

Conditions for source being willing to meet Inquiry staff and commissioners

1. While a pseudonym for the person on documentation is worthwhile, it is vital that the commissioners and counsel understand that either the content of testimony or a description of their role are in many cases likely, if shared with others, to reveal the source's identity. This is because a limited number of people were involved in the operations and there were few people in each type of role within the operations. The detail of testimony is for many staff near enough to a unique identifier that would allow NZDF to work out and potentially punish the source. Therefore the first condition is that the Inquiry cannot show the written or oral testimony to others ever, ie only the commissioners and immediate staff would ever see it; and nor would the Inquiry ever give others even general indications of a source's role and job.
2. In the same way, the information presented in the Inquiry report(s) could similarly reveal the source's identity, simply by its specific details. The Inquiry would agree to check with the source all information in the reports that comes from them before finalising reports and before showing them to others. The Inquiry would meet the source and check they are happy with what was written, that it is what they meant to say and that they are confident that it does not reveal them. This is the approach followed by the IGIS.
3. The source will not be cross examined by other parties (especially not the NZDF or other government agencies) and retains at all times the right to pull out from the Inquiry and have all their written submissions and the Inquiry notes and writing based on their input deleted.
4. I note that these are the same conditions that are standard with my sensitive sources, both for their protection and to give them confidence to engage with me in the first place.
5. All contact would be via me, to minimise risk.
6. Travel costs would be covered if the person has to travel long distance. If they are paid travel expenses or other costs, their name and details would not go to DIA or others. Again, most simply, it could be done via me or, where appropriate, Jon's lawyers.
7. The sources would be able to see evidence from NZDF-sourced (ie non-whistleblower) witnesses and see NZDF documents so they can respond to them. They should be given adequate time to read and think about the materials (eg 28 days).