

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

6 May 2019

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**MAY IT PLEASE THE INQUIRY:**

1. This memorandum accompanies the second tranche of classified material that the Inquiry has identified for public release by the Crown. This material 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.
2. As will be apparent, the documents in this second tranche are technical in nature and reflect operational military terminology and concepts, which may be unfamiliar to those outside of the military.
3. Some of these documents reveal previously classified information which has not been publicly released before now, 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.

**Context of post-operational documents**

4. The nature of a Special Forces operation like Operation Burnham is such that a post-operation reporting process was undertaken to obtain a complete account of the operation.
5. This process involved multiple documents from different sources, only some of which are included in this release. Individual components of the reporting process may contain intelligence from a single source that would not necessarily be known to others involved in the same operation, or details that are updated over time as more information is collected and processed. For this reason, the documents are often headed as "updates" or will frequently refer to events in terms such as "likely", or "possible", or "unconfirmed".
6. In isolation, the documents that the Inquiry has selected to be released in this second tranche form only part of the overall account, and should not be taken as a complete and verified representation of the facts of Operation Burnham. The redacted documents should be read together with this memorandum.

7. 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.

6 May 2019



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