

New Zealand defence chief admits Afghan civilian death

By John Braddock
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After years of stonewalling and denials, New Zealand's Chief of Defence has accepted that a three-year-old girl was likely killed during a 2010 New Zealand Special Forces (SAS) raid in Afghanistan.

Air Marshal Kevin Short grudgingly told the Operation Burnham inquiry on October 18 that it "appears" the girl, Fatima, was killed. He agreed that the Defence Force (NZDF) did nothing for other civilians who may have been injured. The niggardly and limited admission, which came near the end of the inquiry's final public hearing, was the first by the NZDF, which has responded with hostility and blanket cover-ups to long-standing allegations surrounding the raid.

To an "audible gasp" from the inquiry's public gallery, Short declared that "not all" civilian deaths were war crimes and claimed the NZDF only targeted armed fighters. Although the defence chief maintained that it was "not proven" civilians were killed and injured during the raid, he confirmed under questioning that the NZDF had never looked for any evidence.

Short's admission followed a statement to the inquiry by former National Party Defence Minister Wayne Mapp, who said that he knew of "possible" civilian deaths, but at the time decided not to tell then Prime Minister John Key or the public. While minister in 2011, Mapp told media that an internal NZDF investigation had "proven false" any allegations of civilian deaths.

The charges parallel exposures in the Australian media of alleged war crimes committed by Australian SAS soldiers in Afghanistan, implicating them in extrajudicial killings, the desecration of corpses and other violations of international law. Federal police raided the Sydney headquarters of the Australian Broadcasting Corporation in June in order to intimidate

journalists who exposed the crimes.

New Zealand's Labour-led government established the Operation Burnham Inquiry in 2018 to whitewash the NZDF, under conditions of escalating US-led preparations for war against China. Headed by former Supreme Court judge Terence Arnold and ex-Labour Prime Minister Geoffrey Palmer, it has largely been conducted in secret. Attorney-General David Parker stated that "classified" parts of the findings may never be made public.

In June, Afghan witnesses withdrew from the inquiry, saying they were disillusioned by the lack of progress and transparency. The inquiry had refused to allow the villagers or their lawyers to be present during the hearing of evidence. Barrister Deborah Manning slammed the "skewed" process for focusing on the NZDF's "need to be able to defend themselves and their public reputation" at the expense of victims.

Details of the SAS raid were revealed in a 2017 book *Hit and Run*, by journalists Nicky Hager and Jon Stephenson, after they investigated the attack on the villages of Naik and Khak Khuday Dad in October 2010 by NZ and Afghan troops and a US aircraft. The book alleged that Fatima and five other civilians were killed and 15 were wounded, including Fatima's sister and brother, Hanifa, aged four, and Abdullah, aged seven. The raid was organised in response to the killing of a NZ soldier by a roadside bomb.

The NZDF sought to tarnish the reputations of Hager and Stephenson by claiming that no raids ever occurred. Even after being forced to admit that they had taken place, the military maintained that no civilian casualties resulted.

Previously, in 2015, Stephenson had successfully sued the NZDF for defamation following a *Metro* magazine article in which he exposed the handling of

Afghan detainees and questioned if SAS troops had passed prisoners over to authorities known to use torture. Then NZDF chief Rhys Jones publicly claimed that Stephenson had “made up” an account about interviewing the commander at an Afghan police Crisis Response Unit in Kabul.

A significant witness to the inquiry was Jerry Mateparae, who was NZDF chief from 2006 to 2011 before being appointed by the National government to head the Government Communications Security Bureau (GCSB) spy agency and then Governor-General from 2011 to 2016.

While admitting “in hindsight” that inaccurate and contradictory information had been given to government officials by the NZDF, Mateparae falsely insisted the military would have looked into the civilian deaths “if there were serious accusations against New Zealand troops.” In fact, Mateparae had consistently defended the activities and record of the SAS, including blocking Official Information Act requests by *Metro* for material on the unit’s possible connection with torture.

Persistent denials by the NZDF over Operation Burnham were discredited by a US report from the International Security Assistance Force (ISAF) in 2010. The report concluded that a gun-sight malfunction on an Army helicopter had led to rounds hitting two buildings during the operation and possibly killing villagers.

Much of the final week of the inquiry was bound up with attempts to uncover what the NZDF knew about the ISAF report and what had happened to it. Defence chiefs had previously maintained the report was misplaced and only mysteriously discovered in a safe in Wellington when the civilian deaths were revealed in a Fairfax Media investigation in 2014. In fact it had been in NZDF hands since 2011.

In response, Short told the inquiry: “I just can’t believe it’s thought of as a cover-up... to me it’s a mess of information control and flow that’s caused this.” Contradicting this, SAS commander Jim Blackwell insisted that he had received the report and briefed Mapp in September 2011. It was Blackwell’s testimony that had forced Mapp, in his words, to “search my memory” and change his previous statements.

In the face of widespread popular opposition to war, a

litany of lies, obfuscation and belligerence has been used by the military brass and the political establishment to keep secret the brutal reality of the illegal 18-year occupation of Afghanistan. Successive governments have sought to cover up their own record. Following the release of *Hit and Run*, then Prime Minister Bill English flatly rejected calls for an inquiry. English’s predecessor John Key had earlier dismissed Hager as a “left-wing conspiracy theorist.”

The NZ Security Intelligence Service (SIS) was this month forced to apologise to Hager for unlawfully helping the NZDF attempt to uncover one of the journalists’ sources. The acting Inspector General of Intelligence and Security Madeleine Laracy upheld Hager’s complaint that the SIS had illegally acquired call logs from phones belonging to him and the alleged NZDF source. Claims of potential “espionage” made by the SIS and NZDF were flatly rejected by Laracy.

The NZSAS raids were no aberration. Such criminality flows necessarily from the predatory and imperialist character of the US-led invasion of Afghanistan. The Labour Party-led government of Helen Clark, supported by its “left wing” partner the Alliance, sent the SAS to join the invasion in 2001. It performed its function to suppressing Afghan resistance so brutally and effectively that it received a rare unit citation from US President George Bush in 2004.

Whatever the findings of the Burnham Inquiry, genuine accountability requires the prosecution not only of the military personnel involved, but the leaders of successive Labour and National-led governments who authorised New Zealand’s participation in the illegal wars in Iraq and Afghanistan, which have killed more than a million people.

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