



7 August 2019

Hon Sir Terence Arnold QC
Rt Hon Sir Geoffrey Palmer QC
He Uiuinga i a Inquiry into Operation Burnham
PO Box 12008
Wellington 6011

Dear Sir Terence and Sir Geoffrey

Review of classified/withheld material: Further *Burnham* / *Rahbari*-related documents

1. In accordance with our appointment and instruction under the Inquiry's *Procedural protocol for review of classified information / claims to withhold information from disclosure*, we have reached agreement with relevant Crown agencies on disclosure of a further compilation of documents related to Objective Burnham / Operation Rahbari.
2. The agencies have agreed, in terms of paragraphs [5](a), [5](b) and [8] of the *Protocol*, that, subject to redaction and where possible the provision of summaries ("gists") of redacted parts, the documents of this tranche may be published.
3. We have accepted claims to redaction, mitigated by gisting where possible, for the following reasons:
 - 3.1. Detail of operational methods, including for example particular equipment and personnel and other resources, that are still in use and that, if disclosed, would cause prejudice to national security and to the safety of New Zealand personnel;
 - 3.2. Reference to unrelated operations, outside the scope of the Inquiry;
 - 3.3. Information provided in confidence by partner governments, which if disclosed without consent would prejudice New Zealand's international relations and future provision of such information;
 - 3.4. Information concerning partner governments, so far as that information would if disclosed prejudice New Zealand's international relations; and

- 3.5. Detail of individuals, so far as disclosure of that information would prejudice the safety of those individuals and/or unduly intrude into their privacy.
4. We recommend that the documents be made publicly available in line with our assessment.
5. I also note that it has not been possible to reproduce some maps – see, for example, the 31 May 2010 Supplementary Intelligence Report. This appears to be a technical difficulty in the document processing software, which the Crown agencies have not yet been able to overcome. If that difficulty can be overcome, the documents can be rereleased. In the interim, I can advise that these maps are either identical to or substantially the same as other maps in disclosed documents.
6. We are continuing to work through further tranches of documents. We anticipate reaching agreement on further documents in coming weeks.

Yours sincerely



Ben Keith / David Johnstone
Specialist advisors