



## Government Inquiry into Operation Burnham Progress Report No 7

2 October 2019

### Public Hearing Module 4 to resume 15 October 2019

[Public Hearing Module 4](#), which was adjourned on Thursday 19 September 2019, will resume on Tuesday 15 October 2019. The hearing examines the public statements made by the New Zealand Defence Force (NZDF) and the advice it provided ministers in relation to the issue of civilian casualties resulting from Operation Burnham.

The adjournment, which was granted by the Inquiry after an application from NZDF, followed the disclosure of further relevant material during the hearing. This related to details around NZDF's receipt of an International Security Assistance Force 2010 investigation report into allegations of civilian casualties during Operation Burnham.

Eleven former and current NZDF personnel gave evidence at the hearing. Further evidence will be taken from witnesses at the resumed hearing. These include one new witness (Jim Blackwell), two recalled witnesses (Mike Thompson and Ross Smith) and Christopher Hoey based on his existing affidavit which was read into the record at the hearing. Chief of Defence Force Air Marshal Kevin Short was unable to give evidence at the hearing due to the adjournment. He will now appear at the resumed hearing based on his existing brief of evidence.

The Inquiry has ordered NZDF to provide a range of material identified during that hearing including emails, diary notes and other documents in advance of the hearing resuming.

The new proceedings are detailed in [Minute No 20](#). The resumed hearing will be held on 15 and 16 October 2019 at the Royal Society of New Zealand, 11 Turnbull St, Thorndon, from 9.30am to 5pm.

Briefs of Evidence and the Inquiry's bundles of evidence prepared for Public Hearing Module 4 can be read [here](#). Transcripts of proceedings from all hearing days will be published on the Inquiry website after the resumed hearing is completed later in October.

### Latest disclosure of classified documents

Since the last [Progress Report](#) (15 August 2019) the Inquiry has published a further 40 documents relating to Operation Burnham and two relating to the Joint Prioritised Effects List ([28 August 2019](#)).

To date, the Inquiry has published 160 documents as a result of its [protocol](#) for reviewing classified documents; 87 of these relate specifically to Operation Burnham and 42 concern

detention issues. Detention documents cover policy, Objective Yamaha (the operation to capture Taliban insurgent Qari Miraj) and allegations of mistreatment by New Zealand soldiers.

The disclosed documents can be found [here](#). Further material will be published in the coming weeks. To assist public understanding of the documents, the Inquiry has also published a glossary of the most common acronyms [here](#).

### **Provision of information**

The Inquiry continues to receive documents relevant to the [Terms of Reference](#) from Crown agencies, including material requiring overseas partner consent.

The process of obtaining consent from New Zealand's international partners for relevant documents either authored by the partner or those that contain information sourced from the partners continues to be slow.

The Inquiry is still awaiting responses from the United States Government and the North Atlantic Treaty Organisation.

To accelerate the process in relation to documents held by the New Zealand Security Intelligence Service (NZSIS), the Inquiry examined a range of potentially relevant documents requiring overseas partner consent. NZSIS subsequently filed a [statutory declaration](#) on 30 August 2019 verifying that it had provided all relevant material in its possession and control including documents requiring partner consent.

On 29 August 2019 MFAT filed a [statutory declaration](#) stating it had completed the provision of relevant information.