

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

A GOVERNMENT INQUIRY INTO  
OPERATION BURNHAM AND  
RELATED MATTERS

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MEMORANDUM OF COUNSEL FOR THE CROWN

7 May 2019

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**MAY IT PLEASE THE INQUIRY:**

1. As part of its classification review process, the Inquiry has identified certain classified material relating to the New Zealand Rules of Engagement (RoE) applicable in Afghanistan in 2009-2010 for public release by the Crown.
2. This memorandum accompanies the release of the RoE-related material that has been subject to review and redaction in consultation with the reviewers, Mr Keith and Mr Johnstone, in accordance with the Inquiry's classification review protocol.
3. Additional explanatory information about the New Zealand RoE, including their development, use and application in Afghanistan, will be made available to the public in the context of the Module 2 hearings scheduled for 22-23 May 2019.
4. Some of the documents now being released reveal previously classified information which has not been publicly disclosed before, including in response to requests under the Official Information Act 1982. The Crown emphasises that the information being made available for public disclosure at the request of the Inquiry does not reflect the nature or extent of information that would ordinarily be considered necessary or appropriate for it to provide in relation to other NZDF operations.
5. As noted in the memorandum of 25 March 2019, the relevant Crown agencies and the reviewers continue to review the classification of documents produced to the Inquiry, pursuant to the protocol. It is expected that substantial further information will be declassified for disclosure to other core participants and the public in the course of the Inquiry.

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7 May 2019



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