

13 February 2019

Dear Sir Terence and Sir Geoffrey,

I write to you concerning Minute No. 8, on the first “module”.

The Minute states that the Inquiry wants to understand “the competing versions” as to where the events at issue took place. I wonder if you are aware that there are no longer in any major sense “competing versions” as to where Operation Burnham occurred.

The minute asks each of the non-NZDF core participants to prepare presentation(s) on the subject of the location of events during Operation Burnham, to be followed by NZDF for 1.5 hours on the same subject. However, because of the lack of disagreement, I am unclear what the purpose is for this.

When Hit and Run was first published on 21 March 2017, we had an incorrect location on a map and some illustrations – the result of local people who were not used to satellite images pointing out the wrong bend in the river. The NZDF pointed out this mistake at a press conference on 27 March and I released a correction two days later on 29 March 2017. I wrote:

“We have checked the NZDF maps shown at the press conference and it appears the location of the raid and the villages is indeed slightly different to what our local sources told us. But the villages at that location are definitely called Naik and Khak Khuday Dad, and all the rest of the story in the book is unchanged.”

Any sense of a dispute over location is also absent from the NZDF narrative, which the Inquiry asked NZDF to produce precisely for the purpose of defining where there are areas of dispute and where there are not.

There is agreement (with reference to the NZDF Op Burnham satellite images on the 27 March 2017 press conference powerpoint) that that was the location of the operation and that the images accurately mark the Helicopter Landing Zones, buildings (A1 and A2 which belonged to Abdullah Kalta and A3 to Maulawi Naimatullah) and NZSAS observation point. There is no dispute over the coordinates either.

In other words, there are no longer competing versions as to where Operation Burnham occurred. A minor geographical difference is in the names used: the villagers use Naik for the built up area on the right of the main river and Khak Khuday Dad for the area of houses on the left, whereas NZDF uses the name “Tirgiran Village” to denote both. The villagers' view is, I believe, more convincing but it doesn't matter anyway since we are all referring to an operation in the same location.

There seems to be little value in having a three hour session on issues that are not in dispute and where there are not competing versions. Your geolocation expert will simply be reporting that we are in agreement, as announced in my correction two years earlier. I assume you are not intending that non-NZDF core participants (in 30 minutes each) and NZDF would be making submissions at this stage about who was killed where and in what circumstances (ie the substance of the inquiry), so it is unclear what the purpose is. I will be grateful for your clarification on this.

It might have been worthwhile to discuss the module plans with us before publishing the Minute, as it appears you or your staff had done with everyone else – MFAT, DPMC, NZDF, Sir Angus Houston and Wayne Mapp – about their contributions.

Yours sincerely,

Nicky Hager