

*Although marked private, the author subsequently requested that this correspondence be published with redactions.*

21 March 2019

Private letter in response to Minute 10

Dear Sir Terence and Sir Geoffrey,

I have just read Minute 10. We seem to be at cross purposes.

The matters that unsettled my sources are not and have never been the ones in paragraph 12. The discussion of my sources in the Minute seems to be, at least in part, the result of a misunderstanding.

I wrote to you on 20 December 2018 to let you know why my most important source had decided not to participate. I append a copy of the letter. I wrote:

*As I explained to Kristy, I have been encouraging the person for months to take part in the Inquiry. It is the source who got me going on writing the book. As I wrote to you earlier, this person has been undecided about taking part in the Inquiry. He feels vulnerable: that he would like to participate but that it risks his career and relationships. I thought we were heading towards him taking part.*

*Unfortunately, when I made contact this week he said no. He said he felt pressured by the order and saw it as a heavy handed way of dealing with him. He also felt unsettled by seeing Minute No 7 and my letter discussing him placed on the Inquiry website. He apologised for the decision but said he doesn't feel safe enough.*

The main reason for his decision was the perception of pressure from the order in Minute 6 to disclose his name and details when he had not agreed to this. He told me this when we met in early December and he confirmed it when we met again later in the month. He saw it as a lack of concern for his autonomy and right to decide for himself if or when his identity was revealed to others. As a second reason, he was unsettled to read himself being discussed in Minute 7 and also to see my letter discussing him placed on the Inquiry website (which I think has since been removed).

I note also that at the stage when the order was made in Minute 6 there had been no response from the Inquiry to the suggested conditions that I had passed on from him. They were replied to (I thought helpfully) in Minute 7, but unfortunately by then he was unhappy about how he felt he had been treated. (Just to be clear, as far as I know his suggestion about being able to see and respond to NZDF evidence, mentioned in paragraph 12 of Minute 10, played no part in his decision not to participate.)

Please consider matters from this person's point of view. Otherwise his concerns and actions will not make sense and it will be hard to move forward.

What is the way forward? I remain willing to assist the Inquiry as much as I possibly can. As I said in my 20 December letter, I think there is a possibility that with the passage of time the source will change his mind.

There are particular difficulties in being able to contact this person. *[withheld]* But I can try to make contact again.

As I explained in my 20 December 2018 letter and above, one of the things that led this person to

decide against participating was seeing himself discussed in Minutes and correspondence on the Inquiry website. Minute 10 does this again. It discusses my sources including the main one in an unsympathetic (and partly misrepresenting) way, in a publication sent to the NZDF and planned for general publication. It is your decision whether you publish the Minute but, based on what happened last December, it would seem very likely to make it more difficult to encourage the person to participate. I am therefore requesting that you do not publish the parts of Minute 10 about me and my sources. It is also for this reason that I have headed this letter as private and request that it is not circulated or published.

*[withheld]*

*[withheld]*

Yours sincerely,

Nicky Hager