

# Security Intelligence and the Public Interest

*An examination into how keeping security intelligence and classified information secret, and privy only to a state's executive and aligned operational agencies, affects the function of a modern democracy.*



*The Thesis' creative component, a documentary titled: Behind The Shroud - juxtapositioning the frailties of intelligence and trade-craft, examines a case-study so as to test how the keeping of classified security intelligence information secret affects the function of a modern democracy. (Figure i.)*

**Brian Selwyn Manning**

An exegesis presented as a companion document attached to the creative component documentary, Behind The Shroud, in partial fulfillment of the requirements for the degree of Master of Communication Studies at AUT University.

**2011**

Primary Supervisor: Associate Professor Dr David Robie.

Pacific Media Centre, School of Communication Studies,  
Faculty of Design & Creative Technologies  
AUT University, Auckland, New Zealand

## **Preliminaries**

Authorship:	i
Acknowledgements:	ii
Abstract:	iii
List of Illustrations	iv

## **Contents**

1. Introduction:	Page 1.
a) The Thesis, two components based on a case-study	Page 1.
b) The denial of the accused's judicial right to an informed defence	Page 3.
c) Causes and consequence of friction between democratic estates	Page 5.
d) Parameters of this Thesis.	Page 6.
2. Considerations:	Page 8.
a) Considered outcomes of this research.	Page 8.
3. Definitions:	Page 9.
a) Mode	Page 9.
b) Voice	Page 13.
c) Participant/Interviewee	Page 15.
d) The democratic estates	Page 16.
e) The public sphere	Page 18.
f) Information dominance paradigm	Page 18.
g) False flag operations.	Page 19.
4. Methodology:	Page 20.
a) Aims and scope	Page 20.
b) Research methodology	Page 21.
c) Procedure, including methodology and methods of data collection	



and analysis	Page 22.
d) The creative component	Page 22.
e) The exegesis	Page 23.
f) Selection methodologies	Page 23.
g) Selection of participants and interviewees	Page 24.
h) Interviewees/participants expertise	Page 25.
h.i) Lieutenant Colonel Mohamed Samraoui	
h.ii) Lieutenant Colonel Andrew Wilkie	
h.iii) Professor George Joffe	
h.iv) Dr Paul Buchanan	
h. v) Hon. Matt Robson	
h. vi) Keith Locke	
h. vii) Superintendent Gerry Cuneen (retired)	
h. viii) Graeme Hunt	
h. ix) 'Target-A' – (name withheld)	
h. x) Harmeet Sooden	
i) Interviews	Page 28.
j) Ethical considerations	Page 29.
k) Refining interviewee acquired data	Page 32.
l) Selection of method of communicating research	Page 33.
m) Intended audience and selection of documentary film as a vehicle	Page 33.
n) Selection of modes of documentary	Page 34.
o) Creative output and documentary film production.	Page 38.
5. Findings and analysis	Page 40.
a) Introduction of relevant data	Page 40.

a. i) Act One	
a. ii) Act Two	
a. iii) Act Three.	
b) List of analytical themes explored and argued within the Thesis' creative component include	Page 43.
c) Relevant literature.	Page 44.
6. Conclusions	Page 53.
7. Appendices	Page 55.
a) Schedule of Content Attribution and Definitions of Use	Page 55.
b) Definitions of Use of Media	Page 55.
c) Music and score used in the documentary	Page 56.
d) Acknowledgements of public domain media in the documentary	Page 56.
e) Participant Information Sheet	Page 56.
f) Pre-determined and Key initial research questions	Page 59.
g) AUT University Participant Consent Form	Page 60.
h) New Zealand Security Intelligence Service, Director of Security, Summary of Allegations Against Ahmed Zaoui, January 27, 2004	Page 61.
i) New Zealand Security Intelligence Service, Statement by Director of Security Dr Warren Tucker, Concerning Mr Ahmed Zaoui dated September 13 2007	Page 64.
j) Letter to the researcher Selwyn Manning from the New Zealand Security Intelligence Service, Director of Security Dr Warren Tucker, dated November 10 2010.	Page 66.
8. References	Page 67.

## Attestation of Authorship

I, Selwyn Manning, hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Signed:

Date: February 07, 2011

# Acknowledgements

I would like to thank the following people and organisations for their assistance in this research:

Primary Supervisor Associate Professor Dr David Robie for his guidance, attention to detail and support, and also to the team at AUT's Pacific Media Centre for suffering the verbalisation of my thoughts relating to this Thesis over the past twelve months.

Special thanks to participants and interviewees for their trust and expertise:

Lieutenant Colonel Mohamed Samraoui

Lieutenant Colonel Andrew Wilkie

Professor George Joffe

Dr Paul Buchanan

Hon. Matt Robson

Keith Locke

Superintendent Gerry Cuneen (retired)

Graeme Hunt

'Target-A'

Harmeet Sooden.

Also, special thanks to:

My wife Angela Minto for her sincere encouragement, intellectual support, and moral values.

Alan Manning for his willingness to act in character in some sinister creative scenes and also for his audience-representative-styled appraisal of the creative documentary's drafts.

Jason Dorday for professional observational skills and advice and for still photography services.

Jon Stephenson for his thoughts on presentation of investigative findings, material, and structure, and encouragement to dig deeper rather than wider.

Additional thanks to Dr Paul Buchanan and Dr Kate Nicholls for their advice relating to political science elements, and inter-relating concepts, within the creative documentary.

Alastair Thompson for ongoing support and encouragement relating to the evolution of new communication technologies.

Scoop Media Limited for the use of supplementary audio/video file footage, still images and text data (in addition to media where copyright is solely owned by the researcher).

Vincent Muwira for filming the historical file footage for Selwyn Manning outside the secret hearings in Auckland.

Virginie Ribadeau for assisting with audio monitoring tasks during interviews with 'Target-A', Harmeet Sooden, and Graeme Hunt.

Virginie Grizon for services translating from French to English off video recordings of interviews with Lieutenant Colonel Mohamed Samraoui.

Kevin MacLeod of Incompetech.com for the generous gift of royalty free music under Creative Commons "Attribution 3.0".

# Abstract

The attacks of September 11 2001 created an iconic moment where our history can be defined as the pre and post 9-11 period. The impact that this event had on how states organise their national security intelligence apparatus was immediately evident. Within New Zealand this new security conscious era created a polarised debate: on one side were those who demanded that the Government tighten border and domestic security, and on the other side were those who argued that New Zealand's isolation and independence created a condition that reduced the likelihood of the country becoming a target of terrorism or a place attractive to those with terrorist sympathies.

When New Zealand was called on by the United States to contribute to the War On Terror, an argument flared within executive government. The political destabilisation manifested itself first within The Alliance, a party that had in 1999 formed a governing coalition with the Labour Party. The Alliance fragmented: on one side, the leader and deputy leader (both Cabinet Ministers) positioned in support of Cabinet's intention to contribute to the conflict, and, on the other side, the remaining caucus members opposed the move. The division became politically unreconcilable and the coalition became fragile through to the General Election late in 2002. Post-Election, the Labour Party and two members of the Progressive Party (a party created by The Alliance's former leader and deputy leader) formed a new coalition government. The new Cabinet decided on a limited military contribution to the War On Terror and embarked on a legislative programme designed to ensure New Zealand remained secure and protected from external and internal threats.

Then, in December 2002, an Algerian Imam named Ahmed Zaoui arrived at the nation's border where he sought asylum. Immediately Zaoui was confronted by an environment that was politically and operationally highly sensitised to matters of internal security. Zaoui, New Zealand's authorities soon discovered, had been convicted of terrorism related charges in Belgium and France, and had been convicted in absentia and sentenced to death on three occasions in Algeria. The New Zealand Security Intelligence Service stated that Zaoui was a risk to the nation's security and imprisoned him indefinitely in a maximum security prison pending an assessment of the case by the Inspector General of Intelligence and Security. The events that followed challenged New Zealand's democratic foundations, and created tensions between the governing executive and the judiciary. During this timeframe, the researcher reported on the Zaoui case and in 2004 was lead-author of an investigative journalism-styled book: *I Almost Forgot About The Moon* – the disinformation campaign against Ahmed Zaoui.

This Thesis examines this case-study, analysing why the Inspector General found in Zaoui's favour. The case-study aids the Thesis' enquiry into what affect classified intelligence information has on the national and public interest when that information remains secret and unable to be tested by the wider executive, legislature, the judicial arena, the fourth estate, and the public.



## List of Illustrations

- Figure i            The Thesis' creative component, a documentary titled: Behind The Shroud - juxtapositioning the frailties of intelligence and trade-craft, examines a case-study so as to test how the keeping of classified security intelligence information secret affects the function of a modern democracy.
- Figure ii           The creative component presents new information that aids the understanding of why the New Zealand Security Intelligence Service withdrew its claim that the asylum seeker at the centre of the case-study was a risk to New Zealand's national security.
- Figure iii           The research's findings, analysis and conclusions are communicated through the creative component while the exegesis records how the information was communicated.
- Figure iv           Former Australian military intelligence officer Lieutenant Colonel Andrew Wilkie details how one must be cautious when considering intelligence information for purposes of security risk assessment.
- Figure v            Lieutenant Colonel Mohamed Samraoui reveals publicly for the first time how, as an officer in charge of Algeria's intelligence and security operations in north Europe, he assisted in a disinformation campaign to discredit asylum seeker Ahmed Zaoui.
- Figure vi            The researcher argues that a component of creating a record of reality involves the inclusion of elements that communicate mood.
- Figure vii           Cinema-styled elements are used to communicate symbolisms in the creative component. The above media is used to symbolise how the filmmaker is taking the viewer on a journey where the discovery of previously unknown fact is anticipated.
- Figure viii           The opening paragraphs of a book written by the researcher and published five years prior to this Thesis is cited in the opening sequences of the creative component. Once past tense references conclude in the opening sections of Act One, the documentary draws into frame the concluding moments of the NZSIS' case against Ahmed Zaoui. From this juncture point, the researcher presents a story where unanswered questions are resolved.
- Figure ix            Analysis and argument presented within the creative component of the Thesis provides unprecedented evaluation of the political and legal issues that underscore the case-study. The Thesis as a whole is presented as a resource for those studying or interested in communication theory and its application, politics, geopolitics, security and intelligence matters, and the law.

## 1. Introduction

- a) The Thesis, two components based on a case-study -

This thesis consists of two parts: a creative component and written exegesis. The exegesis is a companion document to a creative feature-length documentary film titled *Behind The Shroud – in the nation's interest, juxtaposing the frailties of intelligence and trade-craft*. From the outset, the researcher's intention was to solely produce, direct, and edit the creative project from pre-planning stages through to completion - that being the export of a product of film festival submission standard. This has been achieved. The value of the Thesis' research is therefore balanced between the creative component - where the research findings, analysis and conclusions are communicated; and the exegesis - where an examination of the process of communicating the research information through the creative component is detailed and analysed.



*The creative component presents new information that aids the understanding of why the New Zealand Security Intelligence Service withdrew its claim that the asylum seeker at the centre of the case-study was a risk to New Zealand's national security. (Figure ii.)*

For this Thesis the researcher selected a case-study where the New Zealand Security Intelligence Service (NZSIS) had applied a security risk certificate against an asylum seeker named Ahmed Zaoui. The security risk assessment remained in force for almost five years pending a ruling by the Inspector General of Intelligence and Security on whether the risk certificate ought to be

upheld. The case demonstrated conflict between the operative agencies [the NZSIS and External Assessment Bureau (EAB, *please note this agency underwent reform in 2010 and is now referred to as the National Assessments Bureau or NAB*) that insisted the evidential information underlying a decision to imprison Zaoui remain classified] and the judiciary that sought a solution to ensure the state's security was not compromised while ensuring the asylum seeker's judicial rights to an informed defence were observed. The research, in large part, examines and analyses this conflict post the conclusion of the case in September 2007. The researcher chronicles for the first time a deeper layer of complexity resulting from revelations that the classified information relied upon by the NZSIS was found to have been corrupted at its source and therefore unreliable. Two key secret witnesses who took part in the hearings are among those interviewed for the documentary film. They reveal publicly for the first time the substance of their testimonies and how one of the witnesses, prior to his defection, as Algeria's military intelligence head in north Europe, had created disinformation against the asylum seeker on behalf of the Algeria military regime and how that disinformation had led to the asylum seeker's convictions on terrorism charges in France, Belgium, and ultimately led to three death sentences in Algeria. The research findings underly a concluding examination of how the ideals of ensuring security, particularly at a national level, can be upheld; how externally sourced intelligence information can be accurately evaluated by a smaller democracy; and whether investigatory practice of intelligence matters (within a New Zealand context) ought to be transferred as a role of the NZSIS to become the responsibility of the New Zealand Police.

The above research outcomes are communicated through the documentary. The documentary is presented as an independent film, journalistic in style, structured for film festival release rather than for television broadcast. As a companion document, the exegesis aids an understanding of the research on several fronts: through detailing the methodologies used to acquire, consider and analyse the data; identifying conceptual thinking that underlies data selection, the identification and selection of relevant information frames, the identification of unknown aspects of the research questions and the identification of participants and interviewees. The exegesis also records an examination of ethics as considered and applied during the production and post-production period of creating the documentary. It identifies how participants and interviewees were developed as sources of information, how interviews were planned, it explains the rationale underlying an analysis of the information acquired, and details how information was selected for inclusion, and exclusion, in the documentary film. The exegesis includes an applied component that details how the documentary was planned from a technology viewpoint, how essential

equipment was identified, how the researcher approached the production and post-production tasks, and includes a description of technical considerations, challenges and solutions that were experienced and in evidence during the creation of the documentary film.

This research focuses on a primary question that explores the relationship between operative intelligence agencies representing the interests of a state apparatus, the executive, and the estates of a modern liberal democracy - which collectively serve the public and national interest. The primary question narrows its focus seeking to determine the above-mentioned relationship by investigating how the public interest is affected when security intelligence information is deemed to be classified, is contained in a secure environment, considered secret and disclosed only on a need to know basis to those representing a state's security intelligence agencies and aligned analysis divisions. For the purpose of this research the findings of this chosen focus are then considered by the researcher and participants [the latter selected to represent a varied expression of interests and backgrounds] so as to advance a robust determination that defines how the cited relationship affects the function of modern, liberal democracies. Furthermore, this research narrows its focus onto New Zealand as a representative small and isolated independent Pacific Island democracy and examines how it navigated itself through a series of ethical dilemma and inter-estate tensions that developed from 2002 to 2007.

b) The denial of the accused's judicial right to an informed defence -

The public record suggests a friction developed between the elected executive and the judiciary, particularly through the period from 2003 to 2006 where legal counsel for the accused sought through recourse to the High Court an outcome that would require the classified information underlying the case to be in some way disclosed so an informed defence could be considered. As the case proceeded through the courts the public became privy to a judicially delicate situation where even New Zealand's High Court judges were prevented from sighting the classified information upon which the Director of Security's allegations rested. A decisive decision by Justice Williams in the Auckland High Court saw the Director of Security ordered to release a summary of the allegations. Eventually, the summary was released but the document did not contain information upon which defence counsel would advance an informed defence. The Immigration Act, at that time, did not provide a resolution that would balance the necessity of a state to ensure classified information would remain secure while upholding the principles of an accused's right to sight information and evidence forming the basis of allegation so as to prepare

and present an informed defence. The elected executive decided not to advance legislative reform until a conclusion to the case was realised. This left the judiciary to become responsible for legislative development, arguably outside case-law parameters normally tolerated by liberal democracies, to ensure the case could be concluded without compromising New Zealand's judicial reputation. From a judicial rights viewpoint, the High Court, Court of Appeal, and Supreme Court outcomes clawed back a dominant position asserted by legal representation of the Crown to ensure the accused's judicial rights were in part observed. This emerged through a more pragmatic route taken by Court of Appeal justices where, as was the compromise developed by other similar liberal democracies such as Canada, they determined that special advocates be appointed by the state to represent the accused's rights of informed defence. The inter-relationship between elected executive and judiciary was taught. The situation generated was created in part by New Zealand's minimalistic approach to Parliamentary oversight of its intelligence and security agencies, the responsibility for the governance function of the state's intelligence agencies resting solely with the Prime Minister, and outdated elements of the Immigration Act and its amendments that required engagement by the Minister of Immigration as the final decider on the course of action to be taken should the Inspector General uphold a security risk certificate. Herein lies a problematic limb of the procedural framework where the Minister is required to determine an outcome without being able to sight or analyse the classified information, this is particularly problematic where the classified information forms the basis of the Director of Security's assessment and the Director's determination leading to the issuing of a Security Risk Certificate. In fact, the Minister of Immigration is required to decide the outcome of such a case based on a briefing where he or she is prevented from taking notes, prevented from referring to the public service for informed advice. The legislation prevents the Director from giving any indication of the substance, whether it be fact or evaluative analysis, of the classified information. The Director is prevented from indicating the exact origin of the information, or, indeed any intersecting factors that led to the Director's determination. It is a situation where the Minister is required to act on a basis of faith – faith in the Inspector General's determination, faith in the Director's analysis, evaluation, and decision, faith in the Prime Minister's ability to gauge whether the security intelligence agencies were functioning reliably, and faith that the original source intelligence was sound. With respect to this research's case-study, Hansard records of Parliamentary debate demonstrated how the New Zealand elected executive's Cabinet Ministers, and to a large extent the parties that made up the Legislature, relied on a mood emanating from the Department of Prime Minister and Cabinet (DPMC) that the Director's determination was sound. Free from the legal constraints of public discourse, the



politicians exercised their privilege to cite unsighted information and suggest the refugee was a terrorist. Under privilege Members of Parliament were able to slander the accused without founding their opinion on sighted evidential disclosed fact, rather the rhetoric was based upon a body of information that went unsighted and unseen therefore uncitable beyond a rather paraphrased generalisation of untested allegations. This latter point left the fourth estate in a potentially compromising position. Editorial strategies that endeavoured to report the issue hit a wall of either silence, referral, or rhetoric. In absence of declassified fact, the fourth estate, like its Legislature counterpart, was relegated to a status of reportage stylised by a 'he said, she said' formula. Members of the fourth estate who were determined to investigate the case deeper were able to report on matters arising from judicial procedure, however, like the Legislature and the fourth estate, the judiciary, including the accused's legal counsel, were prevented from sighting and therefore citing the substance of the information that the allegations relied upon. This situation remained, maintaining the status quo, up to and after conclusion of the case and up to the time of this research concluding. The classified information is unlikely to be declassified for another 50 years post the conclusion of this case.

c) Causes and consequence of friction between democratic estates -

The cause of this democratic unease was rooted in a precedence-setting case involving an Algerian asylum seeker who, on one hand, sought, and was granted, refugee status in New Zealand, while on the other hand was deemed by the Director of Security to be a security risk to New Zealand. The refugee was imprisoned for near two years, ten months of that time held in solitary confinement, then released on bail with strict conditions while awaiting a determination by the Inspector General of Intelligence and Security on whether to uphold the Director of Security's decision to enforce a security risk certificate against this refugee. This research narrows its focus further to consider what was discoverable after the case concluded in September 2007. At that juncture, the public heard how secret hearings were held before the Inspector General of Intelligence and Security, how the Director of Security had presented a case against the accused refugee, how the classified information was not cited during open session, but rather, when necessary, the Inspector General would clear the hearing of those not holding a security clearance [including the legal counsel for the accused] and 'go into closed session'. At the outcome of the hearings the public heard how the Director of Security had withdrawn the security risk certificate. A statement was issued determining that the refugee was no longer considered a risk to New Zealand's security, and the accused's legal counsel held a press

conference outlining the ruling and restating that the accused was now free to live in New Zealand. The public was not given any indication what procedural improvements were discovered, nor what benefit was gained through the investment of \$4,000,000.00 of tax payer money in the case. The public was left to ponder why the accused was no longer considered a risk, and why the Director of Security no longer subscribed to the summary of allegations nor the classified information upon which the summary was based. This research unravels this post-case complexity, it seeks to answer the mysteries held secret by the state, it presents interviews with two secret witnesses who presented at the Inspector General's hearings who in part and together provide an explanation and answer the above mentioned and previously unanswered questions. This, and the inter-related analysis of participants presents an argument that tests whether the public and national interest of New Zealand was served in the initial and post-outcome period, despite the original source information having never been declassified. This research investigates a complex inter-related network of foreign state interests that contributed to what informed participants referred to as disinformation underlying the security risk case. The subject matter spans geopolitical European and north African interests, false-flag disinformation strategies employed by non-liberal states, and introduces the premise which argues that smaller, even isolated, democracies must ensure their intelligence agencies develop and demonstrate skills in external assessment so as to preserve and protect the public and national interest from selective, biased, disinformation being injected into the public, state, and historical record. Subsequent research questions developed and included an underlying query emerging post-evaluation of the case-study, including: were the New Zealand Security Intelligence Service [NZSIS] and aligned agencies able to accurately evaluate and assess intelligence shared by northern hemisphere states, and, if so, why did it take five years to reach a concluding assessment, and, if not, why was this so and in whose interest did the NZSIS and agencies serve?

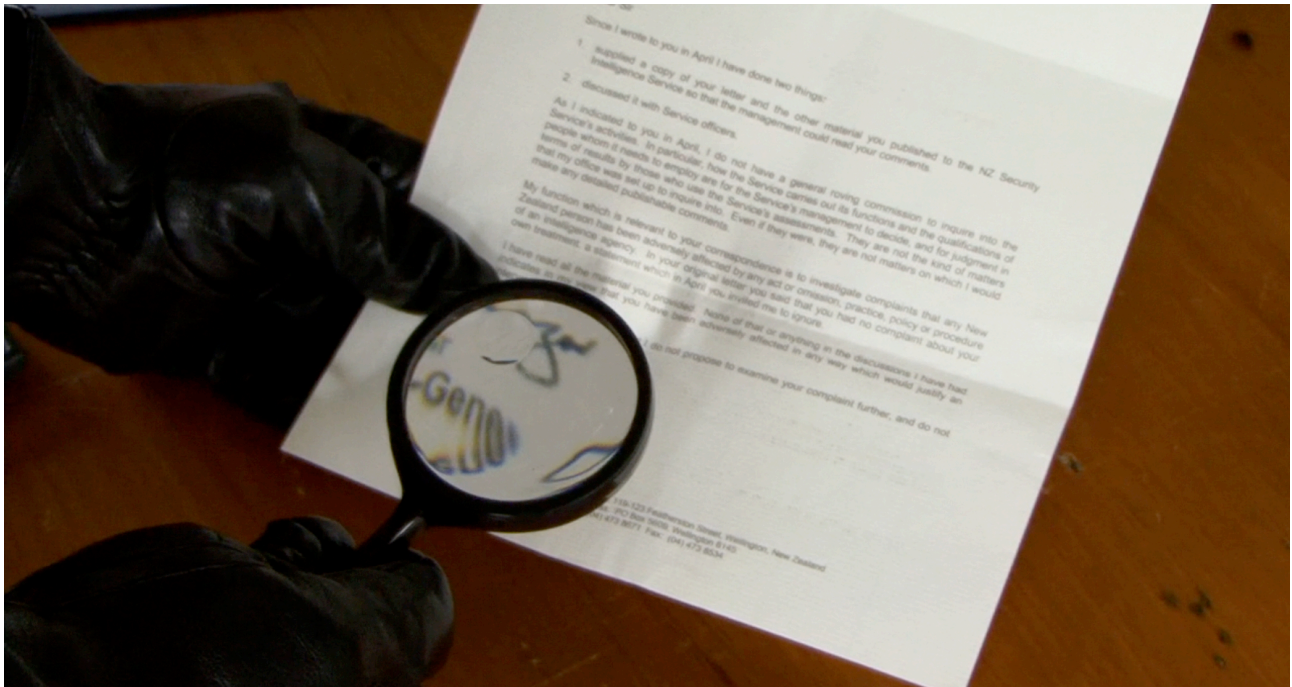
#### d) Parameters of this Thesis -

The purpose of this Thesis is to present as an historical record findings, analysis and conclusions emerging from research into the case-study. The researcher argues that the information used to construct this work has, in a public sense, advanced on uncharted territory. It was noteworthy - perhaps an observation not without its irony - that this case had attracted much attention and discourse from 2002 to 2007 both politically and via the fourth estate, but ended on a concluding moment at a press conference in September 2007 leaving many unanswered questions. Media interest in the case, post the conclusion, it appeared had been exhausted. In the months afterward,

apart from literature published by Gordon Campbell – a senior writer specialising in politics and social issues - there was an absence of evaluative fact and source information upon which analysis-based evaluations could be constructed. The public record remains bereft of information that would advance an understanding of what had happened in New Zealand with respect to the Ahmed Zaoui case and why it had occurred. Indeed, at the conclusion of the case, both the senior legal counsel for the accused Dr Rodney Harrison (Queen's Counsel), and, former Minister of Corrections and Associate Minister of Foreign Affairs Hon. Matt Robson stated that a public discussion ought to take place so as to stimulate a debate into the case. They both argued that New Zealand needed to discover a pathway ahead that would propose a solution to the problem of how an individual accused of being a security risk to the nation ought to defend his or her self when secret classified information formed the basis of the allegation. Robson asserted that a public discussion must take place to evaluate what underscored disfunction within New Zealand's democratic and judicial estates, and that the nation needed to do this to prevent it from happening again. This Thesis is intended in part to address the information vacuum that exists, presenting as a first and second draft of history, with respect to the post-conclusion period of the case-study.

## 2. Considerations

- a) Considered outcomes of this research -



*The research's findings, analysis and conclusions are communicated through the creative component while the exegesis records how the information was communicated. (Figure iii.)*

The Thesis is designed to serve, from a journalistic fourth-estate viewpoint, the public interest wherein the result of this research will be communicated through a creative documentary component and latter submitted for public viewing and public dissemination. As mentioned above, a feature length documentary identifies as the creative component of this Thesis and the intention of the researcher is to submit this for consideration for film festival screening in New Zealand and abroad. The documentary may also be re-edited at a latter juncture to a format suitable for broadcast/webcast/ and screened to other public audiences. It is intended that the result of this research will have academic, political, and public value and contribute to analysis that progressively assists democratic citizenries to understand the function, power, elitism, and vulnerabilities of executive governments - the very establishments that were created to serve the public's national and international interests.

### 3. Definitions

#### a) Mode -

Within the genre of documentary film are six identifiable sub-genre that are referred to in singular as Mode. Through the 20<sup>th</sup> Century technological advances saw filmmakers explore and pioneer many different ways to create and present their films. Alongside these technological advances were societal norms and advents of societal change. Filmmakers tended to create works that were anchored to their time, representative of their societies, their values, and how they communicated and expressed themselves. By the mid-late 20<sup>th</sup> Century academics studying film and the creation of artistic and documentary works began to identify specific sub-genres that reflected the time and societal-placement from which they emerged. Significant among the academic pioneers in this regard was Bill Nichols, whose work is often relied on to present definitions of philosophical concepts that have been identified with film and documentary film. This Thesis is not an exception. Nichols' thinking is both precise in labeling the less specific phenomena existing within the genre as he is indicative of often intangible and somewhat moving examples of philosophical thought that underscores fiction and non-fiction film. In 1983, Nichols initially identified five sub-genre, or modes, of documentary film: poetic mode, expository mode, participatory mode, observational mode, and performance mode. Later, in 2001, in a demonstration of how forms of communication continue to evolve, Nichols identified a sixth sub-genre that had emerged perhaps in part due to cultural changes within our societies where the citizenry became more critical of authority and cultural stereotypes. He labeled this sixth mode as the reflexive mode.

These six modes establish a loose framework of affiliation within which individuals may work; they set up conventions that a given film may adopt; and they provide specific expectations viewers anticipate having fulfilled. (Nichols, 2001, p. 99)

For this Thesis it is necessary to define specifically three of the above-mentioned modes, those being: participatory mode (or as it is sometimes referred to as the interactive mode), the poetic mode, and expository mode. Here the researcher has listed the definition order to indicate how the respective modes relate, on a scale of expression dominance, to this Thesis' creative component.



The participatory mode - Nichols argued that when an audience views a documentary film that expresses itself through the participatory mode that that audience expects to observe the filmmaker in some way actively engaging with the world and subjects presented in the film. The researcher argues that an example of this manifestation is observable when a filmmaker/director and/or interviewer is presented in some form within a documentary work. This may be observable even without the filmmaker/director or interviewer being visible, or audible on screen, but may be indicated for example by the subject or interviewee looking at and interacting with a person who is out of sight to the viewer or audience. The audience when confronted with a documentary expressed in participatory mode, expects the historical world to be represented by a filmmaker who, as Nichols stated “actively engages with, rather than unobtrusively observes, poetically reconfigures, or argumentatively assembles that world.” (Nichols, 2001, pp. 109-112) The participatory mode however, advances an environment where the subject or interviewee is able to tell his or her own story, where the storytelling is advanced by juxtapositioning interviewee data in a structure where the interviewees tell the overall story, requiring little if no narration or communication direct from filmmaker to viewer. Rather, the researcher argues that within this mode, the filmmaker seeks to place the audience there in the room with the subject or interviewee while presenting the interviewer/filmmaker/director as the audience's representative particularly when interacting or participating with the subject element or interviewee. This situational juxtaposition of the filmmaker/director/interviewer into the documentary film presents an honest portrayal of how the interviewee or subject related under filming conditions and is an acceptance of the rationale that a subject or interviewee does behave differently when being filmed or recorded or interviewed. Comparatively, with regard to this aspect, participatory mode differs markedly to the observational mode where the latter seeks to record or observe the world and/or subjects as they would behave should the camera not be there.

The poetic mode - The poetic mode is set aside from presenting elements that are anchored in time and place but rather conveys realities difficult to communicate through other modes, presenting these realities through more abstract means. The researcher argues that the use of poetic mode expression can work in parallel, even within a single expression of film, to other sub-genre modes that are preoccupied with a purpose to present logics of a sequential form. For example, the poetic mode can be used to express underlying mood that exists when circumstances manifest, topics are discussed, mood that develops or is in evidence during an interview, and when evaluative dialogue occurs. The communication of such emotive phenomenon, which is an important and valuable element of realism, can be limited,

compromised, or even near impossible to communicate, when expressed solely through modes that have evolved to observe circumstance, tangible logic, and categorical account. The poetic mode, the researcher argues, is a valuable partner to other modes. Nichols evaluates the concepts around poetic mode through relaying how it can communicate through abstracts to express an understanding of a reality. For example, to express through poetic more a reality that a unit of soldiers has just marched through a village, the filmmaker may record the shadows formed on the ground by the soldiers as they pass, rather than record images of the soldiers themselves. This expression can be a powerful statement that communicates much to the audience, more so too should visions of the soldiers be shown as a reflection in the windows of buildings, or broken glass as it lays on the ground. In the creative documentary film of this Thesis the researcher used poetic mode to aid the viewer's understanding of unspoken realisms, he communicated this through reflective elements, afternoon scapes, reflections of changes of seasons cast on the surface of a pond, clouds moving across the sky, and wind catching fallen leaves causing changing patterns and textures. Night senses were used, rain and drizzle, unidentifiable people walking the streets while being observed, cars recorded while they travelled down city streets recorded from a following car, such scenes were expressed in act one of the documentary film to symbolise a journey being taken, of how it feels to watch others, to be watched. Music was layered to communicate moods that were identifiable when discussions focused on such themes. The media used in abstract terms, connected to representations of the theatre of the real, in parallel to the main thrust of logic taking place, at the same time, through multilayering a mode upon a mode. Philosophically, Nichols applies abstract elements to his own definitions of poetic mode:

The poetic mode sacrifices the conventions of continuity editing and the sense of a very specific location in time and place that follows from it to explore associations and patterns that involve temporal rhythms and spatial juxtapositions. (Nichols, 2001, p.102)

The expository mode – Perhaps the most recognisable and indeed identifiable mode of documentary film is the expository mode. The expository mode rose to popularity during a period of technological advancement observed in the 1920s to 1930s. The mode was also in common use through the 1940s and beyond. The mode provides a well anticipated structure that organises and sequences historical events along a timeline, communicating elements that may or may not include interviews with key witnesses or with those who have been impacted upon or taken part in events to some degree. A key factor identifying the expository mode is the

filmmakers reliance on narration to tell the story. Trends developed where the narration was used to assert influence over how the viewer would interpret events and issues covered in the documentary film. This was achieved through multiple techniques including the insertion of subjective argument into the narration, with the ability to cite such subjectivism as fact, with the voice being that of a well known and/or recognisable public figure, and communicated in a forthright and commanding fashion. This style of narration is referred to as the Voice of God technique, and today is often used to facilitate the communication and simplification of broadcast-styled current affairs documentaries. As Nichols argued:

Expository documentary, for example, goes back to the 1920s but remains highly influential today. Most television news and reality TV shows depend heavily on its quite dated conventions, as do almost all science and nature documentaries, biographies..., and the majority of large-scale historical documentaries... (Nichols, 2001, p. 100)

Later in the same work Nichols expanded his definitions of expository mode and noted that the use of narration, particularly the addressing of the viewer directly through authoritative narration had an effect on the viewer's analysis of the subjective material.

The voice-of-God tradition fostered the cultivation of the professionally trained, richly toned male voice of commentary that proved a hallmark of the expository mode even though some of the most impressive films chose less polished voices precisely for the credibility gained by avoiding too much polish. (Nichols, 2001, pp. 105-106)

In previous research, the researcher argued that documentary, as a genre of film, continues to evolve, that it is a form of communication that is continually reformed and reshaped. Today, there exist many examples of documentary that seek to entertain, or present as an infotainment, while there is an identifiable interest in documentary film that seeks to evaluate current circumstance and to discover meaning from historical and contemporary life. The researcher argued:

“Fundamentally, documentary is a means of conveying a story, but unlike fictitious film the documentary tells its story through focussing on the theatre of the real. How it does so is a challenge that is ever present in the documentary filmmaker's mind. The exploration of overcoming that challenge is what aids the evolution of documentary film.” (Manning, S,

With this as a consideration, the researcher has constructed the creative component of the Thesis in a manner that crosses lines that define the sub-genre modes, in a sense the Thesis' documentary is a hybridisation of both the participatory and poetic modes, assisted by use of limited voiceover where the filmmaker communicates fact and context directly to the viewer. This element is purposefully minimalistic. The researcher did not wish to rely on or create an expansive and commanding Voice Of God narration style that would relegate the work as a form of expository mode expression. The researcher argues that each mode of documentary is not constrained within conservative static elements but rather subject to progressive interpretations. The researcher notes Nichols' argument underlying this argument where he states:

To some extent, each mode of documentary representation arises in part through a growing sense of dissatisfaction among filmmakers with a previous mode. In this sense the modes do convey some sense of documentary history. (Nichols, 2001, p. 100)

In the Methodology section, the researcher argues that by embracing the participatory or interactive form as the primary mode the viewer has the benefit of hearing direct from the interviewees and participants, offering unfiltered direct channels of communication that the researcher argues elevate principle of credibility and trust. Storytelling strategies were also facilitated however through communicating selected information through poetic mode expression. Additionally, the researcher has used voiceover as a means to deliver factual, historical information that assists the viewer to understand the analytical, and also subjective, information being presented to them. The factual information is designed to provide context to that being sourced from participants, interviewees, and other informative elements presenting in the documentary film. The researcher argues that the use of voiceover in this documentary film does not relegate the work in part or in totality to that of the expository mode sub-genre. He expands on this argument in the Methodology section of this Thesis.

b) Voice -

The researcher's definition of voice for this Thesis is defined from an application of voice juxtaposition. In understanding references to voice, one needs to embrace the ideological philosophies pre-existing as explanations of what voice is. Many have defined voice through

deep philosophical contemplations, significant among the pioneers of this thinking is the academic Bill Nichols who rationalises that voice is a reference to that method and mood conveyed from within a documentary film. In this sense voice is a concept which a documentary work can communicate to an audience. Nichols argued that voice, when used as a term relevant to the documentary genre, means something more narrow than a reference to style. (Nichols, 1983, p.18) Rather, voice is idiosyncratic to a specific work of documentary. As Nichols reasoned, voice is not limited to audible elements but to all media. In applying this theory, the researcher argues that these elements when arranged as communicating conduits, whether in isolation or in multilayered patterns and expressed cumulatively, can be considered an identifiable creation specific to a body of documentary work. Voice defines this phenomenon and sets it so as to label the concept and to aid an understanding of a work so it can be identified.

Like every speaking voice, every cinematic voice has a style or 'grain' all of its own that acts like a signature or fingerprint. It attests to the individuality of the filmmaker or director or sometimes, to the determining power of a sponsor or controlling organisation. (Nichols, 2001, p. 99)

In an early body of research, the researcher defined the purpose of voice as a means in which the filmmaker can assert influence over the audience. (Manning, 2010, p. 14) The researcher argued that as a method of gaining the audience's attention, the filmmaker can create voice and use it to a storytelling technique through “creating a sense of intrigue, through establishing an information power imbalance between documentary filmmaker and the audience, over a timeline” and that this can create a want and desire within the viewer to acquire more information and understanding. The application of this method is founded on a purpose to gain an audience's attention, and can be constructed when the “filmmaker shares information slowly and skillfully, the goal being the conclusion of the documentary to leave the audience with a sense of possession, satisfaction, and even a compulsion to form a response to the information conveyed”. (Manning, 2010, p. 14)

Nichols reasoned that voice is something that conveys “a sense of a text's social point of view”, of how it is speaking to us and how it is organizing the materials it is presenting to us... Voice is perhaps akin to that intangible, moiré-like pattern formed by the unique interaction of all a film's codes, and it applies to all modes of documentary. (Nichols, 1983, p. 18)



In applying this definition of voice within the creative documentary component, the researcher arranged abstract elements, so as to communicate symbolism that would speak to the audience. This approach was utilised to present contextual circumstances that would be essential so the audience would be assisted to understand information conveyed. Through the application of voice, the researcher was also able to create a work that could be defined as unique among others within specific sub-genre. The researcher wished to communicate how the work was an independent production presented in journalistic style, that was gritty, probing, and investigative in theme. Media was acquired and recorded to give voice, to illustrate the above-mentioned intentions to be expressed in the work.

c) Participant/Interviewee -



*Former Australian military intelligence officer Lieutenant Colonel Andrew Wilkie details how one must be cautious when considering intelligence information for purposes of security risk assessment. (Figure iv.)*

This Thesis makes reference to participants and interviewees. The researcher defines a participant as an individual who is participating in the research in some way, whether or not he or she was included in the documentary film. A participant is further defined as an individual whose interview was on file and where the subjects and analysis enquired on and expressed at that interview spoke direct to topics examined in this Thesis, and had a relevancy as historical citable elements upon which further evaluation and analysis was made possible. An example of a participant is Lieutenant Colonel Andrew Wilkie, a former senior military intelligence officer

and adviser on national security intelligence matters to the Australian prime minister. Wilkie had been interviewed by the researcher in 2005 on issues relating to the use of classified intelligence information in a judicial forum. For this Thesis, Wilkie was approached and invited to be interviewed again on these matters, however, while interested in the research and interested to take part, the timing of the interview period clashed with the campaign and election to the Australian House of Representatives. His commitments therefore made it impossible to take part in research related interviews. Therefore the researcher, upon prior agreement with Wilkie, included sections of the prior interview in the documentary film, including this information as file footage whereupon interviewees were able to refer, interact with, and analyse and build on the arguments that Wilkie had conveyed. In almost all cases of participatory use of file media, the media was exclusive to the researcher and had not been revealed prior to conclusion of this Thesis to any public forum, body, or communicated so as to stimulate debate within the public sphere. In this situation, the researcher states that individuals were informed of and agreed to the fact that the media resulting from such interviews may or may not be used at a latter date for inclusion in a documentary film. In all cases participants had agreed for this to occur subject to the determination of the researcher. In this way, the file footage is demarcated as separate to data obtained specifically for this research. Although, under all circumstances the researcher states that the participant/s were afforded the same ethical principles as considered under the journalistic code of ethical conduct as those who were interviewed specifically for the purpose of this research.

The researcher defines an interviewee as an individual who was interviewed expressly for this research and whose data is designed specifically for inclusion in this Thesis's creative component documentary film and as such is afforded the ethical considerations outlined specifically in the Methodology section of this exegesis.

#### d) The Democratic Estates -

For the purpose of understanding this research, the researcher has defined the Democratic Estates as referring to the pillar institutions of a modern liberal democracy. With respect to New Zealand being the focus of the Thesis case-study, the Democratic Estates are defined as including: The Executive, The Legislature, The Judiciary, and The Fourth Estate. These four pillar institutions uphold the principles of the democracy. Each Estate provides a vital role contributing to the function and progress of society.

The Executive – is made up of elected political parties – that have formed a government [whether it be an expression of majority or minority government] after securing the majority of votes in the Parliament ensuring that it maintains stability through the passing of matters of confidence and supply. The Executive includes elected members led by the prime minister and appointed Cabinet to govern over specific portfolios of responsibility, elected members outside of Cabinet who are appointed to govern over specific portfolios of responsibility, and the administration of the above tasked to the Department of Prime Minister and Cabinet. The Executive is also tasked with drafting Bills with the intention of putting before The Legislature for consideration to be passed into law.

The Legislature – is made up of political parties and members elected by the electorate, or voting public, at a General Election and sworn in as representative Members Of Parliament. The Legislature is tasked with questioning Ministers on matters relating to their portfolios of responsibility, and to consider Bills put forward by The Executive or private members at both select committee level and placed before The House so as to subject the legislation to Parliamentary debate, and Parliamentary vote. When a Bill gains the support of the majority of Members of Parliament, usually on the third reading, The Legislature passes it for ascendancy where the Bill becomes an Act of Parliament, or, put simple becomes a law of the state.

The Judiciary – is tasked with ensuring the Acts passed by The Legislature are observed and enforced. Where a breach of an Act is alleged to have occurred The Judiciary is tasked with considering that the alleged brief, to hear a defence or admission, and to pass judgement on the matter and administer remedy or consequence as permitted under the Act.

The Fourth Estate – is made up of numerous non-government entities that endeavour to inform the electorate, or voting public, on matters of public and national interest that may occur within or emerge from The Executive, The Legislature, and The Judiciary. Within a functioning democracy, The Fourth Estate seeks to hold the Estates to account, and to inform the electorate without fear or favour. The premise is that if the electorate is informed of the function and affairs of the Estates then it will be able to define an informed view of the quality of governance and representation practiced by the Estates. It follows that an informed view will lead to a situation of informed choice when a General Election is held.

e) The Public Sphere -

The public sphere is a realm where discussions of societal issues and where concepts and arguments that relate to and impact on the national and public interest of a peoples are debated. In his doctoral thesis Dr Tarek Cherkaoui argued that the public sphere is expressive of deliberation mechanisms which give legitimacy to democratic politics. (Tarek Cherkaoui, 2010, p. 72) Cherkaoui builds on arguments asserted by Thompson (Thompson, J. B. 1995, p. 255) where the public sphere assists democracy through a collective decision making process which is energised through the population being privy to factual information that leads to form reasoned judgments. Cherkaoui further argues that the public sphere is a realism where “fixed preferences and interests compete via fair mechanisms of aggregation”. (Cherkaoui, 2010, p. 72)

In this regard, media institutions contribute to the development of a public sphere not only as a mean of information but also as a means of expression. Media organisations ought to act as an agency of representation by allowing diverse social groups to express their views. (Cherkaoui, 2010, p. 72)

The researcher argues that the public sphere is an influencing persuading factor underscoring decisions made within the Legislature and the Executive, that the function of a progressive liberal democracy is reliant on a factually informed public sphere so that the citizenry, from a fact-based opinion position, that energises it to act through expressing its right of voter choice. This choice, has the consequential effect on the quality of elected representatives, through a voting process that excludes or includes members of the Legislature. This function also ensures the prevention of excessive use of Executive power, or abuses, and the development of unjust policy. The fourth estate, it is argued, is an essential body that critiques the function of the estates without fear or favour, through analysis of disclosed, or identified, fact and occurrence, so as to inform the population of matters of national and public interest, and as such is an essential pillar of a modern liberal democracy.

e) Information dominance paradigm -

The rationale defining information dominance paradigm relies on a concept where all propagandistic activities conducted by a state are used to advance a dominant position (Cherkaoui, 2010, p. 68) where information, manufactured or otherwise, is advanced by a state's

activities to ascend as a procedural and historical record that is cited and relied on by the estates of that authority and/or by other jurisdictions. The intention is for such information to become relied upon as the most accurate record, historical or otherwise, of situational fact and information. In his doctoral thesis Dr Tarek Cherkaoui defines it as a message where the action to create it “incorporates all other propagandistic activities conducted by the state, such as public and civil affairs, media relations and public diplomacy. This entails the integration of traditional propaganda and psychological operations into a much wider conception of information war”. (Cherkaoui, 2010, p. 68)

f) False flag operations -

The researcher defines a false flag operation as being the activities of an entity where it creates a situation, event or element, that masquerades or falsely represents an opposing group. A false flag operation, from a security intelligence, politically domestic or geostrategic viewpoint, can be divided into the strategic and tactical elements masked behind covert operations, and, the product of the operation the latter being necessarily overt. It is from inside the cloak of covert operational planning that false flag strategies are conceived. The operative tactics of implementation develop outwardly from a centralised, politicalised, juxtaposition so as to progressively enforce a desire by the entity to increase its power-base and/or to achieve an influence so as to ensure a situational advantage is maintained. The complexity of an entity's motivations underlying a false flag operation may or may not be entirely covert. But due to the means employed to achieve influence or control being reliant on deceit - including the use of spin, disinformation, counter-intelligence, counter-terrorism operations, and black-operations - the strategy and tactics used to satisfy the entity's motivations require the methodology to remain secret. For, should the methodology be revealed to those who are deceived or manipulated then the desired and/or acquired power would be lost.

## 4. Methodology

### a) Aims and scope -

Since the attacks against the World Trade Center on September 11 2001, a reformist agenda relating to security, surveillance, intelligence legislation has swept the globe. This phenomenon has raised a public sensitivity to issues of civil liberties and how a state constructs and enforces an apparatus that is charged to ensure a condition of security is preserved. On one hand people wish to be safe and secure, on the other hand they wish to experience freedoms as observed prior to the attacks on the World Trade Center. The balance between these two ideals are considered as a relevant backdrop to the researcher's case-study.

The stated aims of this research are designed to test whether the public's appetite to be informed of security and intelligence information has been satisfied over the past decade, and, if so, whether the public's confidence in the state security apparatus has been upheld or whether that confidence has been eroded or exhausted. Considering the findings, the researcher has advanced analytical data by way of participant interviews as a means of determining whether the performance of the security intelligence apparatus has been satisfactory or whether operational and structural reform was/is required. The researcher also has endeavoured through this methodology to determine how the public and national interest has been affected when classified information, important to the functioning of the democracy, is deemed too secret to be tested and analysed in a public forum. The research also anchors itself within an historical context where, comparatively speaking, the public's appetite for security and intelligence information has altered since the Cold War period.

The research also tests whether there is a danger to a democracy where the public is denied citable fact underlying intelligence-based security risk assessment. To answer this question, consideration is given to whether classified information when declassified actually becomes an essential ingredient that empowers good outcomes through engagement with, and the development of a public discourse within, an informed public sphere. Additionally, this research aims to explore whether it is right that the state apparatus prevents and prohibits the public from exercising a right to self-evaluation from a security viewpoint and whether it ought to determine through this means a measure of vulnerability to mass-manipulation through being or becoming the recipient of inaccurate fact, disinformation, or misinformation emitting from offshore states

and powers, and/or misinformed entities that exist beyond government control and outside of the intelligence establishment [from a New Zealand situational context] the 'five eyes' intelligence alliance that includes the USA, Britain, Canada, Australia and New Zealand.

Ultimately, this research aims to identify how democracies are affected when information high in the public, national, and international interest is withheld by an executive from disclosure to, and analysis by, the three estates: legislature, judiciary, and fourth estate, and aims to consider how democratic estates are adjusting and reforming so as to correct any imbalance caused through a lack of factual official information being shared.

It is intended that the result of this research will have academic, political, and public value and contribute to analysis that progressively assists democratic citizenries to understand the function, power, elitism, and vulnerabilities of executive governments - the very establishments that were created to serve the public's national and international interests.

#### b) Research methodology –

This research is practice-based and qualitative in form. It aims to define how keeping security intelligence classified information secret, and privy only to a state's executive and aligned operational agencies, affects the function of modern democracies.

This research presents as a thesis comprising of a creative documentary film and written exegesis (weighted approximately 70/30). The research data is communicated through the creative documentary, and, the exegesis complements the creative documentary by establishing a written record of how the research findings were acquired, analysed, communicated, and referenced.

Research data is presented as findings and dialogue within the Thesis' creative documentary film component. The findings and dialogue is juxtaposed to test before the viewer whether the public's appetite for public interest information, in the view of participants, has intensified where matters of public, national, and international interest have become important and relevant to the daily lives of the nation's peoples. Another aim is to discover, how liberal democracies and their Legislature, represented within this research by New Zealand, have developed and passed laws that seek to ensure the nation and economy experiences a state of security, progress and wellbeing and how this impacts on civil liberties.

Consideration has been given on how best to communicate the data, findings and analysis. Within the creative documentary component this research layers the information within contextual elements, both visual and audible, so the viewer, or receiver of the communication, can consider how states have progressed legislation with the intention of ensuring national security but in doing so have created an erosion of civil liberties that were once enjoyed as a right by the citizenry and by those seeking to immigrate to a specific jurisdiction. Arguments that seek to discover a solution to this state versus populous dilemma are presented near a conclusion of the documentary film so as to give a sense of continuum, in an infinite sense, to the research.

c) Procedure, including methodology and methods of data collection and analysis -

The methodology used is qualitative in form, data has been identified with reference to historical and current policy, founding and current ideological documentation, political policy statements and speeches. It cites existing literature [both from Hansard (a record of Parliamentary debate), academic literature and non-fiction books] specific to the intelligence security subject and includes interviews with politicians, officials, and strategic security and intelligence experts from both New Zealand and abroad. The style of questioning is founded on referenced literature, both historical and contemporary, and includes a mix of open and closed verbal questions – a proportion being pre-selected questions and questions resulting from answers given by the selected participants/interviewees. The interviewees were video taped and the resulting tapes were digitised and stored in two one-terabyte storage drives. Transcription of the interviews has been completed and also stored. The information acquired from the interviewees has been evaluated, value-weighted, and referenced based on information (comments, opinion, verbal reference) that assists in the purpose of answering the research questions.

d) The creative component -

The creative component provides an historical context to the research, establishing iconic points and arguments along a time-line spanning the immediate post-9-11 period through to the current day. The creative documentary component uses a mix of historical file footage specific to the topic, and juxtaposes video footage of interviewees in a logical manner. The data is expressed through a feature length documentary founded on the participatory/interactive mode of documentary. Voiceover is limited to the researcher/film-maker's spoken word, drawing attention



to factual and contextual information through a sectional introductory narrative. The researcher/film-maker also explores the use of multi-sensory media, expressed through the use of audio, video, and symbolism in a means that assists the communication of dialogue, and accentuates interpretive voice within the documentary drawing in part on poetic mode practice to achieve this.

The documentary was filmed in high definition 1080i format, edited on a Apple Mac Pro hardware, using Final Cut Pro, Sound Track Pro, and other applications within the Final Cut Suite II offering to create post-production tasks. The data is stored in two one-terabyte storage drives and has been encoded and/or compressed into media suitable for theatre screening, DVD, internet and web distributions.

e) The exegesis -

This exegesis is presented as a research document containing sections that communicate a backdrop to the research's creative components. The exegesis contains an introduction to the political science considerations that impacted on the thinking interacting with analytical elements conceived from within the research's findings. The exegesis details research questions, a review of literature, evaluation of information drawn from interview transcripts that have been assessed through a value-weighted process as per the methodology described above. The exegesis is reflexive in style, describing and exploring the process of creating the research document and documentary, noting challenges and solutions experienced along the journey. The exegesis contain references using APA5 referencing as a format, and has academic relevance that defines whether *keeping security intelligence classified information secret and privy only to a state's executive and aligned operational agencies, affects the function of modern democracies.*

f) Selection methodologies -

The intention was to identify approximately ten interviewees whose information would be used within the Thesis' creative documentary and written exegesis. The interviewees were selected for their expertise and knowledge in specific areas, including: party politics, parliamentary politics, public service experience and knowledge, academic and applied expertise in security intelligence information gathering and analysis, and non-governmental-organisational experience and expertise. The interviewees were accustomed to speaking with media about public interest issues,

had experience in having their information and opinion cited in the public arena, and had a knowledge of how public discourse on public interest issues contributed to the public sphere. Their privacy, where required, was protected by observance to the 'on the record' conditions and by observance to the journalistic code of ethics as laid down by the Journalist Training Organisation, New Zealand

g) Selection of participants and interviewees –

In the first instance, relevant subjects were identified as being relevant to the primary research question. What followed was a period of consideration where entities, agencies, organisations, parties, and individuals were examined so as to determine whether a contribution could result from an interaction between the researcher and a possible participant representing an identified body of thought. Once identified, possible participants were considered who appeared to represent arguments and ideals that would advance a critical analysis, from multiple juxtapositions, of factors inter-related to the primary research question. It was the intention of the researcher to select participants in part identified for their experiences, both from within and outside a security agency, state security apparatus, military intelligence role involving counter-intelligence with relevance to the research questions. Participants were also identified for having been the focus of or a target of the security agencies, for having recognised specialist observational experience recording the historical evolution and function of New Zealand's security intelligence agencies, from having had an internal and intimate knowledge of the selected case, an academic understanding and specialisation of north European and north African history and geopolitical interests, and having a demonstrable record of academic argument and practical experience connecting to security intelligence, its strengths and weaknesses and how it serves the public and national interest.



*Lieutenant Colonel Mohamed Samraoui reveals publicly for the first time how, as an officer in charge of Algeria's intelligence and security operations in north Europe, he assisted in a disinformation campaign to discredit asylum seeker Ahmed Zaoui. (Figure v.)*

#### h) Interviewees'/participants' expertise –

All participants in this research were deemed to be potential interviewees whose recorded interviews would be considered for inclusion within the research's creative documentary. Therefore, it was essential from the outset to consider that interviewees be able to present and communicate in a concise manner, complex information and thought in a rational and progressive style, while being video recorded. It was also essential that the interviewee be able to communicate that information in a manner that was understandable to a lay-person and/or a reasonably minded individual representing a general audience in New Zealand. Participants were also required to be recognised for possessing a specific expertise that connected to the primary research question and subsequent themes.

The following interviewees/participants were identified for inclusion in this research:

##### h.i) Lieutenant Colonel Mohamed Samraoui –

Lt. Colonel Mohamed Samraoui is a former military attache for Algeria to Bonn, Germany, and formerly Algeria's senior intelligence official (and member of Algeria's intelligence

service the DRS) to Germany and north Europe responsible for counter-intelligence and counter-espionage during the period when the accused in the case-study was charged with terrorist related offenses. Lieutenant Colonel Samraoui was also a secret witness appearing before Justice Neazor at the Inspector General of Intelligence and Security's hearings in Auckland.

h.ii) Lieutenant Colonel Andrew Wilkie –

Lt Colonel Andrew Wilkie is a former military intelligence officer with the Australian Defence Forces, his career experience included being appointed as a secondment to the National Assessments Office and tasked with providing intelligence assessment and advise to the Prime Minister in Canberra, ACT. Wilkie resigned from this position in 2003 after the then Australian prime minister John Howard announced that his government would send combat troops to Iraq as part of the US-led invasion consisting of a group of US and UK allies titled the coalition of the willing. Wilkie went public stating that despite the prime minister citing intelligence as justification to invade Iraq, the advice of his office and that of himself was that the intelligence was unreliable and should not be used to justify an invasion or as a reason to send Australian troops to war. In 2010, Wilkie was elected as an independent MP representing Denison, a Tasmanian electorate, to Australia's federal House of Representatives.

h.iii) Professor George Joffe –

Professor Joffe is a highly regarded authority on north African history and contemporary geopolitics, with a demonstrable expertise on Algerian affairs including the time leading up to the 1991-92 coup d'état orchestrated by the Algerian military and its intelligence wing, the DRS. Professor Joffe was also a secret witness appearing before Justice Neazor at the Inspector General of Intelligence and Security's hearings in Auckland.

h.iv) Dr Paul Buchanan –

Dr Buchanan, formerly an analyst with several security intelligence agencies in the United States of America, is also an academic specialising in strategic thinking and comparative political studies, Dr Buchanan is a respected authority on security and intelligence

strategies in liberal democracies.

h. v) Hon. Matt Robson –

Matt Robson is a former Minister of Corrections and Associate Minister of Foreign Affairs in the New Zealand Labour/Alliance Government, Matt Robson became an outspoken critic of the way the Labour-led Government handled the Ahmed Zaoui case. He also has a demonstrable degree of professional expertise as a practitioner of immigration law.

h. vi) Keith Locke –

Keith Locke is a Green Party member of the New Zealand Parliament, and was the first New Zealander to visit Ahmed Zaoui while he was held in solitary confinement at Paremoremo, a maximum security prison north of Auckland. He continued to argue from both inside and outside Parliament that the accused's human rights were being abused and his judicial rights denied him. Keith Locke also was a target of the New Zealand Security Intelligence Service having been the focus of surveillance from twelve years of age until 2006.

h. vii) Superintendent Gerry Cuneen (retired) –

Superintendent Cuneen is formerly the head of the New Zealand Police's Criminal Intelligence Section, and represents years of respected public service. Superintendent Cuneen became the Wellington District Commander, overseeing the investigation of numerous high profile criminal cases (including the Mr Asia murder trial, the Karla Cardno, and Eugene and Gene Thomas murder trials). On leaving the New Zealand Police in 1999, Superintendent Cuneen was appointed as Private Secretary (Police) to the New Zealand Labour/Alliance Government, and latterly appointed as an inspector to the Independent Police Complaints Authority.

h. viii) Graeme Hunt –

Graeme Hunt was a respected journalist, editor, author, and historian, Graeme Hunt wrote the book: Spies and Revolutionaries – an historical account of New Zealand intelligence

agencies and political subversives. Graeme Hunt was also a respected conservative who as a representative of centre-right economic thought also challenged New Zealand governments on issues of public and national interest.

h. ix) 'Target-A' –

Target-A, (name withheld) is a former agent of the New Zealand Security Intelligence Service tasked with infiltrating two mosques in the greater Auckland region. Target-A provided valuable insight into the inner workings of trade-craft and intelligence gathering when 'in the field'. He also identified numerous public and national interest issues that added to critical thinking of how the NZSIS performs in the field and also whether its domestic investigative role, in whole or in part, could be transferred to the New Zealand Police's Criminal Intelligence Section and aligned specialist investigation groups.

h. x) Harmeet Sooden –

Harmeet Sooden was captured and taken hostage in Baghdad, Iraq, in November 2005 by a group calling itself Swords Of The Righteousness Brigades and held hostage until being released by British special forces in March 2006. Harmeet Sooden has since then sought to have classified information released to him that will aid closure of the events that took place while he was a captive, including details of the murder of Tom Fox, a fellow captive and United States national. Harmeet Sooden was also the subject of a New Zealand Police special investigations group investigation that probed a case of vandalism at a United States-owned company, located in Auckland New Zealand, that manufactures components for United States military weaponry.

i) Interviews -

For this research, all interviews were conducted in isolation with participants or interviewees in their own surroundings or at a place of privacy previously agreed to by the participant/interviewee and the researcher. Interviewees interviewed for this specific research were provided with a Participants Information Sheet, description of the research and intention of how data acquired by the researcher would be used. A consent form was also provided to the interviewee. The researcher endeavoured to establish a rapport between he and the interviewee

that would be based on trust and professionalism. Discussion about the research and topic was encouraged prior to interviews and open opportunity was given for the interviewees to enquire on any aspect of the research and/or the researcher's intention and purpose. Rather than set up a created light environment, for the interviews the researcher relied in most part on natural situational lighting. Satisfactory video media was achieved through positioning the interviewee close to natural light and/or turning on fixed lights in the room where the interview was to take place. The researcher followed this regime due to a wish to create a presentation within the documentary film of a quality high definition effect while holding to independent media styles. The researcher also felt that keeping the environment as natural as possible assisted the interviewees to remain as relaxed as possible and to concentrate on the subject matter that was to be discussed rather than become aware of personal discomfort due to heat or exposure to harsh light during the course of the interview.

j) Ethical considerations -

For this research, interviewees and participants were all over 20 years of age, as individuals they did not present as members of a vulnerable group, and were not selected on the basis of gender or ethnic or socio-economic grouping.

Interviewees and participants were considered to be persons whose opinion, experience, and information was often sought for media projects. They were aware that their participation may cause others to take a contrary view, to challenge their position and/or assert that their opinion, experience, and/or information ought to be challenged.

Participant interviewees were protected from deceit, harm and coercion by being in direct contact with the researcher who was the interviewer and were informed of the purpose of this research and the culture of its inquiry through being informed via an abstract description of the research and a sample of relevant questions that they will be asked during interviews. They were interviewed in isolation and understood that the information acquired during the interview would not be made public prior to completion of this Thesis, and that a participating interviewee would not be identified as the source of any information prior to the completion of this Thesis, and that any gathered information would not be attributed to interviewees as a source nor shared with other participating interviewees until completion of this Thesis and only then communicated via the resulting creative component (documentary) and/or the written exegesis.

The privacy of participants and researchers was protected by ensuring interviewees were able to discuss information that may have been considered sensitive by them under an 'off the record' condition. For the purposes of this research and Thesis 'off the record' was defined as any information given by an interviewee, when requested as 'off the record', would be deemed to be able to be checked for factual and/or actual value and may be considered usable for inclusion within the documentary component and exegesis component of this Thesis, but will not, should it be used for this purpose, be attributed to the interviewee nor the interviewee be cited in any way as the source of this information or opinion. All interviewees were informed of this 'off the record' condition should they indicate that information they wished to share was private, or sensitive, and that they did not wish to be named as the source, or if they requested to go 'off the record' during the interview. Once the 'off the record' information has been shared, the researcher informed the interviewee/s that he/she was then considered 'back on the record'.

In practice and in planning for the interviews of participant/interviewees, the researcher observed the principles as laid down by the journalists' union the EPMU. Its stated code of ethics requires journalists to hold sacred the truth and also seek to uphold the public's right to know information. Both these principles have been significant motivating factors driving this research toward a conclusion where the complexities integral to the case-study are unravelled and laid out in an understandable form for the public to consider and intellectually digest.

In addition, this code of ethics required journalists to report and interpret news “with scrupulous honesty by striving to disclose all essential facts and by not suppressing relevant, available facts or distorting by wrong or improper emphasis”. (EPMU, 2010, Code of Journalistic Ethics).

Of particular importance when developing a relationship based on trust with an interviewee or contact, journalists often are faced with being informed of information that has conditions attached, this is especially so when making enquiries or investigating intelligence and security issues. For the purpose of this research information conveyed by a contact to be confidential was approached in a similar fashion to that of 'off the record' requests, for example: able to be shared with the researcher once the conditions on how it could be used were established. The journalists' code of ethical conduct requires journalists to “respect all confidences received”. For the purpose of this research, confidences were deemed to mean any sharing of information between a contact or interviewee and the researcher that was requested by the interviewee to be considered



confidential or off the record, irrespective of whether it was relevant to the research or relevant to the impact the questioning was having on the interviewee, and that the request for confidentiality would be respected. However, where an interviewee requested information to be considered in confidence and where the researcher felt it was necessary or relevant to the research, the researcher undertook to reach agreement where the information could be used unattributed or anonymously sourced. Where the interviewee wished for the information to remain in confidence and not be used under any circumstances, then the researcher undertook to determine whether the information had merit from a contextual point of view aiding the researcher's understanding of the research subject matter or why the information was deemed by the interviewee to be important. If the interviewee was not in agreement to this then the researcher was to question why the information was being conveyed at all.

Power balances between interviewee participants and researcher were balanced again by observing the journalistic code of ethics as laid down by the Journalist Training Organisation, New Zealand, and by issuing interviewees a consent form that offered them the opportunity to take part, or not take part, in an interview for this research. (EPMU, 2010)

Cultural diversity was observed by the researcher asking if there was any observance or cultural requirement that the participant would wish to have observed. If so, then the participant's wish was then to be observed.

Where a challenge to a participant/interviewee's opinion, experience and/or information occurred, it was the intention of the researcher to present the argument within the research as part of a dialogue that explored the public interest issue in a logical, rational, and progressive manner and as a contribution to public and political discourse that offered a clarity on intelligence and security policy in New Zealand and abroad.

At all times the researcher used “fair and honest means to obtain news, pictures, films, tapes and documents” relevant to his enquiries into intelligence and security issues and had done his “utmost to correct any published or broadcast information found to be harmfully inaccurate”. (EPMU, 2010)

k) Refining interviewee acquired data -

As mentioned in the methodology section, interviews between the researcher and interviewees and participants were recorded in 1080i high definition video format and audio recorded to two tracks, one track containing ambience recordings near the interviewee/participant's person, and a second track containing directional recordings of interviewee/participant's voice. Once interviewing of interviewees/participants had concluded the researcher uploaded recorded data to two one-terabyte internal storage hard disks. From there, the data was filed into Final Cut Pro and contained in bins created by the researcher. The bins were arranged inside FCP, laid out as a framework-structured information system designed to facilitate retrieval of media through following a name and subject data-category logic. From this system, data was able to be rearranged and categorised into name, subject, and time/date chronologies, through multiple timeline-based sequences, where necessary the sequences were colour-coordinated to assist in creating storytelling aspects of the documentary film. As such, scenes, chapters and threads of the story were able to be created in a modular fashion, juxtaposing the sequences along draft timelines, so as to enable testing leading to identifying the best sequence and scene arrangements. This approach assists the filmmaker to make essential decisions as to how the documentary story should be told. The interviews with respective interviewees/participants were also placed along their own sequence timelines; relevant sections of the interviews, including sound-bites, were highlighted for selection, inclusion or exclusion in the documentary film. The acquired data from each individual interviewee/participant was able to be considered by juxtaposing the contribution in multilayered patterns so as to analyse the value of the fact, logic, and argument. This method assisted in determining the value of data with respect to the vein of research being explored, and, if necessary, given weight to indicate relevance, connecting the selected data to an inclusion/exclusion value. Due to this modular structure, should it be necessary, entire sections, chapters, and even an entire interviewee/participant could be removed from the documentary film without complicating such decisions. This approach enables a filmmaker to easily focus or refocus the vein, that the documentary film needs to pursue, without having to completely alter or recreate relevant and important sequences. Data was weighted on information value principles with consideration given to: relevance to the research's subject line and the primary vein being pursued, its contextual, factual, analytical, progressive values and how the data was communicated and the quality of the video and audio recording.

l) Selection of method of communicating research -

Rather than expressing the Thesis research solely within a written work, the researcher wished to communicate selected findings, analysis and conclusions through a creative component wherein the Thesis research's primary question and subsequent enquiry would be communicated. By taking this route the exegesis would then be free to document an extra layer of research, introducing context, an evaluation of the democratic estates and their function, but advance a reflexive record that spans methodologies, including qualitative and technical elements, ethics, and referencing.

This sectioning of the Thesis into two components: a creative component and exegesis set the researcher free to explore what creative vehicles would best provide a means of communicating complex intelligence, security, and political analysis. The thinking behind selection was largely subjective with a rationale being constructed by considerations of audience, communication delivery and dissemination models and their respective ability to convey complex thought and information, the researcher's limitations of and expertise in utilising and applying technical knowledge, the ability of the researcher to advance where necessary to a satisfactory professional standard in the production and post-production tasks within a two semester timeline, hardware and software equipment obtained or needing to be obtained to perform necessary tasks, and the researcher's wish to create a body of work that would be of interest to a general public audience while serving the public and national interest in a fourth estate sense.

m) Intended audience and selection of documentary film as a vehicle -

It was decided that a journalistic-styled documentary film of feature-length would be able to satisfy the above-mentioned criteria while providing scope for the researcher to evaluate the modes of documentary that would best communicate the Thesis' research. It was anticipated that the complexity of information that this research would advance, would be constrained should a current affairs styled work be created for a television broadcast or web-based media expression. Should this approach be taken, it is likely constraints would be applied due to current broadcast trends where programmes are edited to tight single-enquiry expressions, or short time-span formats of around 15 to 28 minutes, and formatted in a repetitive way to accommodate interruptions to the viewer's home-viewing experience (interruptions including telephone calls, family life and interactions, viewing while multitasking). By comparison, the researcher decided

that a film festival audience, rather than a television general audience, would be more receptive to digesting complex arguments, longer bites of analysis-based information and analytical dialogue due to it being committed to receive the information for a predetermined time, where the ambience of a theatre lends toward an uninterrupted experience. These factors, it is argued, create an environment where the filmmaker is less inclined to create a minimalistic version but rather a more full expression of the research.



*The researcher argues that a component of creating a record of reality involves the inclusion of elements that communicate mood. (Figure vi.)*

n) Selection of modes of documentary -

The researcher decided that a documentary would primarily be constructed by arranging material elements in a style demonstrated by the participatory mode, while in part communicating emotive and some contextual elements through poetic mode expression, including use of sound and score as a means to communicate abstracts of analytical information relating to contemporary and historical subjects. The use of poetic mode in this manner, the researcher argues, assists the filmmaker to communicate necessary findings that would otherwise be described by an interviewee/participant rather than experienced by the viewer. Communication via poetic mode does run the risk of information being interpreted incorrectly in that it may appear initially as subjective information rather than categorically factual, and critics may suggest that the use of poetic mode simply provides the filmmaker with an un-interruptive

method within which to communicate subjective voice. The researcher argues however, that in reality the poetic mode used in a creative expression sense, as designed of this research, provides the filmmaker with a method to convey factual communications of mood that are generated when people both in isolation and in groups discuss issues of high public and national interest and topics such as intelligence and security. For example this mood is observable in reality when there is a discernible underlying sinister element in evidence. As with any body of work containing complex information, analysis and argument it was anticipated that this creative documentary film would require much from the audience and viewer. Considering documentary as a vehicle for communicating, it is difficult even perhaps impossible to ensure the viewer is able to accurately interpret complex information without a degree of instruction and/or guidance from the communicator. In general, in documentary, ensuring the viewer interprets complexity accurately is achieved through carefully structured logic, interviewee explanation and description, and through the use of direct to viewer conduits such as voiceover and narration. The approach taken for this research was designed not to interfere or alter the free and evolving process of interpretation and comprehension by inserting the filmmaker's values or subjectivism into the interpretation mix. Rather, the intention was to introduce and present realities to the viewer, whether this be defined as fact, circumstance, a stated value possessed by the interviewee/participant, or the conveyance of an observed mood through the use of voice. This ought to provide an experience where the viewer can consider and rationalise the information without being compromised by direct instruction by the filmmaker. The researcher argues that such instruction is undesirable in a documentary context. To summarise, so as to serve the audience's comprehension, the filmmaker decided to provide limited voiceover and text elements and added expressions of historical footage to provide context that would marshall the viewer toward comprehension while ensuring a values-based process, perhaps idiosyncratic to the viewer, was able to evolve without being compromised by the filmmaker. The voiceover and text elements methods of communicating a condition where accurate interpretation can occur do in fact speak directly to the audience, but it is argued that this does not present as an expression of expository mode when the information conveyed is limited to fact and un-subjective interpretation of fact and not representative of subjective argument. The researcher notes that a distinctive element of the expository mode is where the narrative takes on a Voice Of God form asserting influence over the audience, presenting as a voice of authority and command. It is argued that contrary to this commanding feature of expository mode, in this case, voiceover, where the filmmaker is heard citing fact direct to the audience, is an example of filmmaker asserting that the information can be relied on as fact and not as a conclusion based on opinion

founded on subjective analysis. This is the premise underlying the researcher's decision that any narration expressed in the creative documentary film would be limited to a voiceover by the filmmaker and then only to provide factual background information leaving subjective arguments to the interviewees, participants, and poetic mode examples expressed within the documentary film. It is argued that this multimode approach, utilising participatory and poetic modes with the addition of direct voiceover communication suggests that documentary film creation is forever evolving, developing into new undefined modes, it is also suggested that further research in this vein could indicate that new post-millennium modes of documentary film are emerging.

The researcher embarked on a creative thinking exercise detailing what elements were required to communicate intelligence and security issues and information to a feature film audience. With respect to creative/dramatic elements, such as video and audio recordings of city scenes, clouds, wind, reflections of a changing skyline from the surface of a pond, and recordings of traffic, and videoing of scenes following vehicles filmed from within a vehicle, much of this material was identified to develop into media that would be included in the documentary film as elements of voice, voice being not limited to audio but a style where the filmmaker communicates mood themes, ambience, and less analytical information to an audience.

Examples of the use of voice elements within the Thesis' creative documentary include the use of footage recording rain and inclement weather while traveling within a vehicle. This media provided an opportunity to give voice through abstract elements, communicating a symbolism that would suggest to the audience that they were on a journey, a discovery of new information, contextual circumstances essential to understanding what lay ahead, of meeting the commentators/interviewees. Video/audio recordings of voice-media was defined as media that would assist in creating a documentary film that presented in an independent journalistic style, gritty, probing, investigative production. Voice media was acquired by recording shadows, city streets in Auckland and Wellington cities capturing rain storms during day, evening and night hours. Video was captured of creative dramatic scenes involving a recreation of a killing, execution-style, that would be used in the documentary film to illustrate state-sanctioned killings that took place in Algeria from 1988 to 1999. Media was also captured of night scenes with a solitary individual meeting two others in an isolated dockside location. This was created to illustrate in the documentary film security intelligence surveillance and police undercover activities. Similarly, video was captured of a lone individual walking in an isolated city park on a

stormy night. This was media would be included in the end scenes immediately prior to concluding summaries of primary protagonist participants, and intended to symbolise a continuum and to encourage viewer thought and discussion after the conclusion of the documentary film. Video and still images were captured of documents, gloved hands turning pages, a magnifying glass casting over letters and documents, and shots of a human eye looking through the magnifying glass. This was to be included in the documentary film to illustrate investigative elements of the security risk assessment and judicial procedural aspects of the research theme.

The intention was to create a feature film styled documentary. So, to achieve this goal quality score needed to be identified and/or created. One of the benefits of utilising the Final Cut Suite II raft of post production applications was the ability to draw royalty free audio (ambience, effects, and music) from the Soundtrack Pro application. However, the researcher wished to acquire a score with big production qualities so searched the internet for royalty free score. The result was identifying royalty free music provided by a United States-based composer/conductor (MacLeod, Kevin, 2010) who has placed a wide selection of music tracks on the internet, where under Creative Commons agreement the copyright holder offered all tracks free of charge and without condition to be used for creative projects including films for public screening, broadcast irrespective of whether the work would be non for profit or for commercial gain. All the copyright holder required was acknowledgement by way of credit for the music tracks used. Tracks were identified and selected where they provided cinematic values and voice to the documentary film. The resulting score gives the documentary a big production feel while not losing sight of the independent gritty style that the researcher sought to create.

This use of media, like that listed above, that gives voice to underlying layers of communication, it is argued, provides a defined means of communicating to the viewer's sub-consciousness while ensuring the viewer is free and able to receive, absorb and digest analytical information. This aspect of information communication is an acknowledgement that the delivery of voice through subtle forms need not be stereotyped as a method of communicating bias through mood enhancing media, but rather as a representation of mood noted during the interview stages and also as a representation of symbolic references to how a reasonably minded individual would assess the subject matter and as an indicator of how the documentary film is progressing along a timeline toward a conclusion. The research has not endeavoured to observe through any recognised research methodology whether this means of communicating voice is received as was

intended. But the researcher noted that from small test screenings, with people who represented a cross-gender/cross socio-cultural and academic and non-academic grouping the use of voice was successfully communicated through the above-mentioned means. But again, for this research, there was no intention to decipher whether through qualitative or quantitative means information to advance the researcher's use of these elements for the purpose of expressing voice nor to express or argue the merits of this usage.

o) Creative output and documentary film production -

From the outset, the researcher's intention was to present the research findings through a documentary of feature film length and to solely produce, direct, and edit the creative project from pre-planning stages through to completion, that being the export of a product of film festival submission standard. This has been achieved.

Production equipment necessary to achieve the above stated aim was identified as: one Sony high definition professional video camera (model V1P); two Sennheiser audio microphones (one omni-ambience microphone, and one directional lapel microphone); one pair of Sennheiser audio monitoring headphones; one Manfrotto tripod; one mounted tungsten fill-in light; and consumables including 15 high definition Sony digital video tapes.

So as to identify the post-production equipment necessary to achieve the above-stated aim, the researcher considered earlier research conducted by the researcher for his Bachelor of Communication Studies (Honours) dissertation - where on graduation he gained a first class Honours classification – that suggested technical limitations would be experienced at the encoding and formatting latter stages of the post-production period, should the researcher rely on his existing hardware to create the documentary film. The earlier dissertation research was essentially valuable in determining how an independent, journalistic-styled, feature length documentary film could be created to a satisfactory professional style in preparation to film festival submission standard. Outcomes of the dissertation research suggested hardware [including a Macbook Pro 2.4 GHz Intel Core 2 duo using 2 Gigabytes 667 MHz DDR2 SDRAM and a one terabyte external storage drive – referred to for the purpose of this research as the Honours Dissertation Configuration] was satisfactory for all editing functions utilising the Final Cut Suite II offering of applications. However, due to limited processor power and hardware cooling factors experienced during high-demand post-production processing tasks



(specifically the rendering and encoding of multilayered video/audio high definition 1080i format digital material) proved to require an unacceptable period of time to complete (for example 30 minutes processing time required to render a complex sequence spanning two minutes on the editing timeline, and 24 hours + encoding time required for 90 minutes of creative film). This initial research, while achieving its stated goal, often led to a break in the researcher's editing creative flow and extended, unnecessarily, the time required to complete the creative component. Therefore, a review of hardware was embarked on that identified desktop hardware that could cope with all production and post-production tasks without consideration to digital storage capacity nor processor limitations and that was affordable to the researcher. The researcher's familiarity with the Final Cut Suite II applications [Final Cut Pro 6, Soundtrack Pro, Livetype, Motion, Compressor, Color, and DVD Pro] made hardware compatibility with this selection of software an essential component to the hardware review. The Final Cut Suite software requires Apple hardware running a post MacOSX operating system. After reviewing numerous Mac forums, publication websites specialising in the evaluation of new Mac Pro models, and raw specifications data provided by the manufacturers via the Apple website, the researcher decided on acquiring a new MacPro desktop 2010 model [Mac Pro 5.1 running two processors (2.4 GHz Quad-Core Intel Xeon), 12 Gigabyte of RAM (1066 MHz DDR3 RAM), and two 1 terabyte internal storage hard disk drives. The Hardware is equipped with a ATI Radeon HD 5770 video graphics display driver operating a Dell 2407WFP 1920 x 1200 @ 60 Hz display.]. For the purpose of this research this configuration is referred to as the Thesis Configuration. After loading the Final Cut Suite II applications into the Mac Pro system the researcher tested its performance by uploading a selection of raw high definition 1080i files, editing the same and further testing using a series of complex rendering and encoding tasks. The performance satisfied the researcher that the hardware and software configuration was more than would be necessary to complete all thesis creative component tasks to a high post-production standard.

As anticipated, the Thesis Configuration proved satisfactory in all post-production tasks. A test comparing the Honours Dissertation Configuration to the Thesis Configuration resulted in: processing time required to render a complex sequence of high definition 1080i media spanning two minutes on the editing timeline [30 minutes + for Honours Dissertation Configuration versus 30-60 seconds for Thesis Configuration] and encoding time required for 90 minutes of creative media outputting through the Compressor application to a m4v high definition format [24 hours + versus 3 to 4 hours for Thesis Configuration]).

## 5. Findings and analysis:



*Cinema-styled elements are used to communicate symbolisms in the creative component. The above media is used to symbolise how the filmmaker is taking the viewer on a journey where the discovery of previously unknown fact is anticipated. (Figure vii.)*

### a) Introduction of relevant data -

Irrespective of the sub-genre baseline information is a crucial factor of communicating story themes in documentary film, indeed an element of fact is an essential ingredient of all societal film whether it be fact or fiction. Its inclusion within the Thesis' creative component is intended to resolve the what, where, when, who type of questions that would materialise for a reasonably minded viewer contemplating the Thesis' subject matter.

The research's findings and analysis data are arranged and discussed within the Thesis' creative component documentary film. The facts and contextual elements are arranged to offer the viewer detailed and important base-information that is crucial to establishing the case-study as a frame within which to engage the Thesis' primary research question. The data is communicated in two ways: the use of direct-to-viewer communication techniques layering above visual elements audio of the filmmaker; and participant and interviewee data where through the juxtaposition of recorded interviews facts and contextual information is communicated to the viewer. Answers to the research's analytical questions, the how and why questions, can be considered as subjective

analysis and are argued through an inter-relationship with the fact-based information within the creative component. The schematic structure is arranged within a standard film structure often referred to as a three-act structure designed to hold the film and its storytelling elements together. A description of the research's documentary creative component arrangement follows.

a. i) Act One

The documentary is structured within a Act One, Act Two, Act Three frame where Act One presents as an introductory to the subject themes, establishing mode, voice, the participants and interviewees, and arranges the information to display a realisation that a challenge was or needs to be overcome. Act One also introduces informative themes that provide the viewer with specifics designed to build a relationship between the filmmaker and viewer. This relationship is designed to assist the individual to comprehend the situational evidence presented and to analyse cause and effect information. In Act One information is arranged in an order that creates a theatre where the viewer is confronted with challenges, it sets the scene for the viewer to anticipate and contemplate outcomes introduced in Act Two.

a. ii) Act Two -

Act Two establishes layers of complexity revealing how, with respect to the case-study, information was introduced by state apparatus and injected into information conduits that feed and energise expressions of the public sphere. This corruption of factual information, or information that was the by-product of a disinformation campaign, is revealed in Act Two as part of a wider false flag operation conducted by an authoritarian military-led regime in Algeria. The claim argued by Algeria's former head of intelligence and counter-espionage in north Europe, Lieutenant Colonel Mohamed Samraoui, is juxtaposed against the reasoned argument offered by the United Kingdom's Professor George Joffe, a lecturer at the University of Cambridge who studies north African history, who argues that the accused in the case-study was most likely a victim of disinformation constructed by the Algerian state's security forces over a long period of time. Threads of realities are layered within the dialogue elements, presented in sequential bites, to accentuate a reasoned contemplation of the plausibility of the arguments. The viewer is provided with detailed information underlying the former intelligence officer's account, and, then presented with a response from the academic who places the stated information into an historical context that either magnifies its relevance or challenges it with respect to understanding the most

likely factual reality underscoring the case being studied. Meanwhile, the researcher layered interviewee data within these primary arguments so as to ensure relevancy to the case-study and Thesis research questions. Interviewees were relied on to provide strong storytelling qualities. Former New Zealand Minister of Corrections and Associate Minister of Foreign Affairs, Hon. Matt Robson, reveals situational accounts of the case-study and its impact on both the political apparatus and the judicial fraternity. His account is inter-threaded by analysis data argued by a former senior adviser to the Australian prime minister on security matters, Lieutenant Colonel Andrew Wilkie, and that of a former United States security intelligence analyst and academic Dr Paul Buchanan, who engage on issues relating to security agency performance and the reliability of information acquired through intelligence agency methodologies. Other commentators include those who had experience in and the management of intelligence gathering operations, or were subject to scrutiny by the intelligence agencies, or had investigated and published on intelligence agency history and the political geography that existed or pre-empted security policy development within New Zealand.

In Act Two, it was vital that the varied and multiple threads of information continually engage with the case-study so that the latter is always in the frame. Act Two also uses a vertically structured investigative/analysis model designed to discover new information and present a realisation of previously hidden or manipulated fact. As such, it reveals by degrees explanations to incongruity. Subsequent analysis of that information, pioneers uncharted territory progressing arguments that aid a reasoned conclusion and present in the first instance a first draft, then a re-corrected record of a second draft of history pertaining to the case-study.

The researcher reasons that Act Two concludes with an anticipation that the viewer, assisted by revelations and explanations of new information, will lead to a reasonably minded conclusion that untested classified information can, and, in the situation of the cited case-study, did, alter the function of a liberal democracy, particularly when or as that classified information was or is relied on as evidence before a judicial forum charged to reach a conclusion as to the innocence or guilt of an accused. The researcher argues that at the conclusion of such an enquiry, the latter's guilt or innocence is relegated to a state of belief-based-probabilities rather than factually based outcomes. It follows that for those observing such a procedure to harbour confidence in a ruling, they would need to be satisfied that the security agencies performed a correct and reliable evaluation, equitable to that followed by the jurisdiction's highest courts and or a jury of their peers. But as argued above, when a state's authorities continue to enshroud the evidence in

secrecy then there is no way for the estates to test whether the information or the evaluation process was sound. Collectively, the estates remain, in fact, unsatisfied. When confronted with such a situation, as was apparent with the case-study, enquiries emerge from the democracy's estates where they seek to answer questions such as: what is the information; where did the information come from; how reliable was or is the information; how has it been assessed; or, is it possible that the classified information was subject to contamination at source or at subsequent juncture points and in fact is the expression of information dominance paradigms. To conclude, when evidential intelligence information remains classified, cited only by those the state appoints as recipients of a security clearance or individuals selected as special advocates, such questions remain elusive, unanswered, leaving the democratic estates exposed and reliant on subjectivism and a trust-based-relationship founded on the assurances of the security agencies rather than a constitutionally required foundation of tested fact.

a. iii) Act Three -

Act Three evaluates the information expressed in the previous two Acts and engages a dialogue with key interviewees. It provides a resolution of information conflicts that materialise within the previous Acts. Act Three also eases the viewer into a mood of contemplation, where solution-based arguments are presented where the researcher presents elements designed to encourage discussion beyond the conclusion of the documentary film. Policy development and ideas of political and operational reform are offered by interviewees as solutions, that they argue, would assist to prevent, and or protect, the democracy from being subjected to a repeat of events leading up to and surrounding the case-study.

b) List of analytical themes explored and argued within the Thesis' creative component include:

- b. i) National security in the post 9-11 period
- b. ii) Understanding the “national security” concept
- b. iii) Understanding the national interest aspects of determining what information ought to be deemed classified

- b. iv) Understanding the “public interest function of the fourth estate in New Zealand”
- b. v) Sources of classified information
- b. vi) Blocks to public interest analysis resulting from the classification of intelligence information
- b. vii) The legitimacy of asylum seekers to assume refugee status in New Zealand
- b. viii) Classified information when used as evidence, versus judicial rights and process, and the impact on the fourth estate when reporting security risk cases.
- c) Relevant literature and its inter-relationship to the Thesis' analytical themes -
  - c. i) *Spy Handler memoir of a KGB officer* -

Literature that has assisted in understanding complexities regarding state security intelligence agencies and operational strategies included the book *Spy Handler memoir of a KGB officer* (Cherkashin, Victor, 2005,) where the author records his memoirs recalling events that occurred while he was a senior officer of the Union of Soviet Socialist Republic, USSR's Комитет государственной безопасности (*Komitet Gosudarstvennoi Bezopasnosti, translated into English as the State Security Committee, or commonly known as the KGB*). Cherkashin writes with authority on issues surrounding historical moments in the post World War II period up until the collapse of the Soviet Union and collapse of Eastern Bloc satellite states. His account is particularly revealing in providing a geopolitical backdrop to intelligence operations actioned during the Cold War, and specifically the methodology used by both Soviet operatives, and officers of its security intelligence agencies and those of the United States of America, namely the Central Intelligence Agency and the Federal Bureau of Investigation. The methodology used to 'turn' opponents to become agents of the Soviet Union is well documented, as is the methodology that the opposing side, the USA, used to 'turn' KGB and Главное Разведывательное Управление ( *Glavnoye Razvedyvatel'noye Upravleniye, translated into English as the Main Intelligence Directorate, or military intelligence, known as the GRU*) officers of the USSR. This book aided an understanding of similar strategies used by Algeria's

security intelligence services against its oponents, particularly aiding the understanding of operations deployed by the Département du Renseignement et de la Sécurité, or DRS (English translation: Department of Intelligence and Security). Cherkashin also writes on strategies employed to sew disinformation into the public record, including the tactics used to have disinformation become the foundation of discussions that take place in the public sphere. These strategies, while being constructed for use by a different regime within a different historical frame, and designed to be used against a different foe, displayed remarkable similarities to (and in some cases presented almost as a blueprint for) the revelations asserted by Lieutenant Colonel Mohamed Samraoui in his interviews with the researcher, where he revealed how he and his fellow DRS officers constructed false flag disinformation operations, counter-terrorism strategies including assassinations, that were used against oponents of the Algeria military regime. Cherkashin's book also assisted with the researcher being able to understand how an authoritarian state's motivations can be asserted through both covert and overt means, and how the practitioners or executors of such a state's strategies could rationalise the tactics and methods used to achieve dominance over an opponent or foe.

c. ii) The book *Spinning Intelligence: why intelligence needs the media and why the media needs intelligence*

The book *Spinning Intelligence: why intelligence needs the media and why the media needs intelligence*, (Dover, Robert and Goodman, Michael S., 2009) assisted the researcher in understanding the complex inter-relationships that exist between northern hemisphere intelligence agencies and representations of the fourth estate. Chapters written by David Omand, (Intelligence Secrets and Media Spotlights, p. 37) provide insight into how intelligence officers, analysts and journalists have more in common than the general public may think. Omand is a former director of the United Kingdom's Government Communications Headquarters (GCHQ) and had been appointed to hold a seat on the governmental Joint Intelligence Committee (JIC). He later became the United Kingdom's first security and intelligence coordinator. His observations of relationships between intelligence agencies and the media is particularly insightful in detailing how the interviewing of government ministers by members of the fourth estate can be viewed by the intelligence agencies as highlighting vulnerabilities either in the argument being pursued by a minister, or through exposing state security weaknesses. He outlines how the worlds of intelligence agencies and the fourth estate have been forced to co-exist or interact but that this has never occurred without strain. (Dover et al 2009, Omand, p. 38)

Omand notes how members of the fourth estate are institutionally suspicious of the value of intelligence work “while being over-fascinated by its trade-craft”. (Omand, 2009, p. 38) This line of argument connected with assertions by Dr Paul Buchanan who, in interviews with the researcher, stated that on emigrating to New Zealand he was intrigued to realise how the media and general public possessed a “dim view” of the New Zealand Security Intelligence Service and the general intelligence agency fraternity. He reasoned that due to a lack of Parliamentary oversight, and exposure to fourth estate evaluations of intelligence work, that the NZSIS had experienced being the focus of a negative public view in part due to realisations of isolated incidences of incompetence and operational failures making it into the public arena. Likewise, Lieutenant Colonel Andrew Wilkie commented previously in a lecture, where he permitted the researcher to record, that the public only hears about intelligence failures but that “they score wins every day that will be forever secret. You only hear about the failures you never hear about the wins”. (Wilkie, 2005) He said, intelligence agencies are not incompetent, and include many skilled and talented personnel, but that intelligence, trade-craft, and the information acquired has its limitations and politicians and the public need to be made aware of that and be mindful of how intelligence information is used. Omand noted the argument asserted by General Rupert Smith who stated the need for intelligence agencies to engage with the fourth estate:

If you are fighting for the will of the people, however many tactical successes you achieve they will be naught if the people do not think you are winning. It is by communicating through the media that this understanding is in large measure achieved. (Smith, General Rupert, 2005, p. 391.)

Omand summarises that how people regard the intelligence agencies is influenced by how modern media, both fiction and non-fiction expressions, depicts the secret world of security intelligence agencies and the work they do.

We might reflect in that context on the enduring fascination of the UK media – and the UK public – with anything that seems to open a window on the world of spies and secret agents. The part that the secret world plays in contemporary British popular culture cannot help but crucially colour the meaning attributed to Government statements and media analysis alike. (Omand, 2009)



The researcher argues that similar cultural observations exist in New Zealand, and that due to an institutional culture of secrecy existent within its intelligence agencies, expressed through the over-classification of intelligence information, even when that information originates from open source depositories, that the general public and members of the fourth estate are prevented from developing a regard, accurate or otherwise, for the function and purpose of the state's security intelligence apparatus. Such arguments connect to sentiments put forth by Dr Buchanan in interviews with the researcher, who argued that the New Zealand Security Intelligence Service has a tradition of over-classifying information. He states that it is common to witness the New Zealand SIS “classifying pretty much everything they do as if it was the most highly sensitive national security issue on earth”. He added a cautionary note:

The attitude conveyed, by the intelligence services towards Parliament as well as to the public appears to be one of contempt. It seems to me that on one hand the intelligence services, and particularly the SIS, believe that the masses are asses, and hence simply cannot handle anything by way of general knowledge information about matters of national security interest. On the other hand it appears to loathe Parliament for its very existence as an inconvenience on the way to getting things done. (Buchanan, Dr Paul, 2010)

Omand argues that exploring solutions to counter a negative public perception rest with the intelligence agencies:

One basic conclusion that seems unavoidable – and I believe should be welcomed – is that the intelligence community has to work for greater public understanding of its role, purpose and ethics, and greater public confidence in the effect oversight of its secret work, in return for greater understanding of why sources and methods must remain secret. (Omand, 2009, pp. 55-56)

Likewise, Lt. Colonel Andrew Wilkie argued in an interview with the researcher, that while some intelligence information must be deemed to be classified, that much of what intelligence agencies consider secret need not necessarily be kept from political and public examination. (Wilkie, 2011, Behind The Shroud.) The New Zealand SIS' decision to keep information classified, information that was relied on to justify the issuing of a security risk certificate against an asylum seeker, caused in the situation of the case-study a significant degree of critique

in the media where the motivations of the NZSIS were brought into question along with commentary of whether it was able to operate at a satisfactory professional level.

What the government is doing is mystifying intelligence, that it's so secret, so sensitive, that only someone they think is appropriate can actually view it and challenge it. I think it is good that there is some sort of scrutiny but I don't think it is necessary or acceptable that it can only be done by someone of the government's choosing. (Wilkie, 2011)

With regard to security classified information being used against an individual accused of being a security risk, as had occurred in the case-study, Wilkie said much of the information would be “low level” intelligence that could be sanitised in a way that would render it less sensitive and able to be declassified.

In the concluding section of the chapter, Omand argues that intelligence agencies must initially identify and develop professional relationships with senior journalists and editors who are the “primary means of communicating with the public” and added:

We must indeed hope that the intelligence agencies will be able to retain the necessary dark corners in which their secret operations can continue while building public confidence in the value of their role and their necessary intrusions into the privacy of the public, the paradox that is the existence of secret intelligence in an open society. (Omand, 2009, p. 56)

c. iii) The book *I almost forgot about the moon* –

The book *I almost forgot about the moon – the disinformation campaign against Ahmed Zaoui*, (Manning, Ryan, Small, 2004) documents much of the backstory underscoring the case-study. It details the events that led up to the arrival in New Zealand by the asylum seeker Ahmed Zaoui, chronicles the events that occurred at New Zealand's border, cites in detail the findings of the New Zealand Refugee Status Appeals Authority, and places into an historical political context the Algerian Islamic movement and party that Zaoui represented and affiliated to. The book takes an investigative approach to the case and chronicles judicial rulings that were made and sentences issued by overseas jurisdictions, and argues that the asylum seeker was the victim of a disinformation campaign that was created by the Algerian military regime and where that information was accepted as fact by north European states. The book explores, through a

comparative paradigm, the relevancy of French and Belgium judicial process and laws against those of New Zealand. It also advances arguments designed as solutions to the dilemma surrounding how classified information ought to be handled when suggested it is evidence that cannot be sighted in a judicial forum. The investigative findings in the book have largely been corroborated as correct by Lieutenant Colonel Mohamed Samraoui who was the Algeria military regime's senior intelligence official in north Europe and who stated in testimony before the Inspector General of Intelligence and Security at open hearings in Auckland in 2007, and in an interview with the researcher, that he helped plan, and was privy to, the details of a constructed false flag operation against members of the asylum seeker's political party and a disinformation campaign created to discredit Ahmed Zaoui.



*The opening paragraphs of a book written by the researcher and published five years prior to this Thesis is cited in the opening sequences of the creative component. Once past tense references conclude in the opening sections of Act One, the documentary draws into frame the concluding moments of the NZSIS' case against Ahmed Zaoui. From this juncture point, the researcher presents a story where unanswered questions are resolved. (Figure viii.)*

For the opening scenes of the Thesis' documentary film, the researcher cites from the opening chapter of the book. The book explores events that spanned the fifteen years prior to its publication date (from 1989 to 2004). The research preoccupies its evaluations with events surrounding the latter periods of the case and concluding procedural outcomes of the case most significantly from 2004 to 2007 and beyond, while providing for the first time new evidence from key secret witnesses that aid an understanding of how the case came to be. While the book

and the Thesis research are distinctly separate entities, the book provides a necessary resource for facts that remain unchallenged by the New Zealand authorities, and have been corroborated by the secret witnesses. In this context this book provides an evaluative context to the dialogue expressed in the documentary film.

c. iv) The Refugee Status Appeals Authority document -

The Refugee Status Appeals Authority document relating to the case-study provides a schematic report structured document of detailed findings and analysis. This document became a significant resource for politicians, media, legal counsel, and Non-Government-Organisations during the 2003-2007 period.

The report, perhaps the most comprehensive document that exists that connects to the case study, used judicially empowered investigators to determine whether the asylum seeker ought to be classified as a refugee. It explored documentation relevant to the appellant's case, information that was available to it, found in favour of the appellant granting him refugee status, and in summary stated:

We have cumulatively taken into account all the evidence, giving due weight to the decisions of judicial bodies (particularly superior Courts), which must, *prima facie*, be probative evidence of the commission of the acts alleged. We find no probative or reliable evidence sufficient to give rise to the threshold of "serious reasons for considering", which we recognise is lower than the balance of probabilities. The evidence does not meet the threshold by a demonstrable margin. (RSAA, NO. 74540, 2003, p. 222)

The document provided a reliable account of historical events leading up to the arrival of the asylum seeker in New Zealand and argued that frailties existed in the operative agencies' evaluation of evidence leading to its assessment that the asylum seeker was a risk to New Zealand's security. It added: that "The appellant has a well-founded fear of being persecuted for a Convention reason if returned to Algeria". (RSAA, 2003, p. 222)

c. v) Unclassified Version of the document titled: Decision on Security Risk Certificate  
Against Mr Ahmed Zaoui -

In the unclassified version of the document titled: Decision on Security Risk Certificate Against Mr Ahmed Zaoui: 13 September 2007, the director of Security Dr Warren Tucker offered an evaluation of events that led to the New Zealand Security Intelligence Service issuing a security risk certificate against Ahmed Zaoui. The Director also detailed reasons why the security risk certificate was not maintained post the open hearings conducted by the Inspector General of Intelligence and Security, Justice Paul Neazor. In the unclassified version the Director summarised:

Mr Zaoui appears to have changed in his approach and in his attitude toward the NZSIS. Mr Zaoui has been more open about his links with others that could have led to adverse security assessments in the past. Mr Zaoui has admitted for the first time that he met with “D”, a significant individual in security terms. Mr Zaoui has also admitted for the first time that “G” is more closely aligned with the approach of Ali Belhadj. Mr Zaoui has also confirmed that other associates, such as Haddam, did in principle support the GIA. While Mr Zaoui denies any wrongdoing himself, he does accept that those he associated with or worked with may have had more radical tendencies. These disclosures are largely a response to information put to Mr Zaoui by the NZSIS, but they also indicate a changed approach from that which he employed before the Refugee Status Appeals Authority, where evidence was led to the effect that there was no possibility of FIS leaders supporting the GIA or other extremist groups. More could be said here about particular individuals but to do so would reveal classified information or put Mr Zaoui at risk in terms of his safety. (NZSIS, 2007, p. 6)

The Director of Security was invited to participate in, and be interviewed for, this Thesis. He declined the invitation.

c. vi) Spies And Revolutionaries: a history of New Zealand subversion -

The book *Spies And Revolutionaries: a history of New Zealand subversion*, (Hunt, Graeme, 2007) provides an insight in the establishment of New Zealand's security intelligence network and its inter-relationship between leading western powers and their respective security agencies. It chronicles the political backdrop that underscores much of the public debate on such themes through the 20<sup>th</sup> Century. In this book, Hunt argued that several prominent New Zealanders spied for the former Soviet Union during the Cold War. His accusations sparked controversy and

debate that challenged Hunt's interpretation of factual documents that had never previously been revealed publicly. Significant among those accused by Hunt as being spies for the Soviet Union were Dr Bill Sutch, diplomat Paddy Costello, and public servant Ian Milner. Hunt argued that these men were spies acting against New Zealand's national interest. Irrespective of the guilt or innocence of these men, Hunt presents a comprehensive account of the politically charged environment experienced in New Zealand during the Cold War. It provides an historical account of how the New Zealand establishment and its representative governments formed strong allegiances to the western political powers, the United States of America, the United Kingdom, Canada, and Australia. The security intelligence agency relationship formed into a tight network which holds through to the post-millennium and post-9-11 period where intelligence is shared directly between the five nations' intelligence agencies rather than government apparatus, and is referred to as the 'Five Eyes' or the 'Western Alliance'. Physical infrastructure assisting SIGINT (Signals Intelligence) intelligence gathering operations, including that comprising the Echelon network, can be witnessed at Waihopai in the South Island of New Zealand. Hunt's book assists in understanding the close-knit traditions held between the members of this network, relationships that remain cemented irrespective of the positions taken by the representative nations' elected Executive. And as such assists in understanding the fragility of New Zealand's external assessment processes, and its reliance on the assessments provided by its more senior partners in the Five Eyes network. This reliance is argued in the creative component of this research as having contributed to an assessment failure that led to the New Zealand Director of Security issuing of a security risk assessment against Ahmed Zaoui. Hunt's book was published prior to the conclusion of the Zaoui case, however it asserts that the classified information underlying the allegations appeared to be insecure.



## 6: Concluding remarks



*Analysis and argument presented within the creative component of the Thesis provides unprecedented evaluation of the political and legal issues that underscore the case-study. The Thesis as a whole is presented as a resource for those studying or interested in communication theory and its application, politics, geopolitics, security and intelligence matters, and the law. (Figure ix.)*

a) As stated in the introductory sections of this exegesis, the value of the Thesis' research is to be balanced between two components: the creative component - a documentary film of a length of 105 minutes, where the research findings, analysis and conclusions are communicated; and the exegesis - where the process of communicating the research information through the creative component is detailed and analysed. The exegesis presents as a reflexive document that engages the creative component and contains the logic associated to the expression of key communication-related concepts, argument that defines the use of selected words or word-groups used in the exegesis and/or creative component, and the identification of theoretical concepts underscoring the application of the above. The exegesis also communicates an evaluation of technical considerations identified as essential during the creative component's planning, production, and post-production periods.

While this Thesis explores issues of politics, geopolitics, and security intelligence matters through a communication studies research faculty frame, the intention of the researcher is to

ensure the product of this research is presented as a resource containing analysis and argument that will be of benefit to students and scholars of political science, sociology, and law. As such, the inter-relationship between the two components is here presented as a Thesis work that assists in the understanding of *how keeping security intelligence and classified information secret, and privy only to a state's executive and aligned operational agencies, affects the function of a modern democracy.*



## 7. Appendices:

### a) Schedule of Content Attribution and Definitions of Use

The content included in the creative documentary component of this research consists of four specific types:

- \* Data generated through the interviewing of interviewees and participants
- \* File footage media where the copyright is held by the researcher
- \* Media acquired from third parties
- \* Media acquired as open source media, where it was identified and obtained from public domain depositories and included under a fair use definition.

In a previous research project (Manning, 2010), the researcher defined the media use categories as:

Media classified as interview generated data is media acquired through the interviewing of interviewees and participants, recorded on videotape and digitised into a digital video format. Sections of the information acquired were selected for use in the documentary and structured as a passage along which the audience could venture toward a deeper understanding of the research subjects.

File footage media includes video, audio, and still photographs where copyright and ownership rests with the researcher and where he personally authorised release of this media for use in the Thesis. Where Scoop Media Limited holds copyright, or shares copyright and ownership with the researcher, it has been authorised by the two co-editors to be included in the Thesis.

Where media has been acquired from third parties, attribution is included in the credits at the conclusion of the documentary project, and, observance to the terms of its use has been observed.

Media acquired as unclassified media, open source media, and or material that is in the public domain is used in the documentary within the scope permitted by the government entity, or under entitlement permitted under an open source creative commons definition and or that of a fair use classification.

### b) Definitions of Use of Media

In a previous research project (Manning, 2010), when defining the term Fair Use the researcher referred to the legal definition offered by the Copyright Office of the US Government.

Definition fair use: Section 107 (of US copyright law) contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. (US Government, 2010)

Public Domain: In defining the term Public Domain the researcher cited the reasoning of an academic article and a governmental legal definition.

A public domain work is a creative work that is not protected by copyright and which may be freely used by everyone. The reasons that the work is not protected include: (1) the terms of copyright for the work has expired; (2) the author failed to satisfy statutory formalities to perfect the copyright or (3) the work is a work outside of the US Government. (Gasaway, Lolly. 2003)

The public domain is not a place. A work of authorship is in the “public domain” if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection. Works in the public domain may be used freely without the permission of the former copyright owner. (US Government, 2010)

Creative Commons is defined for the purpose of this Thesis as:

In defining the term Creative Commons the researcher referred to the definition listed by the Creative Commons Organisation:

You are free to share – to copy, distribute and transmit the work under the following conditions:

Attribution – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work)

With the understanding that:

Waiver – Any of the above conditions can be waived if you get permission from the copyright holder.

Other rights – In no way are any of the following rights affected by the license: Your fair dealing or fair use rights; The author's moral rights; Rights other persons may have either in the work itself or in how the work is used, such as publicity or privacy rights. (<http://creativecommons.org>)

#### c) Music and score used in the documentary

Music and score used in the creative documentary component is courtesy of Kevin MacLeod of incompetech.com. MacLeod permits full use of his music under a Creative Commons license “Attribution 3.0” for inclusion in any creative work produced for any purpose. All the composer required was that his work was fully accredited to him and the website. The researcher selected specific tracks for inclusion in the documentary creative film that symbolised mood expressed through other media elements arranged in the film. (MacLeod, K. 2010)

The music tracks selected for inclusion in the documentary film are as follows:

*Long Note*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Mourning Song*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Interloper*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Shores of Avalon*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Spring Thaw*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Ghostpocalypse 3*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Ghostpocalypse 6*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Terminal*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons

*Dark Times*: Kevin MacLeod (incompetech.com) Licensed under Creative Commons.

#### d) Acknowledgements of public domain media in the documentary

Public domain media used in the documentary film included:

Opening scenes from onboard a 747 aircraft (Youtube.com)

Scenes of the regime, military, and insurrection, violence (Youtube.com).

#### e) Participant Information Sheet

##### **Date Information Sheet Produced:**

17 February 2010

##### **Project Title**

Security Intelligence and the Public Interest – How does keeping security intelligence classified information secret, and privy only to a state's executive and aligned operational agencies, affect the function of modern

democracies?

### **An Invitation**

My name is Selwyn Manning and I'd like to invite you to participate in research I am conducting that explores security intelligence and the public interest. This research is the basis of a thesis that I am doing at AUT University as part of a Master of Communication Studies post-graduate degree.

My media background includes: practicing journalist (1993-2010). During these years my work has received numerous media awards and has sparked Parliamentary questions and debate, a Ministerial Inquiry, and regulatory reform. My work has been published in New Zealand magazines, numerous newspapers, internet media sites, and has included political analysis, broadcast on radio in New Zealand, Australia, and the United Kingdom, and TV stations in New Zealand. I am currently the co-editor of Scoop Media, and a former press secretary with the New Zealand Labour/Alliance Government from December 1999 to April 2001. I was lead-author of the book: I Almost Forgot About The Moon – the disinformation campaign against Ahmed Zaoui.

If you would like to participate in this research your involvement will be limited to that of an interviewee and that your participation is voluntary. You also have the right to withdraw from participating in this research at any time prior to the completion of data collection without any adverse consequences.

### **What is the purpose of this research?**

The purpose of this research is to analyse whether keeping security intelligence classified information secret, and privy only to a state's executive and aligned operational agencies, affects the function of modern democracies. My dissertation comprises of a creative component and a written exegesis. For the creative component I will produce a feature length documentary. If you choose to be interviewed, your contribution may be included in the documentary and / or the written exegesis. The documentary component may also be broadcast/webcast/ and screened to a public audience.

### **How was I chosen for this invitation?**

You have been selected as a potential participant due to your knowledge, skills, and expertise in this area. When selecting potential participants I have sought to identify leading experts in political strategy, political policy, foreign affairs, defence, operational intelligence gathering, intelligence analysis, media and the function and purpose of a fourth estate within a democracy.

### **What will happen in this research?**

Should you agree to participate in this research, you will be asked to take part in a 'one-on-one' interview with me. The interview will be video-taped, and be included in part of the dissertation's creative documentary and / or written exegesis.

### **What are the discomforts and risks?**

As a person whose opinion, experience, and information is often sought for media projects, you will be aware that your participation may cause others, who may take a contrary view, to challenge your position and/or assert that your opinion, experience, and/or information ought to be challenged.

### **How will these discomforts and risks be alleviated?**

Where a challenge to your opinion, experience, and information occurs, it is my intention to present the argument within the research as part of a dialogue that explores this public interest issue in a logical, rational, and progressive manner and as a contribution to public and political discourse that offers a clarity on intelligence and security policy in New Zealand and abroad. The interviews and also the creative documentary will also observe the journalist's code of ethical conduct directives of the Journalist Training Organisation and EMPU, (See, EPMU Journalist Code Of Ethics, available at <http://www.epmu.org.nz/journalism-code-of-ethics/>).

**What are the benefits?**

Ultimately, this research aims to identify how democracies are affected when information high in the public, national, and international interest is withheld by an executive from disclosure to, and analysis by, the three estates: legislature, judiciary, and fourth estate, and aims to consider how democratic estates are adjusting and reforming so as to correct any imbalance caused through a lack of factual official information being shared.

It is intended that the result of this research will have academic, political, and public value and contribute to analysis that progressively assists democratic citizenries to understand the function, power, elitism, and vulnerabilities of executive governments - the very establishments that were created to serve the public's national and international interests. The research will also lead to me gaining a Master Of Communication Studies degree.

**How will my privacy be protected?**

The privacy of participants and researchers will be protected by ensuring interviewees are able to discuss information that they consider sensitive under an 'off the record' condition. If you request that a comment be considered "off the record" you agree that I can check the information for factual accuracy and that the information may be used but that, with respect to that information, you will not be identified or connected to it in any way. This will mean either masking your identity and voice if the comment is included within the documentary and / or reporting your comment with no identifying information. Additionally, you may choose not to answer any specific question, ask for the video-taping to stop, and / or stop the interview for any reason.

**What are the costs of participating in this research?**

There is no cost attached to your participation in this research other than time (up to two hours).

**What opportunity do I have to consider this invitation?**

You have five working days to decide if you would like to participate.

**How do I agree to participate in this research?**

If you would like to participate, please email me at [selwyn@spectator.co.nz](mailto:selwyn@spectator.co.nz) email address or phone or txt/sms: 64 21 61 1958. Once you have contacted me, I'll send you a consent form.

**Will I receive feedback on the results of this research?**

If you would like to receive a copy of the documentary and exegesis and / or a transcript of your interview, I will provide them for you. You will not be given the opportunity to review the tapes prior to their use.

**What do I do if I have concerns about this research?**

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, Dr. David Robie, [david.robie@aut.ac.nz](mailto:david.robie@aut.ac.nz), phone: (64 9) 921 9999 extn 7834. Concerns regarding the conduct of the research should be notified to the Executive Secretary, AUTEK, Madeline Banda, [madeline.banda@aut.ac.nz](mailto:madeline.banda@aut.ac.nz), (64 9) 921 9999 ext 8044.

**Whom do I contact for further information about this research?*****Researcher Contact Details:***

Selwyn Manning, email: [selwyn@spectator.co.nz](mailto:selwyn@spectator.co.nz), phone: 64 21 61 1958.

***Project Supervisor Contact Details:***

Project Supervisor, Dr. David Robie,  
Director, Pacific Media Centre  
Creative Industries Research Institute

School of Communication Studies  
AUT University  
Te Wananga Aronui o Tamaki Makau Rau  
Private Bag 92006  
Auckland 1142  
Aotearoa/New Zealand.  
*email:* [david.robie@aut.ac.nz](mailto:david.robie@aut.ac.nz).  
*phone:* (64 9) 921 9999 extn 7834.

Approved by the Auckland University of Technology Ethics Committee on *June 28 2010*, AUTEK Reference number *10/139*.

f) Pre-determined and Key initial research questions

How has the public's awareness of the importance of intelligence and security information changed since the Cold War?

How has the public's awareness of the importance of intelligence and security information changed since the attacks on the World Trade Center on September 11 2001?

How have governments changed the way they approach security – both domestic and international – since the end of the Cold War?

How have governments changed the way they approach security – both domestic and international – since September 11 2001?

How would you define the public's appetite for intelligence and security issues from both a fiction and non-fiction consumer viewpoint?

How do you define the structure of a modern democracy from a pillar institution viewpoint?

Why is it necessary for a functioning democracy to ensure the public is informed of fact and context underpinning public interest issues?

What exclusions are there with respect to your previous answer?

What effect does the withholding of intelligence security information, from being placed on the public record, have on a modern democracy?

What justifications can be identified that rightfully require intelligence security information to be considered classified?

With respect to intelligence, security, and surveillance, why do some consider there exists an imbalance favoring executive government over the legislature, judiciary, and fourth estate?

How has the role of the fourth estate changed with respect to gathering security intelligence information and how is this change identified in the post September 11 period?

What examples exist where intelligence security information has been manipulated to elevate an executive government's interest over the public's interest?

How common do you believe the practice of an executive government manipulating classified information is? And what factual evidence can you cite to support your view?

How essential is it that the public be factually informed of intelligence security information, so as to ensure a modern democracy is able to function effectively?

g) AUT University Participant Consent Form:

*Project title:* *Security Intelligence and the Public Interest – How does keeping security intelligence classified information secret, and privy only to a state's executive and aligned operational agencies, affect the function of modern democracies?*

*Project Supervisor:* *Associate Professor Dr David Robie*

*Researcher:* *Selwyn Manning*

- ☐ I have read and understood the information provided about this research project in the Information Sheet dated 17 February 2010.
- ☐ I have had an opportunity to ask questions and to have them answered.
- ☐ I understand that notes will be taken during the interviews and that they will also be video-taped and transcribed.
- ☐ I understand that I may withdraw myself, my image/video, or any other information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- ☐ If I withdraw, I understand that all relevant information will be destroyed.
- ☐ I permit the researcher to use the video/photographs that are part of this project and/or any drawings from them and any other reproductions or adaptations from them, either complete or in part, alone or in conjunction with any wording and/or drawings solely and exclusively for (a) the researcher's portfolio; and (b) educational exhibition and examination purposes and related design works; and (c) all forms and media for public screening/broadcasting, distribution, advertising, trade and any other lawful purposes as stated on the Information Sheet.
- ☐ I understand that any copyright material created by the videotaping/interview sessions is deemed to be owned by the researcher and that I do not own copyright of any of the video or photographs.
- ☐ I agree to take part in this research.
- ☐ I wish to receive a copy of the report from the researcher (please tick one): Yes ☐ No ☐
- ☐ The privacy of participants and researchers will be protected by ensuring interviewees are able to discuss information that they consider sensitive under an 'off the record' condition.
- ☐ If you request that a comment is reported "off the record" you agree that I can check for factual accuracy but I will not attribute your comment to you in any identifiable way. This will mean masking your identity and voice if the comment is in the documentary and / or reporting your comment with no identifying information if the comment is in the exegesis.
- ☐ Additionally, you may choose not to answer any specific question, ask for the video-taping to stop, and / or stop the interview for any reason.

Participant's signature:.....  
.....

Participant's name: .....  
.....

Participant's Contact Details (if appropriate):  
.....  
.....  
.....  
.....

Date:

***Approved by the Auckland University of Technology Ethics Committee on June 28 2010 AUTEC  
Reference number 10/139.***

*Note: The Participant should retain a copy of this form.*

**h) New Zealand Security Intelligence Service, Director of Security, Summary of Allegations  
Against Ahmed Zaoui, January 27, 2004:**

The following document from the Director of New Zealand's Security & Intelligence Service was released by Ahmed Zaoui's lawyers on 20 Feb 2004:

"Summary of Allegations" and reasoning of the Director of Security in making a Security Risk Certificate about Mr Ahmed Zaoui

1. Ahmed ZAOUI arrived in New Zealand on 4 December 2002, having attempted to destroy a false South African passport en route. He was interviewed by Immigration and Customs officers at the airport, detained, and interviewed by the Police. He was then interviewed jointly by Police and SIS officers, and later by an Arabic-speaking SIS officer alone.

2. In the joint Police/SIS interview Mr ZAOUI was questioned about the videotape he had made during his journey overland from Malaysia via Thailand and Laos to Viet Nam. The focus on places which are not obvious tourist sites but which are frequented by westerners, including an oil company building, tourist buses and an internet cafe, looked suspiciously like a "casing" video. His answers did not dispel security concerns. The videotape also shows what he said was a second visit to a mosque in Hanoi, likely to be frequented by Algerian diplomats. He had no satisfactory answer as to why, if (as he had said) he feared being discovered by Algerian security officers, he should twice visit a place where he might be recognised by Algerian diplomats.

3. The interview with the Arabic-speaking SIS officer produced one point of security concern, relating to the veracity of an answer Mr ZAOUI gave, which cannot be disclosed without compromising classified security information which cannot be divulged.

4. The Service instituted enquiries with overseas liaison partners about Mr ZAOUI's activities since he left Algeria. These enquiries confirmed that Mr ZAOUI:

\* was twice declined refugee status in Belgium, in 1995 and 1996;

\* was convicted in Belgium in 1996 of being a leader and instigator of a criminal association with the intention of attacking persons and property;

\* having been released from custody, was issued with a ministerial order for home detention which limited his movements to the street in Brussels where he and his family lived;

\* nonetheless left Belgium and entered Switzerland illegally in 1997;

- \* undertook activities in Switzerland which the Swiss government saw as endangering Switzerland's domestic and external security. The Swiss authorities therefore removed his fax, email and internet access;
- \* appealed to the European Court of Human Rights against this Swiss decision. The European Court considered his proceeding to be manifestly ill-founded and declared it inadmissible in full;
- \* was expelled from Switzerland to Burkina Faso in 1998;
- \* left Burkina Faso in 2000 and arrived in Malaysia;
- \* was convicted in absentia in France in 2001 of participation in a criminal group with a view to preparing terrorist acts.

5. These enquiries also produced classified information which provided background to the above public facts. Both the public facts and the classified information make it clear that there was not just a single source of information being repeated. Rather, the relevant authorities in each of the three countries carried out their own independent investigations into Mr ZAOU's activities in their own countries and reached the conclusions reflected in the convictions and other decisions.

6. The Service discussed with the liaison partners concerned whether it would be possible to provide an unclassified summary or version of the classified information. The Belgians and Swiss agreed and this information was given to Mr ZAOU's lawyers in May 2003.

\* In essence, the Belgian unclassified information confirmed that Mr ZAOU had been found to be a leader and instigator of a criminal association with the intention of attacking persons and property. It was not clearly established for what movement he was working.

\* The Swiss Federal Council considered (unofficial translation) "the resumption of Mr ZAOU's activity to be a potential threat to Switzerland's internal security. His polarising and provocative activity may lead to acts of violence, and even attacks, in Switzerland. In view of the international undertakings it has made, Switzerland can no longer tolerate the appearance of groupings which support, encourage or carry out, directly or indirectly, violent or terrorist activities. The intrigues by the leader of the FIS in Switzerland are such as to even affect our country's relations with foreign countries and thereby endanger Switzerland's external security."

7. On 20 March 2003 the Director of Security made a Security Risk Certificate about Mr ZAOU, relying on definition (c) of security in the NZSJS Act 1969:

*"(c.) The protection of New Zealand from activities within or relating to New Zealand that-*

*(i) Are influenced by any foreign organisation or any foreign person; and*

*(ii) Are clandestine or deceptive, or threaten the safety of any person; and*

*(iii) Impact adversely on New Zealand's international well-being."*



8. His reasoning is as follows, in the form of comment on each section of the definition. It is based both on the publicly known security-related European decisions and convictions and related unclassified information and on classified security information which cannot be divulged.

*\* "The protection of New Zealand from activities within or relating to New Zealand that- "*

It is reasonable to suspect that if permitted to settle in New Zealand Mr ZAOUİ would in due course undertake, facilitate, promote or encourage activities like those of which he was convicted in Belgium and France and/or which the Swiss government decided endangered Switzerland's domestic and external security. His presence here would attract, both directly (people who wish to work with him) and indirectly (people encouraged to believe that New Zealand is a safe haven for people with his sort of record), other people likely to engage in activities of security concern.

*\* "Are influenced by any foreign organisation or any foreign person, and"*

Mr ZAOUİ is a foreign person. He has a long record of involvement with foreign persons and foreign organisations, including leadership. There is good reason to believe that any future activities he may undertake will be influenced by other foreign persons and/or by foreign organisations.

*\* "Are clandestine or deceptive, or threaten the safety of any person, and"*

The activities of which he was convicted in Belgium and France were clandestine or deceptive or threatened the safety of persons. The Swiss government believed that his activity in Switzerland "may lead to acts of violence, and even attacks, in Switzerland". Activities of this kind in New Zealand, by Mr ZAOUİ or by others attracted to New Zealand by his presence here, could threaten the safety of New Zealanders.

*\* "Impact adversely on New Zealand's international well-being."*

As part of the international community it is New Zealand's responsibility to take its proper part in controlling, defeating and preventing activities of security concern, such as those of which Mr ZAOUİ has been convicted in Belgium and France and for which he was deported from Switzerland. Consistent with this, it is a government objective to ensure that New Zealand is neither the victim nor the source of acts of terrorism or other activities of security concern, and to prevent New Zealand from being or becoming a safe haven for people who have undertaken, or may be intending to undertake, such activities.

If Mr ZAOUİ, with his public record, were allowed to settle here, that would indicate that New Zealand has a lower level of concern about security than other like-minded countries. That would impact adversely on New Zealand's reputation with such countries and thus on New Zealand's international well-being.

If Mr ZAOUİ, or other people attracted to New Zealand by his presence here, were to undertake, facilitate, promote or encourage activities of security concern, either in New Zealand or elsewhere from within New Zealand, the adverse impact on New Zealand's reputation and thus on its international well-being would be compounded

i) New Zealand Security Intelligence Service, Statement by Director of Security Dr Warren Tucker, Concerning Mr Ahmed Zaoui dated September 13 2007

Mr Zaoui arrived in New Zealand in December 2002 and claimed to be a refugee. A security risk certificate was issued against him in March 2003. The first stage of the hearings about the review of the certificate by the Inspector-General of Intelligence and Security were held in July and August 2007. The hearings have provided the catalyst for me to reconsider whether the certificate should continue to be maintained as at September 2007.

Mr Zaoui was clearly a risk to the security of New Zealand when he arrived here in December 2002 and claimed to be a refugee.

He had convictions in France and Belgium for participating in and leading terrorist networks. He had been deported from Switzerland for issuing statements supporting violence in Algeria and attracting extremists. He was excluded from entering the United Kingdom. There were other significant concerns that I cannot disclose. Furthermore, after Mr Zaoui's arrival in New Zealand, he had ongoing associations with individuals who had been involved with terrorist networks. Taken together, these factors created a real concern for the Service.

Mr Zaoui accepts that the action taken by the NZSIS against him in 2002 was justified, and that the steps taken against him since then were justified. Specifically he accepts that the security risk certificate issued by my predecessor was reasonably and appropriately made and maintained. In this regard let me be absolutely clear that one of my first actions on becoming Director of Security in November last year was to review Mr Zaoui's case. At that point I formally confirmed that the security risk certificate against Mr Zaoui should stand.

But I have a statutory obligation to keep Mr Zaoui's security risk status under review. I must consider whether Mr Zaoui continues to be a risk to security in 2007.

As a result of new evidence presented by Mr Zaoui at the recent hearing held by the Inspector-General about Mr Zaoui's security risk status, I have comprehensively reviewed the risk he presents to New Zealand today. I am now satisfied that in 2007 he is no longer considered to be a security risk.

What has changed? Several things. First, the hearing process has led to Mr Zaoui being more candid in his disclosures. In responding to the NZSIS' concerns, Mr Zaoui has offered new information that he had not previously disclosed, even to the authorities that decided his refugee status. This included information that could be prejudicial to him. Mr Zaoui has also willingly responded to questions asked of him by the NZSIS since the hearing process. Some of this new information cannot be disclosed publicly because Mr Zaoui is concerned it might affect his ability to return safely to Algeria in the future.

Mr Zaoui's recent candour gives me confidence that my concerns about him can be sufficiently mitigated by other means.

The second change is recently received classified information. The Service knows from earlier classified information that some of Mr Zaoui's associates from his political party (the FIS) were actively involved in providing support to terrorism in Algeria. Mr Zaoui's close and ongoing association with some of these people has been a real concern for the Service in light of his European convictions. Classified information already held by the Service linked Mr Zaoui to the same activities. The recently received classified information is about support provided to terrorism in Algeria by people close to Mr Zaoui. This information has helped me to reach the view that it was Mr Zaoui's associates who were involved in this activity, not Mr Zaoui himself.

I am now satisfied that, despite Mr Zaoui's potentially dangerous associations, they did not mature into active support for terrorism by Mr Zaoui himself.

The third change is the length of time Mr Zaoui has been in New Zealand. Four and a half years have passed since Mr Zaoui arrived here. The activities for which he was convicted in Europe occurred 13-14 years ago. The other activities the Service was concerned about occurred 7 or more years ago. In the meantime Algeria has changed. Most of those who were involved in terrorism in Algeria have taken advantage of an amnesty and have stopped fighting. The groups with which Mr Zaoui and his colleagues were associated are no longer functioning. Indeed, this also applies to Mr Zaoui's political party, the FIS.

There are still some areas of inconsistency between what Mr Zaoui says and the classified information, but this is not a sufficient reason to justify maintaining the security risk certificate against Mr Zaoui. Nor is it enough to cause me to disbelieve Mr Zaoui's assurances about his future activities should he be allowed to remain in New Zealand.

Mr Zaoui has provided specific assurances to the NZSIS about his future activities in New Zealand. He has sworn a statement recording those assurances.

The Service will maintain regular contact with Mr Zaoui for the purpose of enabling me to continue to be comfortable about my assessment that Mr Zaoui is no longer considered to be a security risk. Mr Zaoui has agreed to the arrangement.

I am satisfied that with these measures in place my residual concerns about Mr Zaoui can be sufficiently mitigated. I have, accordingly, withdrawn the security risk certificate against him. Mr Zaoui is no longer considered to be a threat to the security of New Zealand.

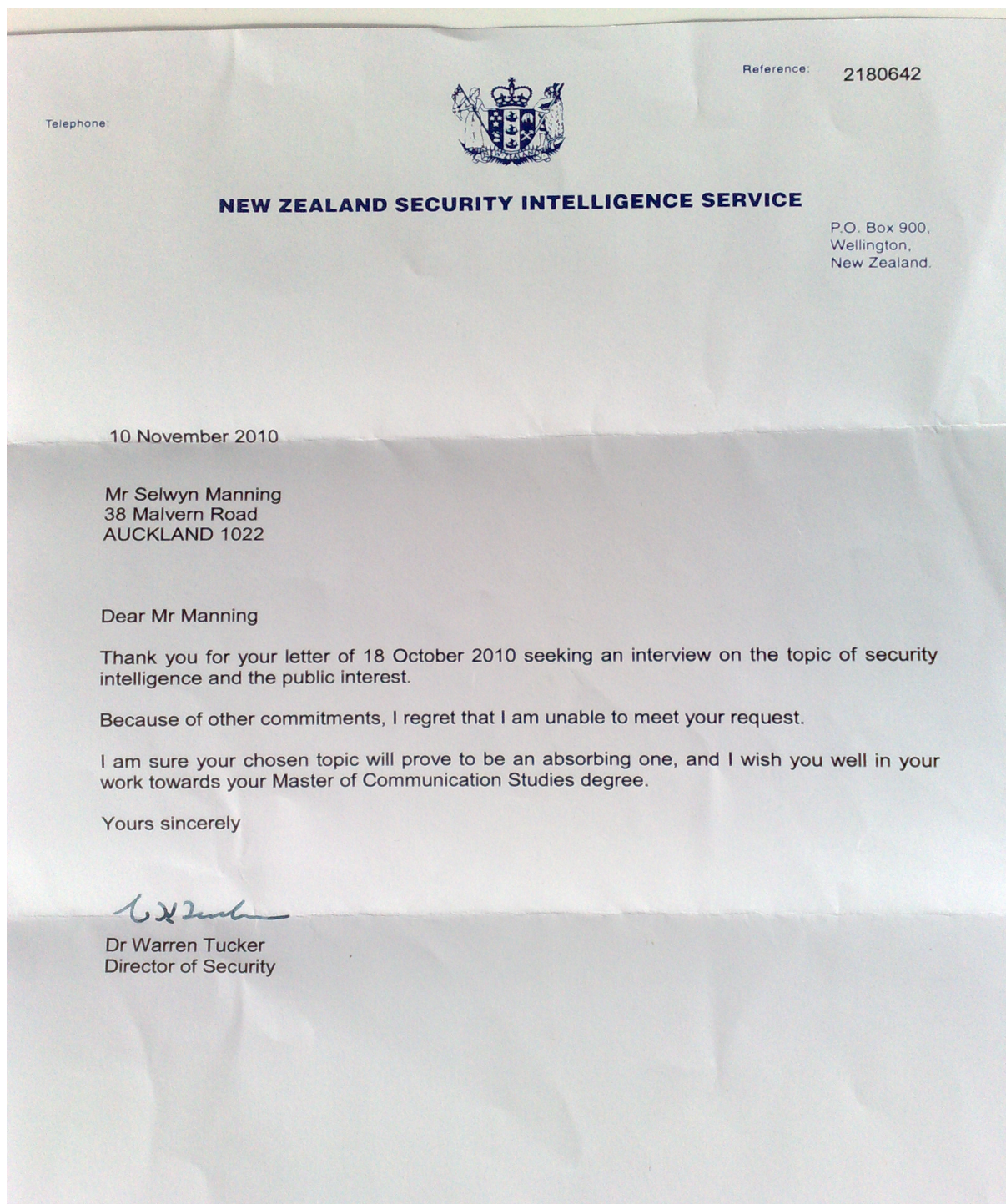
I would like to add a brief observation about the process. The review process under Part IVA of the Immigration Act has not worked well from the NZSIS' point of view. In particular, I regret the length of time it has taken. But the delay in itself has been an ally to Mr Zaoui. The length of time that has passed since Mr Zaoui's activities in Europe has been a significant factor in my decision. And over time, Mr Zaoui has built an elevated public profile that in itself will constrain his freedom of action if he is allowed to remain in New Zealand.

This was the first case of its type in New Zealand. Much of the experience gained about using classified information in this kind of process has been incorporated into the Immigration Bill now before Parliament.



Finally, in view of the high public interest in this matter I have taken steps to release key relevant material. This publicly released information will be made available to the media directly, and will be available on the NZSIS website. I will not be taking any questions or follow up interviews on this decision.

j) Letter to the researcher Selwyn Manning from the New Zealand Security Intelligence Service, Director of Security Dr Warren Tucker, dated November 10 2010



## 8. References:

- Buchanan, Dr Paul. (2010). In an interview with the researcher Selwyn Manning, and included in the documentary Behind The Shroud, Master of Communication Studies Thesis (2011): AUT University, Auckland.
- Cherkaoui, T. (2010). *Orientalism, Pan-Arabism, and Military-Media Warfare: a comparison between CNN and Aljazeera coverage of the Iraq War*. Doctoral Thesis: AUT University, Auckland.
- Cherkashin, Victor. (2005). *Spy Handler: memoirs of a KGB officer*. Basic Books, a member of the Perseus Books Group, New York.
- Clark, Rt. Hon. Helen. (2004). *Parliamentary Debates for Tuesday, 14 December 2004*. Parliamentary Services, Hansard, Wellington.
- Dalziel, Hon. Lianne. (2003). *Parliamentary Debates for Tuesday, 29 July 2003*. Parliamentary Services, Hansard, Wellington.
- Dover, Robert. and Goodman, Michael S. (2009). *Spinning Intelligence: why intelligence needs the media, why the media needs intelligence*. Hurst & Company, London.
- EPMU. (2010). Journalism Code of Ethics. Retrieved January 15, 2011, from <http://www.epmu.org.nz/journalism-code-of-ethics/>
- Gassaway, L. (2003). When U.S. Works pass into the public domain. Retrieved February 05, 2010, from <http://www.unc.edu/~uncnlg/public-d.htm>
- Government, U.S. Definitions. (2010). Retrieved February 02, 2010, from <http://www.copyright.gov/help/faq/faq-definitions.html>
- Government, U.S. (2010). Definitions of fair use. Retrieved February 02, 2010, from <http://www.copyright.gov/fls/fl102.html>
- Hunt, Graeme. (2007). *Spies and Revolutionaries: a history of New Zealand subversion*. Reed, Auckland.
- MacLeod, Kevin. (2010). Royalty Free Music – conditions of free use. Retrieved September 09, 2010, from <http://www.incompetech.com/m/c/royalty-free/faq.html>
- McCully, Hon. Murray. (2003). *Parliamentary Debates for Tuesday, 29 July 2003*. Parliamentary Services, Hansard, Wellington.
- Manning, B. S., Ryan, Y. and Small, K. (2004). *I Almost Forgot About The Moon: the disinformation campaign against Ahmed Zaoui*. Multimedia Investments Limited, Auckland.
- Manning, B. S. (2010). *Morality of Argument: sustaining a state of being nuclear free*. Honours Dissertation: AUT University, Auckland.
- Manning, B. S. (2007). Secret Zaoui Witness At Classified Hearing Arrested In Spain, Flees to Germany. Retrieved January 15, 2011, from <http://www.scoop.co.nz/stories/HL0712/S00102.htm>
- New Zealand Security Intelligence Service. (2004). Director of Security's Summary of Allegations Against Ahmed Zaoui. Retrieved November 21, 2010, from <http://www.scoop.co.nz/stories/HL0402/S00181.htm>
- New Zealand Security Intelligence Service. (2007). Statement by Director of Security Concerning Mr Ahmed Zaoui. Retrieved November 21, 2010, from <http://www.scoop.co.nz/stories/PO0709/S00194.htm>
- New Zealand Security Intelligence Service. (2007). Unclassified Version, Decision on Security Risk Certificate Against Mr Ahmed Zaoui (September 13 2007) Statement by Director of Security, dr Warren Tucker. Retrieved November 21, 2010, from <http://img2.scoop.co.nz/media/pdfs/0709/Final.pdf>

Nichols, B. (1981). The voice of documentary. *Film Quarterly*, 36(3), pp. 17-30.

Nichols, B. (2001). *Introduction To Documentary*. Indiana University Press, Bloomington & Indianapolis.

Parliamentary Services. (2009). *Immigration Act 2009, 16 November 2009*. Parliamentary Services, Parliamentary Bills and Acts, Wellington.

Refugee Status Appeals Authority, Aitken, E. & Shaw, V. & Treadwell, C. (2003). *Refugee Appeal NO. 74540*. Wellington.

Ryall, Hon. Tony. (2004). *Parliamentary Debates for Tuesday, 14 December 2004*. Parliamentary Services, Hansard, Wellington.

Smith, General Rupert. (2005). *The Utility of Force*. Allen Lane, London.

Thompson, J. B. (1995). *The Media and Modernity: A Social Theory of the Media*. Polity Press, Cambridge.

Wilkie, Lt. Colonel Andrew. (2005). [File footage of a lecture given at the University of Auckland where the researcher was permitted to video the presentation where it was available to be used for a future documentary or work.] Parts of this file footage is included in the documentary *Behind The Shroud*, Master of Communication Studies Thesis (2011): AUT University, Auckland.

Wilkie, Lt. Colonel Andrew. (2005). In an interview with the researcher Selwyn Manning, and included in the documentary *Behind The Shroud*, Master of Communication Studies Thesis (2011): AUT University, Auckland.

Wilson, Hon. Margaret. (2004). *Parliamentary Debates for Tuesday, 14 December 2004*. Parliamentary Services, Hansard, Wellington.