

The following is summarised information from a Combined Threat Assessment Group (CTAG) Threat Insight report. Where possible, excerpts of the original document have been used. Some details are withheld under section 6(a) of the Official Information Act 1982 as release would prejudice national security.

Summary: Common Law-inspired Politically-Motivated Violent Extremism in New Zealand

Date Issued: 14 April 2022

Reference: 22-67A-TI

Summary

This Threat Insight – prepared jointly with the New Zealand Security Intelligence Service (NZSIS) – examines Common Law-inspired Politically-Motivated Violent Extremism (CL-PMVE) in New Zealand. This assessment should be read in conjunction with 21-110-TI Sovereign Citizens and Violent Extremism in New Zealand, issued 29 November 2021.

CTAG and NZSIS have medium confidence in our assessments, which are based on a range of reporting and our combined understanding of the New Zealand terrorism threat environment. This assessment was prepared in consultation with the National Assessments Bureau and New Zealand Police.

Key Judgements

1. The Common Law movement believes that current governments are illegitimate and the only true form of government is one based around a pseudo-legal “Common Law”.
2. The Common Law movement is distinguished from other pseudo-legal ideologies by its proactive pursuit of a new system of government based on their interpretation of “Common Law”.
3. While Common Law ideology is not explicitly violent, adherents have increasingly used threatening rhetoric in connection to the desire to arrest and try public officials, particularly those connected to the New Zealand Government’s COVID-19 response.
4. Common Law-inspired violent extremists form a small minority with the overall Common Law movement in New Zealand, and fall within CTAG’s definition of politically-motivated violent extremism (PMVE).
5. There are likely Common Law-inspired PMVEs (CL-PMVEs) in New Zealand with the intent and capability to conduct an act of violent extremism.
6. A PMVE act of violence by Common Law-inspired individuals would almost certainly target public figures and representatives of the State or Media, possibly during a public event, likely during a “citizen’s arrest” or other pseudo-legal interaction with a Common Law Sheriff.
7. The terrorism threat level for New Zealand remains **MEDIUM**; *terrorist attack is assessed as feasible and could well occur.*

The Common Law movement

8. The Common Law movement is closely related to the Sovereign Citizen movement [21-110-TI refers]. Similar to Sovereign Citizens, Common Law adherents believe their

assumed “common-law citizen status” supersedes and replaces the legal authority of their national government, which they believe to be illegitimate for a variety of reasons. This, in turn, allows them to ‘legally’ ignore governments and laws they deem to be oppressive or otherwise infringing on their personal liberties.

9. We judge the Common Law movement diverges from Sovereign Citizens in its proactive pursuit of a new form of government based on common law pseudo-legal theories, rather than passive or reactive resistance most often practiced by Sovereign Citizens. In some areas – including New Zealand – Common Law adherents have established “Common Law Assemblies” as a form of parallel government, typically based on fictitious, antiquated, or inapplicable jurisprudence and laws, including United States court rulings, Admiralty Law, and the Magna Carta.

Common Law Sheriffs

10. A unique feature of the movement is the inclusion of Common Law Sheriffs, either self-appointed or elected by a Common Law Assembly to act as law enforcement officers. Open source information indicates Sheriffs’ responsibilities include convening “grand juries” to judge ideological opponents, intervene in attempted Government interactions with movement members, and other, undefined “direct action”.
11. We assess “direct action” highly likely includes “citizen’s arrests” of those accused of pseudo-legal “crimes”. Sheriffs have called for the arrest and trial of public figures for various “crimes against humanity”, often connected to COVID-19 mitigation programmes. Evidence for these allegations typically draws from a broad range of conspiracy theories, such as ritual Satanic abuse, COVID-19’s origins as a bioweapon, and COVID-19 vaccines as a means of population control or genocide.

Violent Extremism within the Common Law movement

12. CTAG and NZSIS assess the violent extremist subset of the movement falls within our definition of Politically-Motivated Violent Extremism (PMVE), in that it promotes the use of violence to achieve change to or within an existing political system.
13. We note the ideological foundations of the Common Law movement, while extreme¹, are not explicitly violent. We judge, however, that a small number of individuals have applied a violent interpretation of the foundational ideologies, where the desired political change is only achievable by forms of violence, including the overthrow of the government and execution of those guilty of ‘crimes’ against their pseudo-legal beliefs.
14. We note increasing levels of threatening rhetoric within the CL-PMVE sphere in New Zealand from Sheriffs, some of whom have called for the execution of individuals ‘convicted’ by grand juries. According to an online “instruction manual”, Sheriffs are advised to train in the use of force, “to arrest and imprison suspected and convicted criminals, as well as enemies of the Republic”, and “be armed with protective equipment and weaponry”. Media reporting from early April 2022 shows at least one New Zealand-based Sheriff outfitted in a costume modelled after legitimate law enforcement tactical gear, although there is no indication the individual is armed.

¹ **Extremism:** Religious, social or political ideologies that exist substantially outside of more broadly accepted belief systems in large parts of society, and are often seen as objectionable to large parts of society. Extreme ideologies may seek change in government, religion or society or to create a community based on their ideology (per *National Strategy for Countering Terrorism and Violent Extremism*). [21-151-TI CTAG Glossary – 2021 Update refers]

New Zealand Context

Common Law movement in New Zealand

15. Common Law rhetoric has become increasingly prevalent in New Zealand in recent years, particularly in connection to protests against COVID-19 mitigation programmes. As the pandemic has evolved, claims of “sovereign” exemptions from public health measures such as lockdowns and mask mandates have morphed into a wide-ranging resistance to mitigation programmes such as vaccination mandates and travel restrictions. Consistent with protests in Canada and Australia, Common Law and other pseudo-legal rhetoric featured prominently among protestors during the “Freedom Convoy 2022” occupation in Wellington during February and March 2022.
16. According to media reporting, Common Law adherents have claimed the existence of as many as a dozen Common Law Assemblies in New Zealand, which claim “all the powers of government”, including the right to make laws, create militias, and elect Common Law Sheriffs. These assemblies have allegedly appointed some 50 Sheriffs to date.
17. Individuals involved in the movement almost certainly communicate with one another, including organising “Assembly” meetings. Common Law Assembly meetings are almost certainly taking place across the country, in at least seven towns and cities, with some meetings occurring on regular, weekly basis.

Recent incidents

18. CTAG and NZSIS are aware of media reporting concerning a number of incidents in New Zealand where violence has occurred, or been promoted or threatened, which we assess involved Common Law-motivated individuals. These include:
 - a. On 7 April 2022, an individual with apparent Common Law beliefs allegedly assaulted and attempted to “arrest” the Chief Executive of the Horowhenua District Council in Levin. The individual expressed Common Law rhetoric during the incident and was apparently identified himself as a Sheriff.
 - b. On 29 March 2022, an individual was arrested for threatening to kill Prime Minister Jacinda Ardern. This individual claims to “live under common law” and has made online comments on the need for “military tribunals” to try those involved in the COVID-19 vaccination programmes. The man has reportedly refused to recognize the Court’s jurisdiction over him.
 - c. In mid-March 2022, the Ekatahuna-based “Chief Sheriff of New Zealand” posted an “eviction notice” to Facebook, giving “any politicians or Ashley Bloomfield”, as well as the Governor General, three hours to leave New Zealand or be liable to arrest. The document was shared by Common Law adherents on Telegram.
 - d. In early March 2022, an Australia-based individual, identifying as the “Chief Sheriff of Australia”, held a “grand jury” on Zoom with New Zealand-based Common Law adherents. This meeting declared the New Zealand Government to be illegitimate and COVID-19 vaccinations to be illegal. A number of public figures – including the Governor General, Prime Minister, and Director General of Health – were found guilty of “child abuse, genocide, classicide [sic], murder – which is COVID” , and sentenced to death.

- e. On 9 February 2022, during the anti-authority protest at Parliament in Wellington, an individual unsuccessfully attempted to breach police lines and gain access to Parliament buildings. Subsequent information indicated this individual adhered to Common Law ideologies and was attempting to serve a pseudo-legal arrest document on Health Minister Andrew Little.

Threat Outlook

Online Threatening Rhetoric

19. We anticipate increasing use of Common Law language in threatening rhetoric related to COVID-19 mitigation programmes. We assess this is in large part due to the prevalence of narratives around resistance to tyranny – where Common Law rhetoric provides ready-built solutions to a perceived government overreach into individuals' rights and freedoms.
20. We continue to assess the true intent of threatening rhetoric is generally difficult to initially establish, particularly when made in online forums that host a myriad of ironic, deliberately provocative content, memes, and in-group signalling to promote extreme messages. CTAG continues to assess the majority of threatening rhetoric is likely made by those with no intent to mobilise to violence or with other, non-ideological motivations. Identifying those with legitimate intent, particularly online, continues to challenge law enforcement and security agencies.

Radicalisation

21. We continue to assess the volume and nature of CL-PMVE threatening rhetoric is contributing to an environment that normalises and justifies violence as a legitimate response to public policy. We judge that this, combined with individuals' personal grievances, increases the likelihood that individuals will be radicalised and inspired to mobilise to violence, which could happen with little or no intelligence forewarning.

Threat Scenario

22. CTAG and NZSIS assess the most likely scenario for politically motivated violence in New Zealand remains a lone actor or small group, inspired by threatening rhetoric, conducting an attack using a basic capability².
23. We assess Common Law-motivated violence would likely occur during an attempt to carry out a "citizen's arrest" or serve other pseudo-legal documentation such as a "notice of trespass". We judge resistance to such acts has a realistic possibility of resulting in violence; we further assess a Common Law-motivated arrest to compel participation in a Common Law 'trial' would fall within our definition of violent extremism.
24. We assess an act of Common Law-motivated violence would almost certainly be directed against a public figure – including politicians, prominent public servants, and media. We judge the attendance of public figures at major events will likely be seen by CL-PMVEs as providing an opportunity to conduct an act of violence. We assess an act of violent extremism in this context would almost certainly be focused against the public figures in attendance, rather than the event itself or the general public.

² **Basic capability:** a capability readily available to the general public in the environment. In New Zealand, this includes bladed weapons, blunt force instruments, vehicles, some firearms and low-sophistication improvised explosive devices [21-80-T1 *Terrorist Attack Capability Continuum* refers.]

25. Such attacks have a realistic possibility of being an opportunistic reaction to immediate events. We cannot dismiss the possibility that any attack could manifest with little or no intelligence forewarning.

National Terrorism Threat Level

26. CTAG continues to assess the national terrorism threat level for New Zealand as **MEDIUM**; *terrorist attack is assessed as feasible and could well occur.*

Intelligence cut off date: 12 April 2022