

19 April 2022

By email: [REDACTED]

Tēnā koe [REDACTED],

## Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) which was received by Te Mana Whakaatu—Classification Office on 19 March 2022.

You said:

I also want to request under OIA the reasons based on which a decision was made to not release this movie.

In responding to your request, we have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

## Response to your request

On 17 March 2022, the Classification Office classified *The Kashmir Files* R16. This meant the film was restricted to audiences aged 16 and over. This was the only legal restriction on the screening of the film in place in New Zealand at this time.

Concerns were then raised with us about the potential risk of harm in relation to the release of *The Kashmir Files*, in particular to New Zealand’s Muslim community. These concerns appeared to us to be genuine, and sufficiently serious, for the Chief Censor to decide to review our classification for this film.

The New Zealand distributor of *The Kashmir Files* decided not to screen the film while we undertook this review. It was however possible for the film to have been released during this time. The Classification Office has no power to delay the release of films. *The Kashmir Files* was not banned in New Zealand at any point.

When the film was reclassified R18, the Chief Censor stated that he “[did] not consider that the film ... meets the high threshold required for it to be classified as objectionable”. The Films, Videos, and Publications Classification Act 1993, which the Classification Office must operate under, does not allow films to be classified objectionable based on inaccurate or unbalance subject matter alone.

We have publicly released [key information about our decisions for this film](#) on our website, including:

- complaints received about *The Kashmir Files*;

- a summary of discussions between the Chief Censor and community representatives;
- the two written classification decisions and related documents, including the application for reconsideration under [section 42 of the Act](#).

### Publication of response

This response may be published on the Classification Office's [website](#). If it is published there, your personal information will be redacted.

### Right of review

You have the right to make a complaint and seek a review by the Ombudsman of this response under [section 28\(3\) of the OIA](#). Information about this process is available at [ombudsman.parliament.nz](http://ombudsman.parliament.nz) or freephone 0800 802 602.

Thank you for your interest in the work of the Classification Office.

Ngā mihi nui,

### Information Unit

Classification Office—Te Mana Whakaatu

19 April 2022

By email: [REDACTED]

Tēnā koe [REDACTED],

## Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) which was received by Te Mana Whakaatu—Classification Office on 21 March 2022.

You requested:

Details of the specific concerns that were raised about this movie. I am not asking for private information to be released.

A copy of the Classification Office's assessment of harm the Muslim community would face after this film was released.

A copy of the Classification Office's assessment as to why any one in New Zealand would harm the NZ Muslim community after this film was released.

A copy of the Classification Office's assessment on who would harm the NZ Muslim community after they watched this film.

In responding to your request, we have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

## Response to your request

Following the Classification Office classifying *The Kashmir Files* R16 on 17 March 2022, concerns were raised with us about the potential risk of harm the release of the film could cause, in particular to New Zealand's Muslim community.

On 22 March, we received an application to reconsider the classification of *The Kashmir Files* under [section 42 of the Films, Videos, and Publications Classification Act 1993](#).

The Chief Censor granted this application under section 42(3)(b) of the Act because there had been significant public interest in *The Kashmir Files* and some community groups had genuine concerns about the impact of this film on their communities, which were not heard during the initial classification process.

The Chief Censor spoke with a range of community representatives and also received views from a significant amount of correspondence received. Both risk,

and lack of risk, of harm to the Muslim community was mentioned throughout this feedback.

The Chief Censor concluded that the nature and intensity of the violence and cruelty depicted in the film warranted the higher restriction of R18. This was also consistent with the classifications the film received in Australia and India.

We have publicly released [key information about our decisions for this film](#) on our website, including:

- complaints received about *The Kashmir Files*;
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### Information Unit

Classification Office—Te Mana Whakaatu

19 April 2022

By email: [REDACTED]

Tēnā koe [REDACTED],

## Official Information Act request

Thank you for your request under the Official Information Act 1982 (OIA) which was received by Te Mana Whakaatu—Classification Office on 23 March 2022.

You requested:

1. All letters/emails/complaints/concerns received by the Office of Classification and the Chief Censor regarding the film *Kashmir Files*.
2. All internal and external correspondence relating to the film *Kashmir Files*
3. All documents and correspondence in the initial review of the film *Kashmir Files*
4. All documents and correspondence in the second review of the film *Kashmir Files* after concerns were raised by the Muslim community

In responding to your request, we have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

## Response to your request

We have received and responded to a very large amount of correspondence about *The Kashmir Files*. We have therefore decided to publicly release [key information about our decisions for this film](#) on our website.

This information includes:

- complaints received about *The Kashmir Files*;
- a summary of discussions between the Chief Censor and community representatives;
- the two written classification decisions and related documents, including the application for reconsideration under [section 42 of the Films, Videos, and Publications Classification Act 1993](#).

We hope this is of assistance. Please let us know if you need any more information.

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Classification Office—Te Mana Whakaatu



19 April 2022

By email: [REDACTED]

Tēnā koe [REDACTED],

### Official Information Act request

Thank you for your requests under the Official Information Act 1982 (OIA) which were received by Te Mana Whakaatu—Classification Office on 21 March 2022 and transferred to the Office by the Department of Internal Affairs on 24 March 2022.

In your first request, you asked:

1. What were the reasons for the classification office to delay release of the film “The Kashmir Files” which was due to be released in New Zealand on March 25?
2. The film had its worldwide release on 11th March 2022 including the United States, Europe, Australia – is the classification office aware of this release date in all geographical locations?
3. What complaints/correspondence has the classification office received on “The Kashmir Files” and who were the complainants?
4. Please provide all correspondence received ahead of the decision to screen/not screen/change classification of for the film “The Kashmir Files”
5. Has the Classification had any communication with Prime Minister’s office or any Minister’s office regarding the film?

In your second request, you asked:

6. When did the Film and Video Labelling Body receive its first application from a distributor on “The Kashmir Files”?
7. Who was/were the distributor/distributors?
8. Did the distributor/distributors provide the Film and Video Labelling Body with global release date and classification of “The Kashmir Files”, including release dates and classification in Australia and the UK?
9. Which specific date did the Film and Video Labelling Body forward “The Kashmir files” to Office of Film and Literature Classification?
10. [same as 4. above]

11. Has the Film and Video Labelling Body had any communication with Prime Minister's office or any Minister's office regarding this film?

12–16. [same as 1–5. above]

In responding to your request, we have weighed up the factors in the OIA, including the purposes in [section 4](#) and the principle of availability in [section 5](#).

## Response to your requests

### 1. *Reasons the Classification Office delayed release of The Kashmir Files*

On 17 March 2022, the Classification Office classified *The Kashmir Files* R16. This meant the film was restricted to audiences aged 16 and over. This was the only legal restriction on the screening of the film in place in New Zealand at this time.

Concerns were then raised with us about the potential risk of harm in relation to the release of *The Kashmir Files*, in particular to New Zealand's Muslim community. These concerns appeared to us to be genuine, and sufficiently serious, for the Chief Censor to decide to review our classification for this film.

The New Zealand distributor of *The Kashmir Files* decided not to screen the film while we undertook this review. It was however possible for the film to have been released during this time. The Classification Office has no power to delay the release of films.

### 2. *Awareness of worldwide release dates*

The Classification Office was aware that *The Kashmir Files* was initially due for release in New Zealand on 24 March.

During the reclassification process, the Office was also aware that *The Kashmir Files* was released in India, Australia, Canada, the United Kingdom, and the United States on 11 March.

After the Office reclassified the film on 26 March, we were aware that the New Zealand release date would be 31 March. This was brought forward to 28 March.

As at 25 March, we could not find information about any release dates in Singapore, Qatar, and the United Arab Emirates. On 3 April, we learned that director Vivek Agnihotri stated on 31 March that the film would be released in the United Arab Emirates on 7 April, and would also be released in Singapore.

3. *Who complainants were*

Community organisations who complained to the Classification Office about the release or non-release of *The Kashmir Files* were:

Date sent	Via	Organisation
18/03/2022	Email	Islamic Ahlulbayt Foundation of New Zealand
18/03/2022	Email	New Zealand Muslim Association
18/03/2022	Email	Federation of Islamic Associations of New Zealand (applied for s 42 reconsideration on 20/03/2022)
20/03/2022	Email	Indian Association Manukau New Zealand
20/03/2022	Email	Coalition of Hindus of New Zealand
20/03/2022	Email	Hindu Council of New Zealand Hindu Organisations Forum
20/03/2022	Email	Auckland Indian Association
21/03/2022	Email	Free Speech Union
21/03/2022	Email	Shri Ram Mandir Charitable Trust
21/03/2022	Email	Global Kashmir Pandit Diaspora Kashmir Pandits Australia Hindu Human Rights Australia Australian Hindu Association
21/03/2022	Email	Kashmiri Pandits Association of New South Wales
21/03/2022	Email	Hindu Council Of Australia
21/03/2022	Email	Fiji Girit Foundation New Zealand
21/03/2022	Email	Hindus For Human Rights Australia/New Zealand
22/03/2022	Email	Hindu Swayamsewak Sangh New Zealand
23/03/2022	Email	Aotearoa Alliance of Progressive Indians
23/03/2022	Letter	Pakistan Association of New Plymouth
24/03/2022	Email	Pakistan and Friends Association Hawkes Bay

Under [section 9\(2\)\(e\) of the OIA](#), we decline to release information about individually named complainants, for privacy reasons.

3–5. *Complaints and correspondence received, and communications between Classification Office and ministers' offices*

We have received and responded to a very large amount of correspondence about *The Kashmir Files*. We have therefore decided to publicly release [key information about our decisions for this film](#) on our website.

This information includes:

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Please let us know if you need any more information.

*6, 8, 11. Information held by the Film & Video Labelling Body*

Under [sections 12 and 14 of the OIA](#), requests can only be made or transferred to a “department ... or interdepartmental venture ... or organisation”.

The Film & Video Labelling Body (FVLB) is an industry-run organisation and is not part of the state sector. It is not a “department ... or interdepartmental venture ... or organisation” because it is not listed in [schedule 1 of the OIA](#) nor in parts 1–2 of [schedule 1 of the Ombudsmen Act 1975](#).

Accordingly, this part of your request is refused under [section 18\(g\) of the OIA](#).

*7. Distributor of The Kashmir Files*

The distributor of *The Kashmir Files* in New Zealand is Deepu Thoppil, director of Reelstar Entertainment Ltd.

*9. Date that film was forwarded from FVLB to Classification Office*

The FVLB forwarded *The Kashmir Files* to the Classification Office on 10 March at 8:11 am.

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