

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

**A GOVERNMENT INQUIRY INTO
OPERATION BURNHAM AND
RELATED MATTERS**

Date of Order:

24 January 2020

ORDER FOR DISCLOSURE OF INFORMATION

[1] In Minute No 6 dated 29 November 2018, the Inquiry made various orders under s 20(a) of the Inquiries Act 2013, including orders requiring the New Zealand Defence Force (NZDF), Government Communications Security Bureau (GCSB) and New Zealand Security Intelligence Service (NZSIS) to provide to the Inquiry all material relevant to the Terms of Reference. Disclosure of relevant material by NZDF was required by 28 February 2019. The Chief Executives of NZDF, GCSB and NZSIS have since made statutory declarations regarding the production of material.

[2] The Inquiry has recently become aware, as a result of a response provided by the GCSB to a gist of classified information proposed by the Inquiry, that important relevant information has not been disclosed to it. We understand that, in the course of compiling information for disclosure to the Inquiry, agencies have not searched for information relating to the individuals alleged or believed to have been killed during Operation Burnham. This information is likely to impact the Inquiry's determination of whether the individuals alleged to have been killed were civilians or insurgents, and is clearly relevant to the Inquiry's Terms of Reference (in particular, sub-clauses 7.5, 7.6 and 7.7).

[3] Accordingly, under s 20(a)(i) of the Inquiries Act 2013 we order NZDF, GCSB and NZSIS to disclose any information not already disclosed that they hold relating to the following individuals (whether received or produced before or after Operation Burnham):

- (a) Mohammad Iqbal, son of Noor Mohammad (father of Maulawi Neimatullah);
- (b) Abdul Qayoom, son of Mohammad Iqbal (brother of Maulawi Neimatullah);
- (c) Abdul Qayoom, son of Sakhidad; and
- (d) Abdul Faqir, son of Abdul Rahman.

[4] For completeness, the Inquiry also requires production of any information not previously disclosed about:

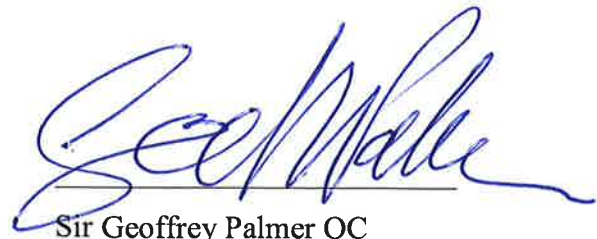
- (a) Islamuddin, son of Abdul Qadir;
- (b) Fatima, daughter of Abdul Khaliq; and
- (c) Any other individuals known or suspected by NZDF to have been killed in Operation Burnham.

[5] Any searches conducted should take account of the fact that alternative spellings may be used for the names of the specified individuals.

[6] As the Inquiry is in the process of finalising its report and this information should have been provided at a much earlier stage, the information subject to this order is to be provided as a matter of urgency. The order is to be complied with, in full, by 4pm on Friday 31 January 2020 in accordance with the Appendix to Minute No 6 and must be verified by way of a statutory declaration.



Sir Terence Arnold QC



Sir Geoffrey Palmer QC