



Government Inquiry into Operation Burnham Progress Report No 8

12 December 2019

Updated timeline for Inquiry's work

The Inquiry has revised its work timelines as a result of the Attorney-General agreeing to a short extension to its reporting deadline of three months to 31 March 2020. As signaled in previous [Progress Reports](#) the Inquiry had experienced delays that have contributed to the need for additional time to complete its work. The Inquiry continues to encounter delays.

[Minute 21](#) set out the Inquiry's revised timeline which indicated a draft report would be provided to core participants in mid-December with a view to holding private hearings on submissions from parties early next year.

The Inquiry has been giving further consideration to these timelines and now intends to issue a draft report to core participants in early 2020.

A number of factors have contributed to this including matters that arose from resumed [Public Hearing Module 4](#) in mid-October, which have necessitated further evidential hearings with witnesses (see below) and other investigative work. The hearing examined the public statements made by the New Zealand Defence Force (NZDF) and the advice it provided Ministers in relation to the issue of civilian casualties resulting from Operation Burnham (see hearing summary below).

The Inquiry has continued to receive significant volumes of relevant material from NZDF which has also impacted on its timelines.

This included document registers and other material provided in advance of the October hearing. The registers recorded the receipt of material by offices within NZDF. Since November the Inquiry has received another 138 documents from NZDF and further material from Crown agencies.

The Inquiry will confirm its revised timeline in a Minute to be issued in the New Year.

Final evidential hearings underway

The Inquiry is now completing the process of evidential hearings with witnesses. Throughout the year Counsel Assisting the Inquiry have been interviewing people with relevant information and preparing statements of evidence. The Inquiry Members have then interviewed the most relevant witnesses under oath. For reasons outlined in [Ruling No 1](#) evidential hearings have largely been conducted in private. The Inquiry departed from this process in relation to Public Hearing Module 4 as explained in [Minute No 19](#).

The Inquiry expects to complete the last evidential hearings this month.

Latest disclosure of classified documents

Since the last Progress Report the Inquiry has published another 95 documents as a result of its [protocol](#) for reviewing classified documents. The documents relate to [Operation Burnham](#), [Objective Yamaha](#), [Objective Nova](#), [later operations](#) and [detention](#).

To date, the Inquiry has published 267 documents; 97 of these relate specifically to [Operation Burnham](#), 82 concern [detention](#) and 10 [Cabinet documents](#) relate to the deployment of New Zealand forces to Afghanistan.

The latest disclosed documents can be found [here](#). To assist public understanding of the documents, the Inquiry has also published a glossary of the most common acronyms [here](#).

Inquiry's final public hearing concludes

[Public Hearing Module 4](#), which was adjourned on Thursday 19 September 2019, resumed on Tuesday 15 October 2019. The adjournment, which was granted by the Inquiry after an application from NZDF, followed the disclosure of further relevant material during the hearing. This related to details around NZDF's receipt in 2011 of an International Security Assistance Force (ISAF) 2010 investigation report into allegations of civilian casualties during Operation Burnham.

Eleven former and current NZDF personnel gave evidence at the hearing. Further evidence was taken from witnesses at the resumed hearing. These included two new witnesses; Colonel (ret) Jim Blackwell, who was Director of Special Operations in 2011 and gave evidence about the receipt of a copy of the ISAF report, and former Defence Minister Hon Dr Wayne Mapp, who was the Minister of Defence at the time of Operation Burnham and gave evidence regarding the ISAF report.

Chief of Defence Force Air Marshal Kevin Short, whose evidence was postponed due to the early adjournment of the September hearing also gave evidence.

The witnesses were cross-examined by Inquiry Counsel Assisting Kristy McDonald QC and Andru Isac QC, and Davey Salmon, counsel representing non-Crown core participants for the hearing. NZDF was represented by Paul Radich QC and Dr Mapp by Bruce Gray QC.

A full transcript from all seven days of Public Hearing Module 4, Briefs of Evidence, and the Inquiry's Bundles of Evidence can be read [here](#).