

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

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

Date of Order: 3 April 2019

ORDER FOR DISCLOSURE OF INFORMATION

[1] In Minute No 6, the Inquiry made a number of orders under s 20(a) of the Inquiries Act 2013, including orders requiring the New Zealand Defence Force to provide the names and other details of personnel who participated in Operation Burnham and related matters and to verify that information by way of statutory declaration. The Inquiry also made an interim order forbidding publication of the name or any other particulars of the personnel involved that was likely to lead to their identification. This interim order was made permanent in Ruling No 1.¹

[2] The Inquiry now wishes to obtain personnel lists from other Crown agencies of staff involved in the matters under investigation. The agencies are:

- (a) New Zealand Security Intelligence Service;
- (b) Government Communications Security Bureau;
- (c) Ministry of Foreign Affairs and Trade;
- (d) Department of Prime Minister and Cabinet; and
- (e) Ministry of Defence.

¹ Ruling No 1 of Inquiry dated 21 December 2018, at para [49].

[3] Each of the named agencies is ordered to provide a list containing the names, dates of birth, current employment status with the agency; contact details (if known) and current clearance status (if known) of all employees and associated personnel who participated in, provided advice on, contributed to or otherwise had involvement in the following matters:

- (a) The operation in relation to Objective Burnham on 21/22 August 2010;
- (b) The operation in relation to Objective Nova on 2/3 October 2010;
- (c) The operation leading to the capture of Qari Miraj and his transfer to the NDS facility on 16 January 2011;
- (d) The operations relating to Alawuddin and Qari Musa on 20 and 23 May 2011 respectively;
- (e) The operation in relation to Abdullah Kalta on 21 November 2012.

The lists must also contain a brief description of each person's role and the nature of their involvement with the operations identified above.

[4] The lists are to be provided on or before Friday 26 April 2019 and are to be verified by way of a statutory declaration on behalf of each agency.

[5] The Inquiry also makes an interim order under s 15(1) of the Inquiries Act prohibiting the publication of the names or any other particulars of the personnel identified that is likely to lead to their identification. Agencies may seek permanent orders by filing an appropriate application with their lists.

[6] Any agency which has a query about the orders should contact the Inquiry's Manager Secretariat, Anna Wilson-Farrell, in the first instance.

Handwritten signature of Sir Terence Arnold QC in blue ink, consisting of a large 'T' and 'A' followed by 'Arnold'.

Sir Terence Arnold QC

Handwritten signature of Sir Geoffrey Palmer QC in blue ink, consisting of a large 'G' and 'P' followed by 'Palmer'.

Sir Geoffrey Palmer QC