as long as.. one has access to the email address used to set up the device. The Police stated they have the Google email accounts. Resetting an email account password is not a major task if one has access to the phone number of the owner of the email address. The Police do have the phone number. Police have the power to ask these (Samsung/Google) companies to hand over the data given the terrorism charge. They failed to do so.

¹ Appendix 2



1.4 Issues Raised :

1.4.1 Why did the Police not consult with the Five-Eye Partner police forensics as per the Five Eyes Law Enforcement Group (FELEG) ?

1.4.2 Given that 51 person were murdered , the Police should have sought the highest level security experts in NZ and globally. It seems to be that the Police had 'closed their investigation' given the terrorist had pleaded guilty. This matter needs to be also checked.

1.5 Police Conclusion Invalid

It has been established that the Police failed to examine the information in the Samsung tablet. As such the Police conclusion that " there is no evidence that anyone else was aware of his attack plans or provided him specific encouragement to carry out the attack " is invalid.

1.6 Our Assertion

We would have expected the Police to use the best national and international forensic capability to find out such critical information.

We consider the Coroner should reexamine this issue to **prevent future deaths (PFD)**.



2.00 ISSUE 15: DID THE INDIVIDUAL HAVE INDIRECT SUPPORT FROM ON-LINE ASSOCIATES ? HARD DRIVE NEVER FOUND²

2.1 Police Failure to Explain:

2.1.1 FIANZ raised the important issue of the hard drive which was never found. The Police only stated that “the individual did not tell police what he had done with the hard drive.” There is ambiguity in the wording by the Police. Did the Police ask the terrorist and he refused to answer ? If he had been interviewed by the Police on this matter and did not respond, they he could have possibly had another charge of failing to assist a Police officer exercise a search power.³ The ambiguity in the Police response to our important question on the hard drive suggest they never interviewed the terrorist specifically on the matter of the hard disk.

2.1.2 The suggestion by the Police that the fragment they found “resembling a corner of a solid-state drive”, is a very deficient response. The Police would have on record from which firm the computer was bought and it would have been simple to track and trace the exact type of hard disk and then have a forensic comparison.

2.2.1 FIANZ Assertion

We would have expected the Police to take this matter of the hard disk very seriously and employ normal investigation techniques and not just state “indicating a likelihood” (a nebulous statement) in the context of the seriousness of the charges.

We consider the Coroner should reexamine this issue to **prevent future deaths (PFD)**.

² Part of Issue 15 (see Appendix 2)

³ Search and Surveillance Act 2012, s 130(1). Maximum penalty three months' imprisonment.



3.00 ISSUE 17: WHERE DID THE INDIVIDUAL OBTAIN STEROIDS WHEN PREPARING FOR ATTACK?⁴

3.1 Police Disputes Royal Commission Findings:

We find it most concerning that the Police disputes the Royal Commission findings.

Royal Commission states:

That the terrorist had used steroids and testosterone or similar⁵.

“ We see the individual’s use of steroids and testosterone as relevant to his preparation for the terrorist attack in terms of assisting him in bulking up and possibly also as imitating the preparation undertaken by the Oslo terrorist.”

Police states:

“ Police inquiries did not establish whether the individual used steroids”

3.2 Police Failure to Investigate

The Police did not pursue where the terrorist obtained steroid because they claim was not relevant evidence to prove the charges laid. It is directly relevant with respect to finding if he had others who assisted him. Given his strong steroid (or related substance) usage, he had to visit a doctor as noted by the RCOI. It is important to also note that the The Royal Commission stated

“The possession and use of unprescribed testosterone and anabolic steroids are offences under section 43 of the Medicines Act 1981.”⁶

The Police failed to investigate the steroid (or similar substance) matter. This should be included in the scope of the Inquiry.

3.3. FIANZ Assertion:

The Police should have pursued this investigation given that there is a major unanswered question on act of terrorism. Did the terrorist have any person or person(s) assisting him? Since no evidence was found of payment for the steroid by the terrorist, as the Police themselves noted, and then logically there is only one other plausible explanation. That explanation is someone gave him the substance. This is a major oversight by the Police. The matter of the Police disputing the Royal Commission findings also merits further clarification.

We consider the Coroner should reexamine this issue to **prevent future deaths (PFD)**.

⁴ Appendix 3

⁵ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/evaluation-of-what-agencies-did-with-the-information-they-had-about-the-individual/> 7.4

⁶ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/evaluation-of-what-agencies-did-with-the-information-they-had-about-the-individual/> point 21



4.00 ISSUE 18: WHERE DID THE INDIVIDUAL STAY OVERNIGHT ON HIS ROUTE BACK FROM CHRISTCHURCH TO DUNEDIN AFTER HIS FINAL SURVEILLANCE MISSION TO MASJID AN-NUR ON 8 JANUARY 2019?⁷

4.1 Police Failure to Investigate :

The Police acknowledged that it is not known where the terrorist stayed on the evening of 8 January 2019. They simply stated there is no evidence of him staying in any private or public accommodation in or near Mayfield on 8 January.

4.2 Incomplete Investigation

Our research reveals that:

- o There are 660 households in the Mayfield area. How many of these did the Police visit?
- o There are 14 properties (bach, cottage, huts) which are known to offer rooms.
How many of these did the Police visit?
- o Was a database search done of the known Right Wing Extremists in the area as part of their investigation? They could have offered accommodation to the terrorist.

4.3 FIANZ Assertion

A terrorist who killed 51 innocent worshippers spent a night in Mayfield enroute back from surveillance of Masjid An Nur and the Police failed to take this seriously and investigate is not acceptable.

We consider the Coroner should reexamine this issue to prevent future deaths (PFD).

⁷ Appendix 4



5.00 ISSUE : FAILURE OF INTELLIGENCE SERVICES TO TRACK “ BARRY HARRY TARRY”

5.1 Coroner Minute :

The Minute (Appendix) of the Coroner stated⁸

4	Were red flags missed by intelligence/Police?	Specific issues raised include: failure of intelligence services to track “Barry Harry Tarry” or follow up – IP122.61.118.145 as well as firearm related issues below.	Outside the scope of the Inquiry (considered by the RCOI)
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5.2 Issue Arising:

The Coroner stated that “the specific issues raised include: failure of intelligence services to track “ Barry Harry Tarry” or follow-up IP 122.61.118.145” were “outside the scope of the Inquiry”because they were considered by the RCOI.

5.3 Evidence Based Response: The Terms of Reference of the RCOI did not include interviewing private sector organisations and international organisations. The issues raised by FIANZ are critical and relevant, in that there is direct plausible evidence that the terrorism could have been prevented if the intelligence services had tracked and traced the person who used the IP address 122.61.118.145 which was also based in Dunedin.

5.3.1 The facts regarding Barry Harry Tarry

- The terrorist has been active on social media since 2017
- The terrorist had used various names/posts in social media,
- The terrorist had a Facebook username of ‘Barry Harry Tarry’ (RCOI finding)⁹
- An employee of the NZSIS¹⁰ recalled that, sometime in 2018, while the person was on secondment to the Combined Threat Assessment Group (CTAG), a report was seen containing images of social media posts made by Barry Harry Tarry. The employee reported their recollection to the external assessor carrying out the Arotake Review.¹¹
- The employee obviously had a vivid recollection of this since he remembered that this Facebook user had “rightwing views and memes”¹² and the material was similar to others “who hold extreme right-wing views”.¹³

⁸ MINUTE OF JUDGE MARSHALL RE SCOPE OF INQUIRY 28 October 2021

⁹ <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/preparation-for-the-terrorist-attack/>

¹⁰ <https://www.nzsis.govt.nz/assets/Uploads/Arotake-internal-review-public-release-22-March-2021.pdf>

¹¹ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹² <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹³ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>



- vi) The employee had stated that the “the social media posts from Barry Harry Tarry were in a finished intelligence report, which was in a system accessible to the Combined Threat Assessment Group.”¹⁴
- vii) The employee, using his personal judgment did not escalate the material.¹⁵
- viii) What is simply incredible is that no written record of any of the above could be found in the NZ security system files (on-line and physical). Neither the NZSIS , nor the CTAG nor GCSB could find any documentation. This failing should be investigated with information sought from the Five Eyes who have sophisticated web scanning cyber systems. There is another anomaly in the RCOI findings which is very significant. On the one hand it states categorically that the employee’s memory accounts almost verbatim to the available hard evidence :

“12 February 2018, the individual made several posts to The Lads Society Season Two Facebook page under the username Barry Harry Tarry (see Part 4, chapter 4). These posts correspond generally to what the employee said they saw, because:

- a) they are social media posts by Barry Harry Tarry;
- b) the posts use Islamophobic language and indicate a right-wing extremist ideology; and
- c) the tone of comments would likely have attracted the interest of an intelligence officer who saw them.”¹⁶

But the RCOI report also states in a later section “ we think it is possible that the employee’s memory may be awry”.¹⁷ The RCOI having given detailed information on the memory of the employee which was validated with the actual posting on the web , then states the employees memory may be ‘awry’. This apparent anomaly needs to be investigated since it relates to a serious oversight by the NZSIS. The RCOI did not investigate this anomaly, since this was not in their Terms of Reference.

THE RCOI did not question the Five Eyes partners or Facebook on this matter and as such many questions remained unanswered. The Five Eyes partners have superior cyber tracking and search capabilities which were not used in this case. To our knowledge Facebook was also not requested to provide information. The Coroner can seek responses to answer the questions.

¹⁴ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹⁵ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹⁶ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹⁷ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>



5.3.2 The facts regarding IP address of 122.61.118.145

- i) On 12 November 2018, the NZSIS was provided with information from Operation Solar¹⁸ of an IP address of 122.61.118.145 based in Dunedin.
- ii) It was identified as being of “possible national security interest”
- iii) The RCOI notes that “the IP address (122.61.118.145) had accessed suspicious files relating to Al Qaeda propaganda and the Oslo terrorist’s manifesto between 24 August 2017 and 4 September 2017 (New Zealand time). During the same period the IP address had also accessed suspicious files relating to firearms (including Magpul parts) and tactics”.¹⁹
- iv) It should be noted that the Christchurch terrorist was a strong adherent of Anders Behring Breivik, the Norwegian terrorist. It is also a matter of Police evidence that a copy of this same Breivik authored manifesto was found in the SIM card of the drone that the terrorist used to survey Masjid Al Noor.
- v) It should also be noted that the terrorist had purchased the following Magpul items, no doubt after searching the internet from his IP address.
 - Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
 - Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine.223 calibre ammunition
 - Magpul PMag D-60 Round assault rifle/M4 Gen Magazine 223 calibre ammunition
 - 5 x Magpul PMag 40 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
 - 2 x Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
- vi) Despite the strong indicators of right wing extremism related activity, such as the violent and terrorism-advocating manifesto by Breivick (the Oslo terrorist’s manifesto), and the searches related to high powered firearms, the NZ security agencies completely ignored any serious follow up. What is even more disappointing is that even after the advisory from Operation Solar that the site was of “possible national security interest”, the NZSIS did not delve further. The excuse given was that they could not trackdown ownership of the IP address. Moreover, the counter terrorism manager considered it a low priority since there was “insufficient information to asses nexus to national security”,²⁰

¹⁸ NZ’s involvement in a Operation Gallant Phoenix based in Amman, Jordan with involvement with many western countries

¹⁹ <https://christchurchattack.royalcommission.nz/theort/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>

²⁰ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>



The technical aspect of not being able to track down the ownership of the IP address because it was “too old” is not borne out by the technology available at that time. Spark NZ Ltd was requested for subscriber details on 26 November 2018 and about a month later stated that the date provided (August 2017) by the NZSIS was “too long for their records”.²¹ NZSIS did not escalate this with Spark nor did they seek the input of specialized IT security firms. The 5 Eye Partners have very sophisticated technology to identify IP addresses and they could have been requested for help. In this context all the NZSIS did was to ask Operation Solar if the IP address had “been active recently accessing any content of security concern”. The NZSIS did not request the Five Eyes help to track the subscriber of the IP address. This could have been done, since all digital communications leave a footprint which may be tracked forensically at a later date. This was a major mistake

The RCOI did not question the Five Eyes and Spark. There are many methods available to track such information. It was the Five Eyes who sent this information and the RCOI did not request their help in tracking. Similarly Spark was not questioned by RCOI on this matter.

²¹ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>



6.00 POLICE FAILURES RELATING TO ARMS LICENSE

FIANZ Assertion:

“ Whilst the RCOI Report did find that New Zealand’s security agencies could not have detected the terrorist it certainly did not find that the Police’s failures did not contribute to the Attack.



POLICE VETTING STANDARDS:

“We find that New Zealand Police’s administration of the firearms licensing system **did not meet required standards**”.

Source: Royal Commission Findings

IF THE TERRORIST DID NOT GET THE FIREARMS LICENCE

May have”**abandoned his planning for a terrorist attack in New Zealand.**”

Source: Royal Commission Findings

CONSIDER THE FACTS OF INCOMPETENCE

The Police knew of the irresponsible background of the gaming friend importing illegal firearm parts and the conviction of the gaming friend’s father:

The Gaming Friend

- In December 2015, the gaming friend unlawfully tried to import four firearm parts. The parts were intercepted at the border and seized.
- In May 2014, the gaming friend unlawfully tried to import a knuckleduster knife, an offensive weapon under New Zealand law. The knuckleduster knife was seized.

Source: Royal Commission Findings

The Gaming Friend’s Father

- To The National Intelligence Application printout for the gaming friend’s parent showed that he had four convictions

Source: Royal Commission Findings

**YET THE POLICE ACCEPTED THE: ”
GAMING FRIEND AND THEIR PARENT
WERE APPROPRIATE REFEREES”**

Our central contention is that, but for the New Zealand Police’s failures in issuing the terrorist with a firearms licence, the Attack would not have occurred, so that the Police’s failures can justifiably be said to have resulted in the Attack.

Argue that the Police should never have issued the terrorist with a firearms licence, that in doing so the Police broke the law and that, without a firearms licence, the terrorist could not have conducted the Attack –



In its Executive Summary, the Report states:

- “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 find that New Zealand Police’s administration of the firearms licensing system did not meet required standards”.

Our central contention is that, but for the New Zealand Police’s failures in issuing the terrorist with a firearms licence, the Attack would not have occurred, so that the Police’s failures can justifiably be said to have resulted in the Attack.

We:

- **Highlight the failures of the New Zealand Police in relation to the Attack**
- **Argue that the Police should never have issued the terrorist with a firearms licence, that in doing so the Police broke the law and that, without a firearms licence, the terrorist could not have conducted the Attack.**



The Commission's Report sets out in meticulous detail the multi-layered failures of the Police in relation to the Attack, and contains other information that, pieced together, reveals other failures. The failures, as they relate to the terrorist obtaining a New Zealand firearms licence, are stark, relatively easy-to-describe and egregious. To date, the Police failures have not been adequately covered by the media and appear to have been further sidelined by the New Zealand Government.

In issuing the terrorist with a firearms licence, in an area as crucially important to public safety as firearms licensing, the Police demonstrably did not come close to doing their job properly.

As indicated, the extent to which the Police fell short has not, to date, been particularly animated by the media. In particular, the media has failed to convey that, but for the Police's failures, the Attack could not, and would not, have happened. In other words:

- if the Police had done their job, the terrorist could not have conducted the Attack
- therefore, in a very real and demonstrable sense, the Police's failures can rightly be said to have enabled the Attack

Given that the Police are an arm of the New Zealand Government, a compelling argument can be made that the Crown, through its ineptitude in an official function as important as firearms licensing, is itself directly to blame. That is the unpalatable reality.

Some of the Police failures in issuing the terrorist with a firearms licence are explicitly detailed in the Commission's Report. Other failures are not made explicit in the Report, but are discernible from information in the Report. The main Police failures are detailed below.



Police Failure #1: No Near Relative Interviewed

The most significant Police failing, not identified in the Report, is that, in issuing the terrorist with a firearms licence, the Police failed to comply with the legal regulations by not interviewing a near relative of the terrorist and proceeding on the basis of a non-compliant firearms licence application.

The terrorist's original firearms licence application proposed his sister as a near relative referee. However, the Police rejected the sister as a referee. Having determined not to use the sister as a referee, the Police were then not legally entitled to issue the terrorist with a firearms licence, without which the terrorist almost certainly would not have been able to conduct the Attack.

Para 13, Chapter 5, Part 5 of the Report asserts "Although the logic of the Arms Regulations might suggest that the near relative who must be identified on the application should also be interviewed, *this is not a requirement under the regulations* [emphasis added]." That assertion - that there is no legal requirement for a near relative to be interviewed as a referee - is incorrect.

For the following reasons, the correct interpretation of the Firearms Regulations 1992 (**Regulations**) is that a near relative of any firearms licence applicant must be contacted by the Police and give a favourable reference in order for the Police to be legally entitled to issue the applicant with a firearms licence.

When the terrorist applied for a firearms licence in September 2017, Regulation 15(2)(f) provided (and still provides) that "Every application for a firearms licence must state...the name and address of a near relative of the applicant".

It is true that neither the Regulations nor the legislation under which the Regulations were made, the Arms Act 1983 (**Act**), expressly state that the Police must use a near relative of a firearms licence applicant as a referee. However, the necessary and unavoidable implication to be taken from the fact that the Regulations require a firearms licence to state the name and address of a near relative of the applicant is that, in order to issue a licence, the Police must use a near relative as a referee. Otherwise, the requirement for applications to state a near relative would be vacuous and the Regulations would simply require an application to specify the names and addresses of two (or more) proposed referees. In other words, unless a near relative of the applicant is proposed by a firearms licence applicant, and provides an adequate reference in favour of the applicant being a fit and proper person to be in possession of a firearm, the Police are legally prevented from issuing the applicant with a firearms licence.

As it happened, the terrorist's original application stated the name and address of his sister, as a "near relative".



Despite the terrorist's original application having stated his sister as a "near relative", the Police did not attempt to contact the sister. The Police's reason for not interviewing the sister was that, because the sister resided in Australia, they could not interview her face-to-face.

Neither the Act nor the Regulations requires face-to-face interviews with referees. And, in something as important as the issuing of a firearms licence, the Police could of course have required the sister to travel to New Zealand for a face-to-face interview (even though face-to-face interviews are not legally required). In any case, having rejected the terrorist's sister as a "near relative" referee, and with the terrorist unable or unwilling to propose an alternative "near relative" referee, the Police couldn't, and shouldn't, have issued the terrorist with a firearms licence.

However, very unfortunately, having decided not to use the sister as a referee, the Police went back to the terrorist and, on his instruction, themselves changed his application form so that it specified the terrorist's gaming friend's father as a referee in place of the sister. At this point, the application form no longer complied with the Regulations (because it did not specify a "near relative" as a referee) and it was on the basis of that non-compliant application form that the terrorist's application for a firearms licence was approved i.e. the process through which the terrorist received a firearms licence was unlawful.

It might be asserted that, if indeed a firearms licence cannot be issued without a favourable reference from a near relative of the applicant, then a person without any near relative cannot obtain a firearms licence, and that that would be unfair. The following points can be made in response to any such assertion:

- The Regulations do not define "near relative". Based on the ordinary meaning, "near relative" is wide enough to at least include a parent, grandparent, child, grandchild, aunt and uncle (whether or not genetically related, so as to deal with adoption), sibling, spouse or domestic partner, and their corresponding in-laws. It's quite a wide group of people and it would be very rare indeed for a firearms licence applicant not to be able to name a single near relative.
- Given no-one knows a person better than their near relatives, it's reasonable to suppose, given the significance of issuing a firearms licence, that the law-makers did not want firearms licences to be issued to anyone for whom a near relative has not provided a favourable reference.
- In any case, regardless of the legislative intention behind - and the merits of - the near relative requirement, the law is what it is and, in issuing a firearms licence to the terrorist without interviewing a near relative of the terrorist, the Police failed to comply with the law.



Police Failure #2: The Gaming Friend and his Father were Accepted as Adequate Referees

The Report found:

- In dealing with the individual's firearms licence application, New Zealand Police did not adequately address the issue whether gaming friend and their parent knew the individual well enough to serve as referees" (paragraph 9 of the Executive Summary)
- "On the basis of usual licensing practice, gaming friend's personal association with the individual was insufficient for them to serve as the substitute for a near-relative referee and inadequate attention was paid to this issue. The association of gaming friend's parent with the individual was undoubtedly insufficient for them to act as a referee" (paragraph 51, Chapter 6, Part 5).

The terrorist's referees fell woefully short of the Police being able to legitimately regard them as adequate referees. The factors militating against the gaming friend and his father being able to be considered acceptable referees include the following.

As for the gaming friend:

- The Police knew, according to their own records, the following about the gaming friend (paragraph 14, Chapter 5, Part 5):
 - o In December 2015, gaming friend unlawfully tried to import four firearm parts. The parts were intercepted at the border and seized.

- o In May 2014, gaming friend unlawfully tried to import a knuckleduster knife, an offensive weapon under New Zealand law. The knuckleduster knife was seized.

- The terrorist and gaming friend had spent approximately 21 days together while the terrorist was staying with the referees in 2013, travelling around with gaming friend between March and May 2013 and staying with the referees in August 2017. In reality, gaming friend hardly knew the terrorist (although he did know about, but did not disclose to the Police, the terrorist's far right Islamophobic views).

As for gaming friend's father:

- Over four years, he had spent only seven days in the terrorist's presence, most of which had been four years prior to the terrorist's firearms licence application. Gaming friend's father's only association with the terrorist was as a consequence of the terrorist's online friendship with his son.
- In a rare instance of clear-eyed concession, the Report states "We think it is clear that the very limited relationship between gaming friend's parent and the individual was too limited to justify them serving as a referee."

It is impossible to over-state just how divergent from, and non-compliant with, the Regulations the Police's approach was in accepting gaming friend and his father as referees. When the Police absurdly rejected the terrorist's sister as a near relative referee, the Police altered the application



form to “make” the gaming friend a substitute near relative referee and, at the terrorist’s instigation, to add gaming friend’s father as a second referee. Quite apart from gaming friend obviously not being a near relative of the terrorist, the Regulations expressly specify the required non-near relative referee to be “a person...of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm” (Regulation 15(2)(g)). There is manifestly no basis on which the Police could legitimately have been able to regard gaming friend’s father as a person of whom inquiries could be made about whether the terrorist was a fit and proper person to be in possession of a firearm. As the Police were well aware, gaming friend’s father barely knew the terrorist.

The Report acknowledges the poor judgement of the Police in accepting, as referees, a father and son. The Report states “With the benefit of hindsight, we see the parent and child relationship as material to what happened” and “We doubt whether gaming friend’s parent would have been prepared to act as a referee based on seven days’ engagement with an applicant who was not a friend of their child” (paragraph 36, Chapter 6, Part 5). What the Report finds, in effect, is that gaming friend’s father was not really a separate referee at all. It is another example of the fact that the Police personnel involved displayed no innate sense for what was appropriate in dealing with a firearms licence application.

Police Failure #3 Going through the Motions

Under section 24 of the Act, in order to issue a firearms licence the Police must positively satisfy themselves that an applicant is “a fit and proper person to be in possession of a firearm” and are prohibited from issuing a licence if the applicant is not such a fit and proper person.

However, it is readily apparent from the Report that, rather than actively seeking to satisfy themselves that the terrorist was a fit and proper person to possess a firearm, the Police’s approach was to treat the terrorist’s application as a fait accompli. The Police’s notes of the interviews with the terrorist and the referees are revealing: “[Terrorist] appears to be a sound person who shows good attitudes and safety sense with firearms”/“a sensible responsible person”/“good outstanding young man a nice person”.

In fact, even from the Police’s limited investigations it should have been readily apparent to Police personnel that far from being a “good outstanding young man”, the terrorist was actually a solitary drifter with no obvious reason to be in New Zealand.

By ignoring the legal requirements relating to referees and otherwise adopting a superficial and formulaic approach to the terrorist’s application, the Police sealed the fate of the victims of the Attack.



There are a number of overarching aspects of the Police's failures in issuing the terrorist with a firearms licence that warrant specific emphasis.

First, it is apparent from the Report that none of the Police personnel involved in the process by which the terrorist was issued with a firearms licence comprehended the vital importance of referees having to know a firearms applicant well and the crucial need for the Police to ask themselves whether proposed referees in fact know the applicant well enough to be acceptable as referees. In any vetting process involving referees (let alone something as important as assessing a person for a firearms licence), there is probably nothing more important than assessing the adequacy of proposed referees. And yet, this central notion appears to have entirely escaped all the relevant Police personnel. The Report gives a distinct impression that the Police's attitude to referees was that, in relation to any application for a firearms licence, there will necessarily be two individuals who can act as referees; hence the farcical acceptance by the Police of gaming friend's father as a referee.

The Report criticises the Police for a lack of training and guidance of personnel involved in assessing firearms licence applications. But do persons involved in any process involving assessment of the adequacy of referees really need to be trained to understand that individuals can only "count" as referees if they know the applicant well enough? A person who does not innately understand that vital element cannot and should not play any role in assessing firearms licence applications.

Secondly, in issuing the terrorist with a firearms licence the Police viewed positively the fact that the referees – gaming friend and his father – each held a firearms licence. In particular "That they held licences and endorsements was seen as outweighing the incidents recorded on the National Intelligence Application" (in addition to gaming friend's intercepted efforts at unlawful importations and gaming friend's father's four criminal convictions). In reality, it is reasonably apparent from the Report that in practice the relevant Police personnel regarded firearms licence holders as a type of club which, through existing firearms licence holders acting as referees, could welcome new members without the Police having to make their own independent qualitative assessments of referees or applicants.

The Report gives only scant and oblique attention to what may have happened if the terrorist had not received a firearms licence. As alluded to, there is a strong and compelling reason for this; that Police incompetence enabled the Attack to occur.



Multiple political pronouncements have suggested that no failures by state agencies resulted in the Attack; in other words, that the Attack would still have occurred even if all state agencies had properly performed their roles. **But the Report says no such thing.** The Report did find that New Zealand's security agencies could not have detected the terrorist. But the Report certainly did not find that the Police's failures did not lead to the Attack.

The RCOI did not cover the above issues. It is important that coronor includes this in the scope.



APPENDIX 1

This submission is made in support of a coronial inquest.

This submission is made by the Federation of Islamic Association of New Zealand (FIANZ), an umbrella national Muslim organisation established in 1979. It incorporates some of the issues and questions raised within the NZ Muslim community.

*At the meeting between the Chief Coroner and FIANZ on 3 June 2019, we were advised that for this initial submission “all that is required are basic points or issues “ which “haven’t been resolved by the prosecution process or the Royal Commission of Inquiry report.” We were also advised that detailed information or legal narrative was not required at this stage. It is in this context that we offer the following issues for the deliberation of the Chief Coroner to support the need for a full coronial inquest to **prevent future deaths (PFD)**.*



Consideration 1: Limitation of The Royal Commission of Inquiry

At the outset it should be noted that the Royal Commission of Inquiry (RCOI) had specific limitations of scope as per the Terms of Reference (TOR). The RCOI, for instance only focused on public sector agencies. Furthermore, there was never any opportunity to directly ask questions of the public sector agencies nor any opportunity to probe their submissions. It is also important to note that much of the information relating to the massacre was redacted leaving little scope for clarification. All the Minutes, particularly Schedule 1 and Schedule 2 of Minute 4, of the RCOI have been a further curb in seeking clarification on many pertinent issues. All the above limitations should be carefully noted and considered in the decision making matrix for a coronial inquest.

Consideration 2: Limitation of the Information on the Prosecution Process

We have had access to all the publically available prosecution information, namely the Evidential Overview. The Overview was mainly key evidential points from the investigation and provides a chronology of events. The critical information was the Crown Summary of Facts. Unfortunately every word was fully redacted making it impossible to derive any information. This highlights the limitation of information and the need for a coronial inquest to provide answers to the many unresolved questions.

Consideration 3: Last Legal Proceeding

The massacre of 51 innocent Muslims at their place of prayer was a tragic and epochal event in NZ history. At issue is the need to be consistent with other epochal events where the inquest not only focused on the immediate causative factors of death but also the contextual and long-term antecedents. We believe a combination of the two is essential to **prevent future deaths (PFD)**. As such, the coronial inquest would provide the last opportunity for formal legal proceedings where the families and interested parties may seek clarification. This would also provide some sense of 'peace of mind' to all the unanswered questions, which still remain.



Consideration 4: Role of Media and Social Media

Media: The role of the media as an attributive factor was not included in the Terms of Reference of the Royal Commission of Inquiry (RCOI). Given the feedback from the community, some aspects were nevertheless discussed and included in the findings. The key point here is that the RCOI was not able to fully consider the role of the media nor make any recommendations, given the narrow scope of the RCOI TOR. There is a plethora of evidence that links the media-generated Islamophobia with hate and hate crimes against Muslims.¹ In the context of March 15, one prominent example is outlined below.

Evidence: A Christchurch Press article had a photo on the front page of Masjid Al Noor with a full blazon caption “Killed terrorists radicalised in Christchurch”. This was totally incorrect and three days later, the editor apologized in a small by-line on page 3 of the newspaper. However the damage had already been done. The terrorist’s first knowledge of the Christchurch Masjid was through this article, even before he came to NZ. It is no coincidence that the terrorist as part justification for the massacre at this same Masjid Al Noor, stated “it had a history of extremism.”

Social Media: Social media equally plays a pivotal role in the radicalisation process of extremists that then go on to commit acts of violence.²

Evidence: There is also substantial evidence of the Christchurch terrorist being strongly influenced by social media according to the RCOI findings.³

Our Request: That the Chief Coroner is able to investigate how the media and social media impacted as attributive factors in order to **prevent future deaths**.

¹ https://link.springer.com/chapter/10.1057/9781137334831_3

² https://www.start.umd.edu/pubs/START_PIRUS_UseOfSocialMediaByUSExtremists_ResearchBrief_July2018.pdf

³ <https://www.voxpol.eu/algorithmic-hate-brenton-tarrant-and-the-dark-social-web/>



Consideration 5: Protection of Mosques and Islamic Centres

In the prevailing climate which has seen a significant rise of hate-inspired vandalism against religious properties, particularly mosques in New Zealand⁴, the Government should have arranged for better security of these houses of prayer. Masjid Al Noor was previously targeted but no security was offered. This is a scope which was never investigated by the RCOI. It took the deaths of 51 innocent worshippers for the NZ Government to address this security lapse. This should have been done much earlier. In the UK, the Chief Coroner had recommended that the Government should review how public spaces are assessed as possible terrorism targets.⁵

Evidence: There were previous hate attacks against Masjid Al Noor, yet no formal security was considered. There had also been various threats against Muslims by Right Wing Extremists (RWE) in NZ. These have been part of the RCOI findings.⁶ There were also attacks against other mosques in NZ.⁷

Our Request : The Chief Coroner is able to investigate why mosques were not given adequate protection when there was growing anti-Muslim hate. This attributive factor has to be considered to **prevent future deaths**.

Consideration 6: Issues related to the Lone Actor Hypothesis

In the absence of detailed evidence or rigorous investigation, the RCOI had developed the “impression” that the terrorist was a lone actor. The RCOI also conceded that a “view is held in the community that, while the individual may have acted alone on 15 March 2019, he formed part of a network of people holding similar views to him and therefore was not, in that sense, a “lone actor”.”

i) Lone Actor :

In the above context, it is our contention that the father and son, the latter being a gaming-friend, have directly aided the act of terrorism by acting as referees for the terrorist’s arms license application. More importantly, as the Royal Commission clearly stated that the, “gaming friend was aware of the individual’s political views and that he was in the habit of expressing racist and Islamophobic opinions.”^{7.1} We are surprised that the gaming friend knew that the

⁴ <https://www.abc.net.au/worldtoday/content/2005/s1411482.htm>

⁵ <https://londonbridgeinquests.independent.gov.uk/wp-content/uploads/2019/11/Final-Report-on-Action-to-Prevent-Future-Deaths-Report.pdf>

⁶ <https://christchurchattack.royalcommission.nz/the-report/voices-of-the-community/what-communities-told-us-about-the-broader-context-in-which-the-terrorist-attack-occurred/>

⁷ https://www.cair.com/cair_in_the_news/six-new-zealand-mosques-vandalized/

^{7.1} <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/questions-asked-by-the-community/>



terrorist was racist and Islamophobic, yet he still gave him a references as a “sensible responsible person”.^{7.2} This fact alone rules out that the terrorist was a lone actor.

Whilst the gaming friend met with the terrorist three times since 2013, what has not been related by the Police or the RCOI, if the terrorist had been in communication with this gaming friend after he moved to Dunedin either by phone or internet. It has also not been established if the gaming friend gave any advice on the modification of the guns. The RCOI only noted the terrorist said he looked it up on the internet and also followed the instructions which came with the gun parts. No evidence has been given if the gaming friend also helped, since he was quite adept with guns.

The RCOI only relied on the statement of the terrorist that he modified the guns himself. There was no investigation or other probing as to the veracity of the terrorist’s statement. As such, it is most unlikely that a person with no prior experience with guns would be able to do the following just by “following instructions which came with the parts” and also by watching You Tube. It still has to be ascertained with evidence that he did all the modification only by himself. Or did the gaming friend help, after all he was the person to introduce the terrorist to guns in the first place? It is only logical that the terrorist would seek help from his gaming friend for the following modifications. :

- a) adding sights to assist accuracy;
- b) adding “buttstocks” to the semi-automatic firearms for better support;
- c) adding a screw-in choke to the muzzle of a shotgun barrel, therefore reducing the spread of the pellets and improving the reach of the shot;
- d) modifying the trigger (adding a super dynamic 3-gun model trigger mechanism) of a semi-automatic firearm, allowing for lighter trigger pressure and faster trigger resets when firing;
- e) adding a muzzle brake to reduce recoil and therefore keep the firearm on target;
- f) adding an ambidextrous charging handle to one of the semi-automatic firearms to make cocking the firearm easier;
- g) adding a fore grip to the upper receiver of one of the semi-automatic firearms;
- h) adding a bipod (an integral, adjustable front rest for use when firing) to the bolt action rifle to increase accuracy; and
- i) adding a strobe light (a device used to produce regular flashes of light) to one of the semi-automatic firearms.

^{7.2} <https://christchurchattack.royalcommission.nz/the-report/part-5-the-terrorist/the-process-by-which-the-individual-obtained-a-firearms-licence/>



ii) Steroids:

Where did the terrorist obtain his steroids? Neither the RCOI nor the Police could establish the source of his steroids for his body building and this was stated in the RCOI official findings. They were not obtained through mail order, since all mail (courier, post office, etc) to his address was tracked by the RCOI and the Police as part of their investigation. This is a significant gap, particularly when correlated with other recent RWE extremists who were arrested in NZ after the March 15 attack. For instance the army personnel from Linton who was arrested in December 2019 and who was also a body builder.⁸ The Police with their efficiency was able to track the purchase of "500 hypodermic needles, 300 syringes and 200 alcohol swabs online in February 2018" in relation to this person,⁹ but they could not find any evidence of purchase of the terrorists drugs such as his steroid and testosterone supply.¹⁰ It is an apparent major anomaly in the RCOI that they stated the terrorist "may have acquired steroids or similar online"¹¹. This runs counter to the investigation where every payment which was made for on-line purchases was tracked and bank/credit card records checked. As such, the RCOI was able to identify the on-line and other payments for all the guns, the vest, all his equipment such as Go Pro, drone etc. No evidence was forthcoming of online purchasing of steroids. This significant anomaly needs to be checked, since the possibility remains he was given the steroid by RWE sympathisers he knew in NZ.

iii) Overnight Stay Near Mayfield

Where did the terrorist stay overnight on his route back from Christchurch to Dunedin after his final surveillance mission to Masjid Al Noor? Neither the Police nor the RCOI have any information on where he stayed on the evening of 8 January 2019 (from 0030 hours to about 1030 hours of 9th August). This is a significant gap in the investigation for which assurances have to be sought that the terrorist did not stay overnight with a RWE near Mayfield.

iv) DNA and Fingerprints from Firearms

No evidence has been provided of any finger prints or any DNA samples taken from all his firearms and IED possessions. We do not know if these were forensically examined for either DNA or finger prints and cross matched against known RWE who have been charged or other criminals on the Police national database. In the absence of such, the possibility remains of others being involved either directly or indirectly.

⁸ <https://www.stuff.co.nz/national/crime/118280866/soldier-with-farright-ties-arrested-at-linton-military-camp>

⁹ <https://www.9news.com.au/world/royal-commission-of-inquiry-into-terror-attack-christchurch-mosques/f96c6b58-5e75-4bf5-bec6-5a513ae5c750>

¹⁰ <https://www.9news.com.au/world/royal-commission-of-inquiry-into-terror-attack-christchurch-mosques/f96c6b58-5e75-4bf5-bec6-5a513ae5c750>

¹¹ <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/preparation-for-the-terrorist-attack/>



v) Surrender or Hiding Place?

It was assumed by the RCOI , that the intention of the terrorist was to give himself up after the terrorism attack. The RCOI provided no evidence nor any testimonial on this matter and as such it remains pure speculation. If the intention of the terrorist was to surrender, why did the terrorist go to the extreme length of planning, purchasing and wearing a heavy ballistic jacket? Moreover why was he trying his best to flee from the Police after committing the Linwood Islamic Centre terror attack? It is also significant that in his meticulous planning and his detailed “to do list”, which was uncovered after the attack, the terrorist made no mention of surrendering to the Police. He had mentioned every other specific activity in detail such as , “convert manifesto to pdf, make non editable, then prepare for release; day before, change profile pic, and background as well as change name; Dunedin to Christchurch takes 5hrs avg leave 8am to be at gear up area at 1:15pm, wake up 7am; Post email to yourself containing the things you need to say to people on the go day : Schedule the SMS to send at 2pm using the phones message app(SMS message not Facebook)“.¹² Yet he did not mention anything about surrendering. In this context, there remains the possibility, which has yet to be investigated, that the terrorist had a hiding place on standby to be used after his murderous acts. Given that the Police do not know of his whereabouts when he spent time near Mayfield on 8/9 January 2019 as part of his reconnaissance for the terror attack, there is a possibility he may have had a hiding place there. This place is not far from Christchurch and the terrorist had spent a night there before. This has to be investigated.

In the above context, it is important to note that the terrorist was a meticulous planner and had detailed budget for all his expenditure. In the evidence found by the police, the terrorist had made a budget which lasted till August 2019.

v) Guilty Plea?

We also raise the question as to why the terrorist suddenly pleaded guilty. Based on available evidence, the Police had significant success in tracking down RWE extremists after the March 15 terrorism. For example the Linton army personnel was arrested in December 2019.¹³ This may have been as a result of leads from the case of this terrorist. Both were strong RWE, had similar social media networks as well as keen involvement with guns. Neither the Police nor the Military Police have revealed any information in this regard.¹⁴ Such type of intensive

¹² <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/planning-the-terrorist-attack/>

¹³ <https://www.stuff.co.nz/national/crime/118280866/soldier-with-farright-ties-arrested-at-linton-military-camp>

¹⁴ <https://www.stuff.co.nz/national/crime/118280866/soldier-with-farright-ties-arrested-at-linton-military-camp>



investigation by the Police, particularly related to any direct or indirect links suddenly came to a stop after the terrorist pleaded guilty. The terrorist pleading guilty served the RWE cause by at least stopping all such investigations relating to the terrorism of 15 March and others who may have been involved. This issue needs investigating in depth.

vii) Missing Hard Disk

A forensically important evidence source is the hard disk of the terrorist's computer. The police do not know of its whereabouts. This should have been investigated and the terrorist questioned on its whereabouts after he pleaded guilty. This has not been done to our knowledge and should be a priority for the Chief Coroner

Our Request: That the Chief Coroner is able to investigate whether the terrorist was a lone actor or were there others who may have directly or indirectly abetted him in his terrorism. It is also known that RWE were part of his communication nexus. This nexus also has to be investigated as an attributive factor in order to **prevent future deaths**.

Consideration 7: Capacity Deficiency in Tracking Lone Actor Terrorists

Assuming that the terrorist was a lone actor as claimed by the RCOI, there is no evidence that the NZSIS had in place any strategies or any technical competencies prior to March 2019 to identify 'lone actor' threats of right-wing extremists. The Arotake Report of the NZSIS glaringly highlights how difficult it is to identify such lone actor threats but also reveals that the NZSIS had no capacity or training to identify such lone actors. Given that lone actor terrorism has been a feature of right-wing extremism ever since Timothy McVeigh in 1995 in Oklahoma, USA, there has been considerable research in this area. There are sophisticated lone actor tracking and identification methods, used by law enforcement and intelligence agencies to reduce lone actor threats. The NZSIS was totally ill prepared in this respect.

Evidence: The Royal United Services Institute for Defence and Security Studies, the oldest think tank on security, had a Countering Lone-Actor Terrorism Toolkit since 2015 specifically for security practitioners. This has been used extensively by other Governments yet the NZSIS had no such capacity. The basic toolkit is available on-line and helps intelligence and other agencies to identify lone actor terrorists.

Our Request: That the Chief Coroner is able to investigate whether the NZSIS had any strategies or competencies in place to detect lone actors. This was an attributive factor and capacity in this respect would **prevent future deaths**.



Consideration 8: Incompetence of Tracking “Barry Harry Tarry”

The following facts have been evidentially established by the RCOI and the police.

- i) The terrorist has been active on social media since 2017
- ii) The terrorist had used various names/posts in social media,
- iii) The terrorist had a Facebook username of ‘Barry Harry Tarry’ (RCOI finding)¹⁵
- iv) An employee of the NZSIS¹⁶ recalled that, sometime in 2018, while the person was on secondment to the Combined Threat Assessment Group (CTAG), a report was seen containing images of social media posts made by Barry Harry Tarry. The employee reported their recollection to the external assessor carrying out the Arotake Review.¹⁷
- v) The employee obviously had a vivid recollection of this since he remembered that this Facebook user had “rightwing views and memes”¹⁸ and the material was similar to others “who hold extreme right-wing views”.¹⁹
- vi) The employee had stated that the “the social media posts from Barry Harry Tarry were in a finished intelligence report, which was in a system accessible to the Combined Threat Assessment Group.”²⁰
- vii) The employee, using his personal judgment did not escalate the material.²¹
- viii) What is simply incredible is that no written record of any of the above could be found in the NZ security system files (on-line and physical). Neither the NZSIS, nor the CTAG nor GCSB could find any documentation. This is simply incredible and shows the total lack of system-integrity. A nation’s security and safety is reliant on the “memory” of an employee at a time when the security agencies had a massive budget of over \$170 million for capability enhancement. This failing should be investigated. There is another anomaly in the RCOI findings which is very significant. On the one hand it states categorically that the employee’s memory accounts almost verbatim to the available hard evidence:

¹⁵ <https://christchurchattack.royalcommission.nz/the-report/firearms-licensing/preparation-for-the-terrorist-attack/>

¹⁶ <https://www.nzsis.govt.nz/assets/Uploads/Arotake-internal-review-public-release-22-March-2021.pdf>

¹⁷ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹⁸ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

¹⁹ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

²⁰ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

²¹ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>



“12 February 2018, the individual made several posts to The Lads Society Season Two Facebook page under the username Barry Harry Tarry (see Part 4, chapter 4). These posts correspond generally to what the employee said they saw, because:

- a) they are social media posts by Barry Harry Tarry;
- b) the posts use Islamophobic language and indicate a right-wing extremist ideology; and
- c) the tone of comments would likely have attracted the interest of an intelligence officer who saw them.”²²

But the RCOI report also states in a later section “we think it is possible that the employee’s memory may be awry”.²³ The RCOI having given detailed information on the memory of the employee which was validated with the actual posting on the web, then states the employee’s memory may be ‘awry’. This apparent anomaly needs to be investigated since it relates to a serious oversight by the NZSIS

Given that the terrorist had a Facebook identity of Barry Harry Tarry and that he made significant extremist statements which “would have likely attracted the interest of an intelligence officer who saw them” (as the RCOI stated)²⁴, why was there a failure by the GCSB or NZSIS to follow through with this. Is it because the NZ security apparatus was fully focused ONLY on, what the Five Eye partners had as their priority, Islamic terrorism? For example, the RCOI heard that the GCSB received 7526 intelligence reports about terrorism and violent fanaticism in a three-month period in late 2018-19 from the Five Eyes partners. But not a single one was about right-wing extremism.²⁵ It is even more incredible that in Australia, The Lads Society, which is a right wing extremist organisation, was under the watch of ASIO for some time, so the question remains why did they not alert the NZSIS about Barry Harry Tarry? This overreliance on Five Eyes may have been an attributive factor.

Our Request : The Chief Coroner needs to be able to investigate whether the terrorist could have been detected earlier due to the missed opportunity to track the Facebook post by the terrorist. At the same time overreliance on Five Eyes may have been an attributive factor. Both these need to be further investigated to **prevent future deaths**.

²² <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

²³ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

²⁴ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/did-public-sector-agencies-have-information-about-the-barry-harry-tarry-username/>

²⁵ <https://www.mz.co.nz/news/national/433364/spy-partners-focus-dictated-lack-of-far-right-intelligence-gcsb-boss-says>



Consideration 9: Failure to Followup - IP122.61.118.145

There was another missed opportunity to prevent the terrorism attack. It was due to the lack of rigour and prioritising in following-up RWE leads prior to 15 March, which no doubt is now being pursued as a result of the RWE terrorist attack. The contention is that since the predominant focus was on Muslims, as the RCOI themselves concluded, RWE was not considered a serious threat and therefore leads were not followed up with as much rigour and priority as were the leads which related to Muslims. The facts are :

- i) On 12 November 2018, the NZSIS was provided with information from Operation Solar²⁶ of an IP address of 122.61.118.145 based in Dunedin.
- ii) It was identified as being of “possible national security interest”
- iii) The RCOI notes that “the IP address (122.61.118.145) had accessed suspicious files relating to Al Qaeda propaganda and the Oslo terrorist’s manifesto between 24 August 2017 and 4 September 2017 (New Zealand time). During the same period the IP address had also accessed suspicious files relating to firearms (including Magpul parts) and tactics”.²⁷
- iv) It should be noted that the Christchurch terrorist was a strong adherent of Anders Behring Breivik, the Norwegian terrorist. It is also a matter of Police evidence that a copy of this same Breivik authored manifesto was found in the SIM card of the drone that the terrorist used to survey Masjid Al Noor.
- v) It should also be noted that the terrorist had purchased the following Magpul items, no doubt after searching the internet from his IP address.
 - Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
 - Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine.223 calibre ammunition
 - Magpul PMag D-60 Round assault rifle/M4 Gen Magazine 223 calibre ammunition
 - 5 x Magpul PMag 40 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
 - 2 x Magpul PMag 30 Round assault rifle/M4 Gen M3 Magazine .223 calibre ammunition
- vi) Despite the strong indicators of right wing extremism related activity, such as the violent and terrorism-advocating manifesto by Breivick (the Oslo terrorist’s manifesto), and the searches related to high powered firearms, the NZ security agencies completely ignored any serious follow up. What is even more disappointing is that even after the advisory from Operation Solar that the site was of “possible national security interest”, the NZSIS did not delve further. The excuse given was that they could not trackdown ownership of the IP address. Moreover, the counter terrorism manager considered it a low priority since there was “insufficient information to asses nexus to national security”,²⁸

²⁶ NZ's involvement in a Operation Gallant Phoenix based in Amman, Jordan with involvement with many western countries

²⁷ <https://christchurchattack.royalcommission.nz/theort/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>

²⁸ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>



vii) The technical aspect of not being able to track down the ownership of the IP address because it was “too old” is not borne out by the technology available at that time. Spark NZ Ltd was requested for subscriber details on 26 November 2018 and about a month later stated that the date provided (August 2017) by the NZSIS was “too long for their records”.²⁹ NZSIS did not escalate this with Spark nor did they seek the input of specialized IT security firms. The 5 Eye Partners have very sophisticated technology to identify IP addresses and they could have been requested for help. In this context all the NZSIS did was to ask Operation Solar if the IP address had “been active recently accessing any content of security concern”. The NZSIS did not request help to track the subscriber of the IP address. This could have been done, since all digital communications leave a footprint which may be tracked forensically at a later date. This was a major mistake since it would have directly led to information on the planning focus of the terrorist. As it turned out, the terrorist bought Magpul parts in December 2017 and February 2018, which he used to commit the mass killing in March 2019. This highlights not only the incompetence of the NZSIS and GCSB at that time, but also that they were not at all serious in pursuing RWE. It is only after 51 innocent Muslim lives were lost, that the GCSB and the NZSIS started serious tracking of RWE with very positive results.

Our Request: That the Chief Coroner should investigate whether the terrorist could have been detected earlier due to the missed opportunity of not tracking the IP address. This was an attributive factor and needs to be investigated further to **prevent future deaths**.

Consideration 10: Institutional Bias against Muslims – One Example

It is our contention that the failure to follow up on RWE was as a result of institutional bias against Muslims arising out of Islamophobia. Below is one such example.

Muslim prosecuted for having objectionable material on his computer. In 2016 New Zealand Police started investigating a Muslim because of what he had been viewing about ISIS.

Right Wing Extremist was not even investigated. As has been noted earlier, the terrorist not only had information on Al Qaeda but also the manifesto of the convicted terrorist Anders Brevick. The manifesto gave a detailed account of how to conduct terrorism acts which were followed to a great extent by the Christchurch terrorist and found in his SIM card. He also was searched on-line for Magpul gun parts. All these were tracked to the Dunedin IP address, yet the authorities concluded that “insufficient information to assess nexus to national security”. Neither the NZ Police nor the NZSIS followed up. The unfortunate result was the brutal killing of 51 innocent Muslims.

Our Request : That the Chief Coroner should investigate whether there was institutional bias against Muslims as an attributive factor.

²⁹ <https://christchurchattack.royalcommission.nz/the-report/part-6-what-public-sector-agencies-knew-about-the-terrorist/the-ip-address/>



Consideration 11: A matter of finding the underlying causes

We consider it of the highest priority to investigate the ‘cause’ of the terrorism which occurred on 15 March. The RCOI’s TOR did not cover the ‘cause’ of the terrorism. In fact the word ‘cause’ or any related term was not even mentioned in the TOR. This is quite distinct from the previous Canterbury Earthquakes Royal Commission which did include in the TOR the causes for building failure due to the earthquake. We note in this respect that whilst much is known on the actual gunfire which killed the martyrs, it is essential to find out the underlying causes in order to **prevent future death**. This was not in the scope of the RCOI and we consider as pivotal to be a scope for the coronial inquest. If the antecedent causes are not established then prevention cannot be addressed. Such has been the history of terrorism-related coronial inquests in other countries, particularly Australia and United Kingdom.

COUNTRY	CORONER	TITLE	ANTECEDENTS (Some examples of underlying causes probed by the coroner)	Issues have Direct Relevance to the Christchurch Terrorist Attack
Australia	State Coroner of New South Wales	Inquest into the deaths arising from the Lindt Café siege	<ul style="list-style-type: none"> • Terrorism • Counter terrorism capacity • Role of ASIO • Joint Intelligence Group 	✓
Australia	Coroners Court of Victoria	Inquest into the January 2017 Melbourne Bourke Street event	<ul style="list-style-type: none"> • Objective and Strategic thinking by Police absent • Lack of assertive leadership • Inflexible policies • Confusion among various intelligence and counter-terrorism agencies. 	✓
Australia	Coroners Court of Victoria	Inquest into the death of Ahmed Numan Haider	<ul style="list-style-type: none"> • This was a ‘lone actor’ act of terror • Broader Context of attack <ul style="list-style-type: none"> - Terror threat - Events in other countries - Islamic State recruitment 	✓
U.K.	H.M. Coroner Chief Coroner	London Bridge Inquests	<ul style="list-style-type: none"> • Review of counter-terrorism policy, strategy and systems • Criteria and system for prioritising sites for protection security advice, • Role of internet and viewing of large amount of extremist information • Information from public not followed up 	✓
U.K.	H.M. Coroner Chief Coroner	Inquests into the deaths arising from the Westminster terror attack of 22 March 2017	<ul style="list-style-type: none"> • Officials working in ‘silos’ not sharing information • Training in lone actor attacks • Practices of Security Service • Reducing radicalisation by removing extremist material from internet 	✓



APPENDIX 2

Coronial – Response to Broader issues Police Response

Issue 15: Did the individual have indirect support from online associates?

Summary of issue: *Interested parties raised that a forensically important evidence source is the hard disc of the individual's computer and consider that its whereabouts should be investigated. Another submission raised the possibility of "confirmation bias" as a result of him being classified as a lone actor at the very early stages and noted that his manifesto contained language used in extreme right-wing websites and various in-jokes. Questions included whether the log from the individual's router was investigated in regard to his online searches and browsing, and whether all the information from the people he was in communication with was followed up?*

Police Response: **Online/social media activity**

The Police have provided a formal statement by Detective Senior Sergeant Maania Piahana which summarises the investigation police carried out into the individual's online activities, including his social media use. The statement details the online activity that was reviewed, the physical digital exhibits that were examined, and the platforms that were found to contain right wing extremist content.

Initial digital inquiries were completed by the Police High Tech Crime Group (HTCG) in Wellington.

There were a total of 63 online accounts or platforms that were the subject of investigation requests from the Police, including:

- Microsoft (review JSX)
- Google (emails e.g. Gmail)
- Facebook
- 8Chan
- Mediafire
- Mega
- Solidfiles
- Zippyshare, and
- Twitter

The results of these investigations are summarised in the Formal Statement of DSS Maania Piahana and its attachments. The Police review of his digital footprint confirmed the individual held racist and right-wing extremist views, and that he used technology to disseminate those views. There is no evidence that anyone else was aware of his attack plans or provided him specific encouragement to carry out the attack itself.



Physical digital exhibits

Several electronic devices were seized directly from the individual and his vehicle on 15 March 2019. On 16 March 2019 several electronic devices were also seized from the individual's residential address in Dunedin. In addition, Australian Federal Police identified and uplifted a package the individual had sent to his sister. The exhibits seized and examined were:

- A Samsung J7 Phone (located on the individual);
- A GoPro Camera (located on the individual);
- A TomTom GPS (located on the individual);
- A USB (seized from the individual's residential address in Dunedin);
- A desktop computer without a hard disk drive or a solid-state drive (seized from the residential address Dunedin);
- A Modem, a Printer, and a power adapter (seized from the individual's residential address in Dunedin);
- A Drone received from Australian Federal Police.
- A secure digital memory card (located in the Drone); and
- A white Toshiba external hard drive (received from Australian Federal Police).

Extensive analysis was carried out on the devices that were located as detailed in DSS Piahana's formal statement and attachments.

Examination of the individual's modem (Wi-Fi router) identified two devices. The first was the Samsung J7 phone located on the individual. The second was a Samsung Tablet, which Police were able to determine had been sold and, when located, had been factory reset (which prevents further examination).

The hard drive from the computer tower located at the Dunedin Address was never located by police. A fragment of metal resembling a corner of a solid-state drive was located, indicating a likelihood that the hard drive was physically destroyed. The individual did not tell police what he had done with the hard drive. Given it was not located at his home, in his vehicle or on his person, police had no other investigative leads to search for it. Given the fragment located was consistent with a hard-drive it was concluded it had most likely been destroyed by the individual prior to the attack.

Source material: Online activity documents: 6735, 6736, 6737, 6738, 6739, 6740, 6741, 6742, 6743, 6744



APPENDIX 3

Coronial – Response to Broader issues Police Response

Issue 17: Where did the individual obtain steroids when preparing for attack?

Summary of issue: *Some submissions consider this could have been another avenue for identifying potential associates/accomplices.*

Police Response: Suggestions were made to police during the investigation that the individual was using steroids. The Royal Commission of Inquiry also referred to steroid use in their report under part 4 (chapter 5) and part 6 (chapters 6 and 7) as one of the potential ways the individual engaged in “training or preparation” prior to the attacks.

The obtaining or use of steroids by the individual was not pursued as a significant lead by the Police Criminal Investigation as it was not relevant evidence to prove the charges filed.

As part of the Police investigation a web site link was located as having been accessed by the individual: [HTTP://www.steriodsoursetalk.net](http://www.steriodsoursetalk.net), with a username “DATDEREFUHRER”. This website appeared to facilitate the illegal supply of steroids to the body-building community however the page was no longer active. There were no transactions identified in the financial data showing that purchases had been made from this web site by the individual.

This was the only reference to steroids located during the Police investigation and Police inquiries did not establish whether the individual used steroids or if so, where he sourced them from.

Source material: N/A



APPENDIX 4

Coronial – Response to Broader issues Police Response

Issue 18: Where did the individual stay overnight on his route back from Christchurch to Dunedin after his final surveillance mission to Masjid an-Nur on 8 January 2019?

Summary of issue: *Some submissions query whether an associate provided accommodation for the individual and if so whether they may have been involved in the attacks.*

Police Response: Police inquiries showed that the individual travelled to Christchurch on 8 January 2019 and between 5.39 and 5.44pm flew a drone over Masjid an-Nur on Deans Avenue, Christchurch (Documents 2718 and 2669).

It is not known where the individual stayed on the evening of 8 January 2019.

Cell phone data has the individual's phone polling in Mayfield between 8:01pm on 8 January and 9:49am on 9 January 2019 (document 0726). This provides support for the theory that he was in the general Mayfield area that night. There is no evidence of him having stayed in any public or private accommodation in or near Mayfield that night.

At about 10.24am on the morning of 9 January 2019 the individual stopped at Z service station in Geraldine and purchased petrol and a coffee (Documents 3093 and 2992) and then travelled to Lake Pukaki where he flew the drone between 1:51pm and 1:55pm on the same day (document 2669).

Document 6739 is a digital forensic report itemising the locations identified in the individuals Tom Tom navigation device.

No record has been identified of the individual staying with any public or private accommodation provider over this period.



**The Federation of
Islamic Associations
of New Zealand (Inc.)**

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