

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER

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

Brief of Evidence of Christopher John Parsons

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1. I am Brigadier Christopher John Parsons. I am the New Zealand Defence Attaché, based in London.
2. Since 1989 I have served in a number of roles in the New Zealand Defence Force (NZDF), including as an officer of the New Zealand Special Air Service (NZSAS) between 1998 and December 2011.
3. In 2012 I was appointed the inaugural commander of the 1st (New Zealand) Brigade. I was the Deputy Chief of Army between 2015 and 2017. I have served in South-East Asia, the Pacific, and the Middle East. I have also served as a United Nations Peacekeeper in Africa.
4. I have a Master's Degree in Strategic Studies from the United States Army War College, where I was a Carlisle Scholar and distinguished graduate; a Master's Degree in Management from the University of Canberra; and a post-graduate diploma in Strategic and Defence Studies from Massey University of New Zealand.
5. In 2000, I became a member of the New Zealand Order of Merit for service in Timor-Leste. In 2011 I was awarded the Distinguished Service Decoration for service in Afghanistan and the United States Defence Meritorious Service Medal. The medal was awarded by General Petraeus to recognise my efforts, as leader of the New Zealand SAS contingent, to advance the rule of law in Afghanistan.
6. When Operation Burnham was conducted on 22 August 2010, I was the Commanding Officer of the NZSAS, based in Papakura.
7. As Commanding Officer, I was responsible for selecting and training new members, supporting expeditionary operations, commanding the NZDF domestic counter-terrorism group, looking after reservists and veterans, and supporting their families.
8. I was generally aware of what was going on in Afghanistan and ensured that the Senior National Officer (SNO) in Afghanistan had everything he needed.
9. Rian McKinstry was the SNO in Afghanistan in August 2010. He sent me regular emails, and made regular, secure calls, to keep me informed about the planning, execution, and outcomes of Operation Burnham (the **Operation**).
10. I arrived in Afghanistan on 1 September 2010 to replace Rian as SNO; he transferred authority to me on 7 September. We had a 'handover' week together before he left Afghanistan, during which time he briefed me on a range of matters.

11. The emails from Rian and/or our conversations brought a number of matters to my attention:
- a. that there had been a number of engagements of insurgents in the course of the Operation (see email of 23 August 2010, at 1:53am, including the Operation Summary, in the Bundle at p 1);
 - b. that a member of the New Zealand Task Force had been seriously injured when the wall and roof of a building collapsed on him when an explosive entry was attempted (see email of 23 August 2010, at 1:53am, including the Operation Summary, in the Bundle at p 1);
 - c. that in the days following the Operation, allegations surfaced that a number of civilians were killed and injured, and that a number of buildings had been burnt down, during the Operation (see email of 24 August 2010, at 4:43pm, in the Bundle at p 15);
 - d. that the International Security Assistance Force (ISAF) had commenced an investigation into these allegations;
 - e. that Rian, the Ground Force Commander, and the Joint Tactical Air Controller were assisting with the investigation;
 - f. that Rian was given the opportunity to view some footage from the coalition AH64s and AC-130;
 - g. that the footage showed that one of the helicopters had a gun that was not slaved correctly to its sight, which resulted in rounds impacting on or over the roof of a building;
 - h. that it was not yet known whether there had been civilian casualties but, if there were, it was as a result of this 'sighting' issue and, therefore, collateral and unintended (see email of 26 August 2010, at 11:27am, in the Bundle at p 32);
 - i. that the NZ Task Force had 'no case to answer' (see email of 30 August 2010, at 6:59am, in the Bundle at p 43); and
 - j. that the ISAF investigation was continuing in respect of the actions of the coalition air support (see email of 6 September 2010, at 1:32am, attaching ISAF exchange of 3 September 2010, in the Bundle at pp 57 and 59).

12. On my first day as SNO, on 7 September 2010, I went to the ISAF Joint Command (IJC) headquarters to make a number of introductory calls.
13. As well as meeting prospective colleagues at the IJC, I was hoping to get a copy of ISAF's report detailing the investigation into allegations of civilian casualties and its conclusions (ISAF report).
14. I understand that the Director of Special Operations (DSO) back in New Zealand had asked Rian to try to obtain a copy of the ISAF report so that the CDF and the Minister of Defence could be briefed. Rian tried to get a copy of the report but I believe he was unable to because it hadn't been completed when he asked. Before he left, Rian encouraged me to follow this up.
15. There was a lot going on in the IJC operations room at the ISAF headquarters. While I was there, I was introduced to an officer I had not met before. I do not recall who he was but it's possible he was in the IJC legal team. We talked for a short time before I asked if I could see the ISAF report. He advised that it was not cleared yet for release to New Zealand. I was able to see the paragraph described as the key finding. I believed that this was intended as a demonstration of good faith.
16. He retrieved a document. My recollection is that the document was on the table and I was standing next to the IJC Officer. He turned to the final page of the document and, pointing to the first paragraph of that page, told me that that was what I needed to know.
17. I read that paragraph over his shoulder. I did not have the opportunity to read beyond that paragraph because I was not cleared to see the entire report. We then had a quick conversation which, in my mind, reinforced the sentiment expressed in that paragraph. I asked him for a copy of the ISAF report but he said it was not able to be released to me at that time.
18. I was at IJC headquarters for a while longer as I had more people to meet and other business to attend to.
19. After I had returned to Camp Warehouse, some 25 minutes away, I sat down to brief the DSO on the events of the day. My email of 8 September 2010, at 7:12am, which is in the Bundle at p 77, reads in part:

Today I have sighted the Accident Investigation Team's (AIT) conclusion into the claims of civ cas [civilian casualties] in BAGLAN. IJC wasn't willing to release the report to us, so I can not fwd a copy. However, it **categorically clears both gnd [ground] and air c/s [call signs] of any allegations.** It states that having reviewed

the evidence there is no way that civ cas could have occurred. We already knew we were without fault, but the AWT have now also been cleared which is good news.

20. I did not have the opportunity to read the IAT report, beyond that single paragraph, until some time in 2018 (when I had access to the IAT report) and in preparing for this hearing.
21. I believe that what I relayed to the DSO was a faithful representation of the paragraph that I read.
22. The paragraph that I saw used the acronym "AF". My interpretation of the last sentence of that paragraph rested on the meaning of that acronym. I understood "AF" to mean air force. Therefore, my interpretation of that paragraph was that the investigation team was unable to find any part of the *air force's* operation where civilian casualties could have occurred. This is what I relayed in the email back to the DSO when I said that the report cleared *both* ground and air forces of all allegations.
23. In the New Zealand Army, we are taught that "AF" means air force or audio frequency. I assumed that it would carry the same meaning in a NATO document as most of the acronyms we use in New Zealand tend to be the same as NATO, for interoperability reasons.
24. In preparing for the hearing I consulted the NATO Glossary of Abbreviations Used in NATO Documents and Publications. AF is defined there as "Afghan Forces"; "Air Force"; "Audio Frequency"; and "Augmentation Force", an extract of which is in the Bundle at p 79. I also checked the US Department of Defense Dictionary of Military and Associated Terms, an extract of which is in the Bundle at p 81, which defines AF as "Air Force" or "Amphibious Force".
25. In fact, as it transpires, "AF" had been defined in the first page of the IAT report, which I was not permitted to read, as "ground assault force". In my view, the accepted way in theatre to abbreviate ground assault force was "GF" or "GAF".
26. This changes the meaning of the sentence I relayed to the DSO. It means that the Incident Assessment Team was unable to find any part of the *ground assault force's* operation where civilian casualties could have occurred. In other words, it clears only the New Zealand and Afghan troops of any allegations.
27. When I finally saw the full report, I realised that other paragraphs that I hadn't seen previously concluded that there was a likelihood or a possibility of civilian casualties.

28. Had I read those paragraphs at the time, I would never have expressed the email of 8 September 2010 in those terms.
29. Rather, I would have confirmed that the IAT report had reached the conclusions - tentatively expressed in Rian's emails (and referred to in paragraph 11(h) and (i) above) - that civilian casualties were possible as a result of rounds falling short due to a gun sight issue, but that the New Zealand troops were not responsible.
30. As I say in my email, "we already knew we were without fault". The only unanswered question, in my mind, was whether the coalition forces were too.
31. My understanding that the ISAF investigation had cleared the allegations of civilian casualties was reinforced by two additional matters. In my discussions at IJC I learnt that the two females who were said to be injured and receiving hospital treatment were in fact military aged males; and that the suggestion that some "sisters" may have suffered casualties was likely to be a veiled reference to Kalta and Nematullah. I relayed this information back to the DSO as well.
32. I was not, in this email, attempting to 'cover up' the actions of our coalition partners. There was no reason for dismissing the possibility of civilian casualties.
33. On the contrary, I would have been outspoken if there had been any suggestion of wrongdoing or of a 'cover up'.
34. I took very seriously New Zealand's commitment to reducing the level of violence in Afghanistan and to increasing respect for the rule of law. I viewed that as our whole, underlying purpose for being in Afghanistan.

Inquiry into allegations of civilian casualties

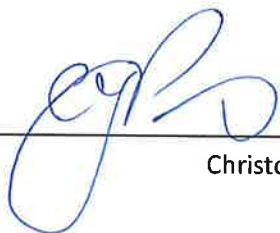
35. Far from trying to conceal anything, from the outset I have supported an inquiry into the claims made by Nicky Hager and Jon Stephenson in their book *Hit & Run: the New Zealand SAS in Afghanistan and the Meaning of Honour*.
36. I refer to the Bundle on p 277. This is an email I sent on 25 March 2017, a few days after the book was launched:

I've been turning Mr Hager and Mr Stephenson's allegations and the circumstances of the operation over in my mind. I know you're meeting CDF tomorrow. In prep for that, I'd like to reinforce the conversation we had last night.

Like you, I think it is important to have an inquiry, if only to get the facts on the table and clear the soldiers names. But constitutionally, I think it is important too.

I am perplexed and not just a little concerned at the number of internal sources that have been alleged. I believe the Unit has a culture that allows people to come forward if they feel something was amiss. So if there truly are internal concerns re civcas I would have thought they would have been raised. I've never known the team not to speak their minds. So it would be good to get to the bottom of this as well as truly understand where the sentiment lies and what we can do about it. Obviously, we'd all be completely gutted if we found out there had been civcas, but I remain firmly of the belief that no SAS soldier or commander acted outside the rules of engagement or improperly in any way.

All the best mate, good luck tomorrow.



Christopher John Parsons

11 September 2019
Date

