

**UNDER**

**THE INQUIRIES ACT 2013**

**IN THE MATTER**

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

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**Memorandum for New Zealand Defence Force Relating to a Presentation Made at the  
Public Hearing of the Inquiry on 4 April 2019**

**11 April 2019**

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1. At a public hearing of the Government Inquiry into Operation Burnham and Related Matters on 4 April 2019, Colonel Grant Motley gave a presentation on behalf of the NZDF identifying locations relevant to Operation Burnham, as directed by Inquiry Minute No. 11.

2. In that presentation, Colonel Motley stated (at pp 8-9 of the written presentation) that

*“At approximately 0015 hours, for approximately 10 minutes, the ISR RPA observed an insurgent moving along the ridgeline south of the village towards the observation position where the Commander and his team were stationed. The GFC was informed. He assessed that the insurgent presented a threat and authorised a SAS sniper to engage the insurgent. The sniper fired two shots; the first hit and presumably killed the insurgent and the second hit a rock. The SAS searched for the insurgent who was shot but did not find him. The terrain was rocky and steep and time was limited to search”.*

3. This account was accurate to the best of the NZDF’s knowledge at the time it was made. It was based on a thorough review of the evidence held by the NZDF, including video footage which showed the SAS searching for, but not finding, the insurgent who had been shot. However, in light of their position as witnesses of the Inquiry, the NZDF was unable to discuss the presentation with NZDF personnel relevant to the events of Operation Burnham.

4. Subsequent to the presentation being made publicly available on the Inquiry’s website, a relevant member of the Operation has brought to the NZDF’s attention that the insurgent who had been shot was in fact sighted by the SAS. Given the terrain and limited time, no further action was able to be taken, but the NZDF is now aware that the insurgent’s body was sighted by the NZSAS that evening.

5. The NZDF reiterates its intent to fully support and participate in the Inquiry in a proper manner. As such, notwithstanding that this minor clarification is not material to the presentation identifying locations relevant to Operation Burnham made at the public hearing, having subsequently had it brought to its attention, NZDF wished to also alert the Inquiry to it.



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11 April 2019