

UNDER THE

Inquiries Act 2013

IN THE MATTER OF

**a Government Inquiry into Operation Burnham
and related matters**

**MEMORANDUM OF COUNSEL FOR FORMER RESIDENTS OF KHAK
KHUDAY DAD AND NAIK**

Dated 12 July 2018

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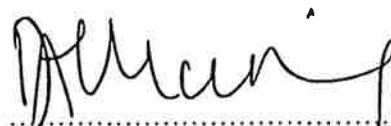
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- 1 This memorandum is presented further to para 23 of the Inquiry's Minute of 10 June 2018.
- 2 In *AVI v Attorney-General* Wellington CIV-2017-485-000675, the applicants sought by consent and were granted interim orders as to non-publication and anonymization of their names, and a direction that notwithstanding Rules 3.9 and 3.11 of the High Court Rules, no person other than a party to the proceeding should have access to the Court file without the leave of a High Court Judge. These interim orders and directions remain in force.
- 3 This request was in light of the safety concerns held by the applicants. Their position is that their personal safety and that of others with whom they reside or are associated may well be placed at risk if their names and involvement in such matters are made public, and consequently become known in Afghanistan. Our clients reside in remote areas of Afghanistan which are increasingly coming under Taliban control or influence or subject to general unrest. The Taliban are notoriously resentful and punitive of individuals suspected of involvement or association with Western countries.
- 4 Section 15(1)(a)(iii) of the Inquiries Act 2013 provides that the Inquiry may at any time make orders to forbid publication of the name or other particulars likely to lead to the identification of a witness or other person participating in the inquiry (other than counsel).
- 5 Counsel request an order forbidding publication of the names and other identifying details of _____, _____ and _____. Counsel further request that the Inquiry's Minute of 10 July 2018 be amended to remove these identifying details prior to publication.

Dated this 12th day of July 2018


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R E Harrison / D A Manning
Counsel for the Villagers