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OIA-2024-5226.1

19/9

September 2025

Rodney Parsons

fyi-request-28866-f8d43041@requests.fyi.org.nz

Dear Rodney Parsons

I refer to your email of 30 August 2025 requesting information about alleged war crimes.

Please provide information on all war crimes reported to NZDF, covering NZDF deployments to Afghanistan.

In particular, please provide information on all allegations of trophies taken of Taliban between 2001 and 2013, in particular body parts removed or allegedly removed, and the steps taken to apologise to the families for whom the body parts were taken from. If you would like me to detail the several incidents, I'd be happy to- please confirm you want this disclosed openly on the internet.

Your request has been considered in accordance with the Official Information Act 1982 (OIA). It is noted that the NZDF did not receive a response to its email to you of 3 September 2025 seeking information about the *several incidents* you mentioned.

Regarding your request for *information on all war crimes reported to NZDF, covering NZDF deployments to Afghanistan*, the NZDF has reviewed its records for formal allegations of conduct that could fall within scope of the term war crime as defined in Chapter 17, Section 5 of the *Manual of Armed Forces Law Volume 4*. This Manual is publicly available¹.

The NZDF has identified records of the following allegations of conduct, which could potentially be within the scope of your request. These allegations arise from publicly available material as listed below:

- The allegations associated with Nicky Hager and Jon Stephenson's book *Hit and Run* and the public inquiry into Operation Burnham – including allegations about the treatment in NZDF custody of Qari Miraj and his handing over to Afghan custody resulting in alleged torture. The Operation Burnham Inquiry Report is publically available².
- The allegations arising from the conduct of the NZDF in 2004 in a village proximate to an engagement with the Taliban, as set out in the 2017 Stuff Circuit production *The Valley*. This remains publicly accessible³.

¹ <https://www.nzdf.mil.nz/assets/Uploads/DocumentLibrary/DM-69-2ed-vol4.pdf>

² <https://operationburnham.inquiry.govt.nz/inquiry-report>

³ <https://interactives.stuff.co.nz/the-valley/>

- The allegations aired in a 2009 Stuff article alleging the NZDF's complicity in the torture of detainees handed over to the Kandahar Detention Centre. This article remains publicly accessible⁴.

After reviewing its files, the NZDF is not aware of any further allegations of conduct which could amount to war crimes at this time, and to that extent, this part of your request is therefore declined in accordance with section 18(d) of the OIA.

Regarding the particular allegations of *trophy taking*, the NZDF has not found any records of reports made to it of trophy taking by members of the NZDF in the course of NZDF deployments to Afghanistan. Accordingly, this part of your request is declined in accordance with section 18(e) of the OIA because the information does not exist.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website.

Yours sincerely

GA Motley

Brigadier

Chief of Staff HQNZDF

⁴ <https://www.stuff.co.nz/sunday-star-times/2711464/Kiwi-troops-in-war-crimes-row>