



Headquarters
New Zealand Defence Force
Defence House
Private Bag 39997
Wellington Mail Centre
Lower Hutt 5045
New Zealand

OIA-2023-4677

10th October 2023

[REDACTED]@nzme.co.nz

Dear [REDACTED],

I refer to your email of 23 March 2023 requesting, under the Official Information Act 1982 (OIA):

With reference to the attached list provided by NZDF last year, the NZ Herald seeks a copy of the Court of Inquiry listed at (7), "Investigation into handling of complaints", by way of the Official Information Act.

The NZ Herald also seeks a copy of comments from the Assembling Authority related to that Col.

In providing the information, it is likely to see the NZ Herald respectfully seeking progress on the recommendations, described in the attachment as "under action". It may be NZDF seeks to address this in its response.

Apologies for the delay in responding to your request. A copy of the Court of Inquiry report and Assembling Authority comments is at Enclosure 1. The identities of witnesses providing evidence to the Court of Inquiry are protected in accordance with section 9(2)(ba)(i) of the OIA to protect the supply of information, where it is in the public interest that such information should continue to be supplied.

Where indicated, other information is withheld in accordance with the following grounds of the OIA: section 6(a) where making the information available would prejudice the security of New Zealand or the international relations of the Government of New Zealand; section 6(b)(ii) where making the information available would prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by an international organisation; section 6(c) where making the information available would prejudice maintenance of the law; section 9(2)(a) to protect privacy; section 9(2)(h) to maintain legal professional privilege; and, signatures are withheld in accordance with section 9(2)(k) of the OIA to avoid the malicious or inappropriate use of staff information, such as phishing, scams or unsolicited advertising.

The current status of the recommendations is as follows:

- 225. a-b. *HQ JFNZ Reporting Mechanism for Deployed Personnel* – completed
- 226. a-b. *NZDF Investigation Process Involving Conduct or Character* – no action required, AA (Assembling Authority) disagrees with recommendations
- 227. *Disciplinary Investigation of Charges* – in progress

- 228. a-c. *NZDF alcohol policy on operations* – completed
- 228. d. *NZDF alcohol policy on operations* – no action required, AA did not accept recommendation
- 228. e. *NZDF alcohol policy on operations* – completed
- 229. a-d. *The Woolshed – NZ Contingent accommodation in OP FARAD* – completed
- 230. *Contingent Selection* – completed
- 231. *Contingent Selection* – no action required, AA did not accept recommendation
- 232. a-b. *Gender considerations* – completed
- 233. a. *Resolutions and Commendations* – completed
- 233. b. *Resolutions and Commendations* – in progress
- 234. *Psychological debriefs* – completed
- 235. *Establish Joint Military Police liaison office at Headquarters Joint Forces NZ* – completed
- 236. *Honours and Awards* – completed

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, with your personal information removed.

Yours sincerely

AJ WOODS

Air Commodore
Chief of Staff HQNZDF

Enclosure:

1. Court of Inquiry Report

Terms of Reference

Terms of Reference

References:

- A. TG 653.5 OP FARAD 01/17 5200 dated 10 Nov 17
- B. JQJFNZ J3 Br HQJFNZ S35DS dated 4 Dec 17
- C. HQNZDF MP SIB 201712060001 dated 2 Mar 18
- D. HQNZDF MP SIB 201712060001 dated 11 Apr 18

Background

- 1. As briefly as possible describe, in chronological order:
 - a. The events that led to the Preliminary Investigation conducted by **NZ 2IC-A** in Nov 2017 into allegations of an assault.
 - b. The ensuing NZMP investigation instigated by HQJFNZ J3 on 04 Dec 17 into matters raised in the above Preliminary Investigation, concluding with the Summary Trials of Y1031802 Capt C. Cappola and the Court Martial of S992857 Lt Col J.M. Putze

Allegations Made in OP FARAD Preliminary Investigation

- 2. To what extent were the allegations of an assault, which was the subject of the preliminary investigation documented in ref A (the Preliminary Investigation report), investigated? What was the outcome and resolution of that investigation?
- 3. To what extent were the concerns raised by **NZ 2IC-A** in para 26 of ref A, relating to 'the drinking culture' and 'inappropriate behaviour', investigated by any person, unit or Command, as directed by HQJFNZ J3 in ref B and detailed in ref C and D.
- 4. If the concerns were investigated, to what extent were the outcomes of these investigations advised to the original complainants or those who raised concerns?

Allegations, Complaints or Concerns Raised During or After OP FARAD 01/17 and 02/17

- 5. Identify individuals who deployed on OP FARAD rotations 01/17 and 02/17 and determine whether any such persons have raised, or wish to raise, allegations, complaints or concerns regarding inappropriate behaviour by members of either rotation. (NB – Inappropriate behaviour may include, but is not limited to, the consumption of alcohol; discrimination, harassment and bullying; harmful or unwanted sexual behaviour; and unprofessional close personal relationships).
- 6. In relation to allegations, complaints or concerns that individuals who deployed on OP FARAD 01/17 and 02/17 raised or wish to raise, determine whether the allegations, complaints or concerns were investigated by NZDF MP or by another party or unit? If so investigated, how were the allegations, complaints or concerns resolved?
- 7. If the allegations, complaints or concerns were investigated, to what extent were the outcomes of these investigations advised to the original complainants?
- 8. If the allegations, complaints or concerns were not investigated, establish the reason or reasons why investigation did not occur? By what means could they now be investigated or reviewed, and what outcomes could be sought?

MP Investigation

9. To what extent was an NZDF MP investigation, conducted from New Zealand, the best way to investigate the allegations made and concerns raised in ref B? Were there alternatives; if so, to what extent were these alternatives given due consideration; and what were the reasons for not pursuing the alternatives?
10. To what extent was sufficient urgency, and thereby resource, afforded to the allegations and concerns raised in ref B?

Support to Our People

11. Of those people who deployed on OP FARAD during the timeframe in question, are they aware of NZDF support mechanisms for those wishing to report or seek help with instances of inappropriate or illegal behaviour, mental health concerns or wellbeing issues? Do they wish to access these services?

Oversight of Operations?

12. What lessons can be learnt from this series of events in terms of:
 - a. pre-deployment personnel selection and training?
 - b. oversight of operations by New Zealand-based Commanders and senior staff?
 - c. the ability of individuals to raise allegations or complaints on operations, particularly where such matters involve senior personnel, and the means by which commanders can investigate and resolve allegations or complaints?
 - d. how NZDF can better ensure that personnel specific issues such as complaints, allegations and disciplinary proceedings are properly resolved following the return of contingents to New Zealand, including the hand-over between deployed and New Zealand based chains-of-command.

Other

13. Comment on any other matters the Court considers relevant to the purpose of the Inquiry.
14. Make recommendations that the Court considers relevant in order to improve operational procedures or to prevent the reoccurrence of any issues or adverse incidents identified.

GLOSSARY OF TERMS

2IC	Second in Command
ADC	Aide de camp (to the MFO Force Comd)
Adjt	NZCON Adjutant
AMAB	Al Minhad Air Base
AO	Area of Operations
C130	RNZAF Transport Aircraft
C2	Command and Control
CAC	Conduct after capture
CAPSUM	Caption Summation – a list of potential charges identified by the MP Investiagtion
CSSB	Combat Service Support Battalion (Army)
CDF	Chief of Defence Force LTGEN Tim Keating (at time of deployment)
CE	Chief Executive
COMJ	Commander Joint Forces New Zealand RADM Gilmour. MAJGEN Tim Gall (at time of deployment)
CoS	Chief of Staff MFO
CSM	NZCON second Warrant Officer
DFO	Defence Force Orders
DMP	Director of Military Prosecutions
FARAD (OP)	NZDF Mission to the MFO in the Sinai
Force Comd	MFO Force Commander MAJGEN Stewart (As) for most of period concerned)
Force HQ	Multi-National Force Observers Force Headquarters (South Camp – Sinai)
FX	Force Exchange
HQ JFNZ	Headquarters Joint Forces New Zealand
HQ NZDF	Headquarters New Zealand Defence Force
Ibeza (Beach)	Beach within Sharm El Sheikh with bars and restaurants
J1	Personnel Branch HQ JFNZ
J2	Intelligence Staff at HQ JFNZ
J3	Operations Staff at HQ JFNZ
J5	Plans Staff at HQ JFNZ
J8	Continuous Improvement Staff at HQ JFNZ
JR	Junior Rank (personnel ranked CPL (E) and below)
JSCC	Joint Support Component Commander (s.9(2)(a))
LCC	Land Component Commander HQ JFNZ BRIG John Boswell (at time of RTNZ 02/17)
MFO	Multi-National Force Observers Group
MP	Military Police
NZCON	New Zealand Contingent to the MFO
North Camp	MFO camp near Palestine border – was the previously the main MFO location

NZDF	New Zealand Defence Force
NZIC	New Zealand Army Intelligence Corps
NZDF MP	The NZDF Joint Military Police Organisation
OIA	Official Information Act
OPORD	Operation Order
PAR	Post Action Report
PPE	Personal Protective Equipment
PDT	Pre-Deployment Training
RiP	Relief in place – contingent changeover
RNZAF	Royal New Zealand Air Force
RNZAC	Royal New Zealand Armoured Corps
RNZALR	Royal New Zealand Army Logistics Regiment
RNZAMC	Royal New Zealand Army Medical Corps
RNZE	Royal New Zealand Engineers
RNZIR	Royal New Zealand Infantry Regiment
RNZMP	Royal New Zealand Corps of Military Police
RNZN	Royal New Zealand Navy
RSM	NZCON Regimental Sergeant Major
RSO	Red Sea Oasis – MFO approved bar in camp
RTNZ	Returned to New Zealand
SEMT	Safety Event Management Tool
SCE	Strategic Commitments and Engagement Branch, HQ NZDF
Sharm El Sheikh	Nearest town to South Camp
SIB	Serious Investigation Branch
SITREP	Situation Report
SNCO	Senior Non-Commissioned Officer
SNO	NZCON Senior National Officer
SOP	Standard Operating Procedure
South Camp	Main MFO Camp, including Force HQ, near Sharm El Sheikh
s. 6(a)	
Woolshed	NZCON Junior ranks accommodation – including a patio recreation area
XO	Executive Officer

REPORT OF THE COURT OF INQUIRY

GENERAL

1. The inquiry was carried out over the period 15 September 2020 to 16 April 2021. Evidence from 55 witnesses was considered, and 249 Exhibits were presented.
2. To avoid confusion, all personnel will be referred to throughout this report in the rank, name and appointment they held at the time of the events being described and discussed.

CIRCUMSTANCES LEADING TO THE INQUIRY

3. On 5 March 2020, LTCOL J Putze, RNZE was convicted by Court Martial of three charges of failing to comply with written orders and one charge of doing an act likely to prejudice Service discipline which related to him commencing a sexual relationship with a subordinate officer whilst in command of Operation FARAD (OP FARAD) 02/17. He was sentenced to be reduced to MAJ in his original seniority in that rank, and severely reprimanded.³ His command of the NZDF OP FARAD contingents had lasted from his initial deployment on 27 April 2017 to 10 May 2018, and was also preceded by a period of pre-deployment training (PDT) in New Zealand⁴.

4. As well as the matters for which he was convicted, other matters were alleged, or have subsequently come to light, regarding LTCOL Putze's command and handling of the NZDF OP FARAD contingents during his tenure. During the handover between the OP FARAD 01/17 and 02/17 contingents there was a male-on-female assault which was investigated by the outgoing second in command (2IC), NZ 2IC-A [REDACTED], RNZALR. In her report NZ 2IC-A [REDACTED] specifically highlighted the issue of excessive alcohol consumption and a drinking culture within NZCON 01/17 personnel.⁵ The subsequent contingent Psych debriefs in Dubai raised the same issue and more concerns regarding LTCOL Putze's leadership and style,⁶ to the extent that COMJ, MAJGEN Tim Gall, was personally advised.⁷

5. OP FARAD 02/17 apparently had a different experience under LTCOL Putze's command and the primary concerns raised to the chain of command related to his inappropriate relationship with a subordinate, CAPT Read, s.9(2)(a) [REDACTED] s.9(2)(a) [REDACTED]. However, other issues were raised by contingent personal, in particular the second in command 02/17 (NZ 2IC-B [REDACTED]).⁸

³ Witness NZDF Lawyer [REDACTED], 13 A70-76; Exhibit 13D Sentencing Transcript

⁴ Exhibits: 52A-B

⁵ Exhibits: 1B, paras 13-14, 26; 11C; 47C

⁶ Exhibit 3A Summary Report of 01/17 Psychological Debriefing, paras 13-14, 17-20, (incorrect para numbering from this point) 10b, c, 12-13

⁷ Witnesses: NZDF Psych 1 [REDACTED], 3 A20; s.9(2)(a) MAJGEN (rtd) TL Gall, 48 A27, 34

⁸ Witness NZ 2IC-B [REDACTED], 2 A4; NZ Serviceperson 1 [REDACTED], 43 A3-4; Exhibits: 2B, D, F-

6. NZ 2IC-A's report had resulted in HQ JFNZ directing an MP investigation,⁹ which became s. 6(c). During that process of interviews and investigation a wide range of allegations were made and potential offences were identified involving a number of OP FARAD 01/17 personnel, including LTCOL Putze¹⁰. However, with LTCOL Putze's court martial conviction specifically for matters related to his inappropriate relationship during 02/17, many affected OP FARAD personnel from the 01/17 contingent formed the perception that their concerns had either gone unheard, or had still not been adequately investigated.

7. As with all Courts of Inquiry, the primary objective is to make recommendations which will prevent a repeat of the circumstances which led to the Court being assembled. As well as addressing the structural and process issues which have led to this situation, this COI also needed to hear each of those personnel with residual concerns, as well as a number of those who believed they were unaffected. This was to ensure that they had indeed been provided an opportunity to be heard, but also to achieve four key purposes:

- a. To establish what allegations, concerns and complaints were actually raised by the personnel of OP FARAD contingents 01/17 and 02/17.
- b. To establish whether the standard of investigations undertaken was adequate and thorough.
- c. In the case of those allegations, concerns or complaints where investigations were either not completed, or not undertaken at all, or did not lead to disciplinary action, why this was the situation.
- d. To disclose any unknown issues that have neither been previously identified nor investigated.

New Zealand Contingent to the Multi-National Force Observer Group

8. New Zealand has contributed a contingent (NZCON) to the Multi-National Force and Observer Group (MFO) since its establishment in 1980 as part of the Camp David Accords to monitor the truce in the Sinai Peninsular between Egypt and Israel.¹¹ Over time, whilst surge elements have been deployed for specific tasks, this contribution has centred on a s. 6(a) Driving Section,¹² s. 6(a) the Force Training Team (FTT) s. 6(a),¹³ and a standardised range of personnel who fulfil individual tasks within the MFO structure.¹⁴ An s. 6(a) attached to the MFO Works office,¹⁵ and New Zealand provides the Aide de Camp (ADC) to the MFO Force Commander.¹⁶

⁹ Exhibit 9A

¹⁰ Exhibits: 1D, 52A

¹¹ Witness 48 A8

¹² Witnesses: NZ Serviceperson 2, 26 A17; NZ Serviceperson 3, 45 A14

¹³ Witness NZ Officer 1, 18 A4

¹⁴ Witnesses: NZ Serviceperson 4, 34 A6; 48 A82; Exhibits: 2J(1-2)

¹⁵ Witness NZ Serviceperson 5, 41 A4

¹⁶ Witness NZ Officer 2, 25 A2-3

9. NZCON is a national administrative and command construct, and so does not work together as a group within the MFO,¹⁷ but PT, sporting competitions and Maori cultural activities are undertaken as a group.¹⁸ The officers and WOs fill NZCON appointments in addition to their MFO roles. The SNO is an Army Lieutenant Colonel and works as s.6(a) s.6(a) s.6(a),¹⁹ s. 6(a) s.6(a),²⁰ s. 6(a) s.6(a).²¹ A suitable officer from amongst the deployed MAJ(E) is appointed NZCON second in command (2IC), and ASO Plans CAPT(E) acts as adjutant (Adjt).²² Finally s.6(a) SNCOs function as the NZCON administration staff s. 6(a).²³

10. The MFO has a political Headquarters in Rome,²⁴ while the Force has two main camps in the Sinai. Until 2016 North Camp, near the Palestine border was the main location, and where the NZCON used to be based. As the security situation in the northern area deteriorated in 2015/2016 the decision was made to relocate the MFO Force HQ and the majority of its support personnel to South Camp, on the coast near Sharm-El-Sheikh.²⁵ NZCON personnel are still occasionally deployed to North Camp and a Physical Training Instructor is predominantly stationed there.²⁶ For the remainder, NZCON personnel work and are accommodated at South Camp, with the move completed early in 2016.²⁷ The NZCON personnel's work and accommodation facilities are spread across the entire camp.²⁸ All the Junior Ranks (JRs) are accommodated in the facility known as the Woolshed,²⁹ which includes an open recreation area at its seaward end.³⁰ The SNCOs are now located in Romani Lines,³¹ and during 01/17 completed their own patio recreation area.³² The officers and WOs are spread between the various small cabins – known as 'Hooches' – to the north and south of the Woolshed, which is effectively central within the camp.³³

11. Because of the large number of troop contributing nations within the MFO, alcohol use has generally always been tolerated to a greater or lesser extent, dependant on threat and command preference. The MFO Standing Orders³⁴ provide guidance that allows each

¹⁷ Witness NZ 2IC-A, 1 A40, 57; NZ RSM-B, 54 A157

¹⁸ Witness NZ Officer 3, 23 A66; NZ Serviceperson 6, 28 A38-40; 45 A30

¹⁹ Witness NZ SNO-A, 4 A11-12

²⁰ Witness 54 A4

²¹ Witness 50 A7

²² Witness 36 A3

²³ Witness 1 A57

²⁴ Witness 4 A62

²⁵ Witnesses: 1 A4; 28 A14-15; 48 A8

²⁶ Witness 51 A12-13

²⁷ Witness 48 A8

²⁸ Exhibits: 2J(1-2), 4A South Camp Map

²⁹ Witnesses: 4 A5, 6-7; 18 A12-13;

³⁰ Witness 2-3 A8-9; Exhibit 2J(1-2) contingent photo taken in Woolshed recreation area

³¹ Witnesses: 2-3 A10-11; 4 A5; 34 A21-22; Exhibit 2J(1-2) pictures of Romani Lines

³² Witnesses: 41 A59; NZ Serviceperson 7, 42 A24; NZ PTI, 51 A52; 54 A214

³³ Witnesses: 1 A105-109; 4 A13; Exhibits: 1E; 2J(1-2)

³⁴ Exhibit 47D

contingent to establish its own rules and Standard Operating Procedures (SOPs) for how their personnel may handle consumption of alcohol during their deployments.³⁵ Prior to 2015 in North Camp there were many individual contingent bars, but since the move to South Camp the officially sanctioned outlets have been restricted to the Red Sea Oasis (RSO) and the Italian Bars.³⁶ Alcohol, including spirits, are also freely available at the FX.³⁷ Both the RSO and Italian Bars are centrally located within South Camp, very near the Woolshed.

12. The old reputation of the MFO deployments, whilst based in North Camp, was of working hard and playing hard, particularly with the Driving Team.³⁸ However, with the tightening security situation and increased threat, the overall environment no longer makes such an approach desirable. There were increased MFO restrictions on what personnel could do and where they could go, and even driving routes and tasks became more restrictive.³⁹ Under successive SNOs since 02/17 the NZCON drinking culture has been constrained, with there no longer being a bar in the Woolshed,⁴⁰ and indiscretions were resulting in personnel being RTNZ.⁴¹

SEQUENCE OF EVENTS RELATED TO OP FARAD CONTINGENTS 01/17 AND 02/17⁴²

13. A macro view of the key events, from LTCOL Putzes' being confirmed to command NZCON 01/17 and 02/17 through to the return to New Zealand of NZCON 02/17 for end of tour leave is at Annex A.

Appointment of LTCOL Putze

14. OP FARAD Contingent 02/16 deployed in November 2016 under the command of NZ SNO-A [REDACTED] as the Senior National Officer (SNO). His appointment was for one year. In the normal course of events 02/16 would have rotated for contingent 01/17 in May 2017. NZ SNO-A [REDACTED] would have remained, subsequently handing over to a new SNO who would arrive with contingent 02/17 in November 2017. However, NZ SNO-A [REDACTED] was required to return to New Zealand on promotion in April 2017, and he was replaced by LTCOL Putze.⁴³

³⁵ Witness 4 A5, 9, 16

³⁶ Witnesses: 1 A4, 10 A9; 2-1 A95, 97-98; 4 A10; 25 A17; 26 A34; NZ Serviceperson 8 [REDACTED], 38 A14; NZ Serviceperson 9 [REDACTED] 44 A32

³⁷ Witnesses: 4 A10, 63; 18 A25; 23 A39; 25 A107; NZ Officer 4 [REDACTED] 35 A45; 41 A20; 44 A36-37; 45 A96; 50 A105; 54 A149; Exhibits: 2J(1-2)

³⁸ Witnesses: NZ RSM-A [REDACTED], 10 A15, 16; 15 A32; 30 A17-20

³⁹ Witness 1 A4

⁴⁰ Witnesses: 1 A4, 2-1 A95; 10 A8

⁴¹ Witnesses: 4 A24, 28; 10 A51-53

⁴² ToR 1

⁴³ Witnesses: 1 A4; 4 A4, 30; 23 A11; 25 A5; 48 A10, 54 A19

15. LTCOL Putze was the only nominee put forward by Army,⁴⁴ which was not unusual given personnel constraints.⁴⁵ Some witnesses indicated that LTCOL Putze had a reputation, particularly around his behaviour with alcohol,⁴⁶ sexual relations and integrity.⁴⁷ The witnesses expressed surprise that he was to be entrusted with the sole command of an NZDF contingent in a theatre where drinking is permitted. MAJGEN Gall indicated that he had reservations about the appointment. But he had been persuaded that LTCOL Putze should be given a chance at command, and that Army would not be nominating anyone else.⁴⁸ Even so, as LTCOL Putze was then posted to HQ JFNZ, and was pressing to be given the appointment, so HQ JFNZ would have to carry the gap during his deployment.⁴⁹

Pre-Deployment Training and Events

16. Pre-Deployment Training (PDT) for 01/17 was undertaken over the period 20th March-16th April 2017, between Trentham and Waiouru.⁵⁰ As it was originally intended that the contingent would be rotating into theatre under the existing SNO (NZ SNO-A), the planning of the specific to contingent elements of PDT had been predominantly done by the RSM FARAD 01/17, NZ RSM-B .⁵¹

17. Few witnesses raised significant concerns regarding the PDT, with several commenting positively about the professional side of it.⁵² Others described the atmosphere as 'a bit loose',⁵³ 'a boy's club' aiming at having a boozy trip.⁵⁴ There were several team building activities involving alcohol,⁵⁵ and a relatively light distinction between ranks was encouraged.⁵⁶ The contingent also developed a Code of Conduct Card, which listed the mutually agreed behaviours which would govern the contingent's interactions, in addition to the requirements of military law.⁵⁷ Alcohol use and Fraternalism were specifically dealt with,⁵⁸ including specific mention that inappropriate fraternisation within the contingent would result in the individuals being returned to New Zealand (RTNZ).⁵⁹

⁴⁴ Witness 48 A88-89

⁴⁵ Witnesses: LCC XO , 17 A81-82

⁴⁶ Witnesses: 1 A41, 99; 9 A40; 10 A27; NZDF Lawyer 2 , 11 A100; 17 A79-80; 22 A35-36; 48 A10; 54 A23

⁴⁷ Witness 48 A10

⁴⁸ Witness 48 A10

⁴⁹ Witness 48 A121

⁵⁰ Witness 1 A4

⁵¹ Witness 54 A6, 19, 24

⁵² Witnesses: NZ Serviceperson 10 , 14 A20-22; 18 A6; 23 A11; 25 A5-7; 26 A4-8; NZ Serviceperson 19 , 30 A7; NZ Serviceperson 11 , 39 A7; 41 A9; 42 A5-6; 43 A9; NZ Officer 5 , 46 , A8, 11-12, 51 A8

⁵³ Witness 14 A8-21

⁵⁴ Witness NZ Serviceperson 21 , 33 A8-9

⁵⁵ Witnesses: NZ Serviceperson 12 , 15 A14-16; 23 A17; 26 A11-13; 34 A8-9; 36 A5

⁵⁶ Witness 23 A24-27; 25 A7

⁵⁷ Witnesses: 1 A4, 14 A23-25; 15 A11; 18 A7; 23 A9, 14; 25 A5-7, 9-10; 26 A21-27; 30 A15; 33 A17; 36 A10-11; 38 A8-9; 41 A10; 42 A9; 43 A12-15; 51 A10; 54 A25

⁵⁸ Witnesses: 39 A17; 46 A55

⁵⁹ Witnesses: 15 A11, 18-19; 23 A16; 26 A27-28; 28 A69-71; 30 A45; 33 A35; NZ Serviceperson 13 , 37 A22-23; 38 A19-21

18. As part of the programmed elements of the PDT, a s. 6(a) presentation was given by a member of the contingent, NZ Serviceperson 14 .⁶⁰ NZ Serviceperson 14 made a strong impression across the Contingent, with a forceful presentation that was described as emphasising her skill.⁶¹ It also made an impact in the minds of the leadership team, and it was perceived by several witnesses that this was when LTCOL Putze in particular noticed her.⁶²

Command Handover

19. Having completed the PDT, LTCOL Putze then deployed into theatre early together with NZ Serviceperson 12 ⁶³ and NZ Serviceperson 21 ⁶⁴ NZ SNO-A and NZ SNO-A and LTCOL Putze had a one week handover in theatre. ⁶⁵ He was briefed on his responsibilities as CJ5 at Force HQ and on the handling of NZCON specific administration. NZ SNO-A did not observe much of LTCOL Putze's activities during this period, as he was processing his own exit from theatre.⁶⁶ However LTCOL Putze did discuss his ambition to be approachable, including holding social gatherings at his hooch and having personnel over for a curry and a beer.⁶⁷

20. NZ RSM-A provided his initial impressions of LTCOL Putze as a result of the first Woolshed Happy Hour over which LTCOL Putze presided. LTCOL Putze appeared to start as he meant to go on, whereupon arriving in the Woolshed he took a first beer and drank it swiftly, after which NZ RSM-A advised him that this was perhaps an inappropriate example.⁶⁸ NZ RSM-A was sufficiently concerned that he mentioned it to NZ RSM-B NZ RSM-B when they were doing their handover.⁶⁹

21. Neither NZ SNO-A nor NZ RSM-A are big drinkers,⁷⁰ and their example was therefore one of quiet moderation. The policy on alcohol at the Woolshed previously under both NZ SNO-A and the SNO previous to him, had evolved to the point where any conception of the Woolshed being a bar had ceased.⁷¹ Personnel brought and consumed their own alcohol (restricted to beer or cider),⁷² or for happy hour NZ RSM-A provided a

⁶⁰ Witnesses: 1 A4, 19; 26 A10; 50 A64

⁶¹ Witnesses: 1 A4, 19; 37 A159; 50 A66

⁶² Witnesses: 1 A78-79; 15 A5-10

⁶³ Witness 15 A25-29

⁶⁴ Witness 1 A4

⁶⁵ Witness 4 A29

⁶⁶ Witness 4 A30-31

⁶⁷ Witness 4 A62

⁶⁸ Witness 10 A18, 64

⁶⁹ Witness 10 A18

⁷⁰ Witnesses: 4 A34-35; 10 A

⁷¹ Witnesses: 1 A4; 4 A5, 8-10, 28; 48 A69

⁷² Witnesses: 4 A5, 8, 65-68; 10 A41-45

strictly limited number of beers.⁷³ For the drivers, the twelve hour 'bottle to throttle' rule was enforced.⁷⁴

NZCON 01/17

22. The main body of NZCON 01/17 rotated into theatre on 7 May 2017. Despite the regime established by NZ SNO-A and NZ RSM-A, the Relief in Place (RiP) process was remembered by some personnel as involving a significant level of partying with the outgoing NZ personnel.⁷⁵ An early perception developed amongst the SNCO group that this was deliberately 'swept under the carpet'.⁷⁶ From this initial point, some individuals in 01/17 were already rumoured to have been drunk during this phase.⁷⁷ The main body of 02/16 were described as being constrained in their drinking.⁷⁸

23. Once the RiP process was completed NZCON 01/17 then engaged in becoming familiar and confident with their respective tasks.⁷⁹ The weekly happy hours at the Woolshed exhibited no significant concerns, but an unofficial bar was established.⁸⁰ Because MFO rules dictated that alcohol could not be formally sold, the fiction was created that the Driver Team Section Commander (NZ Serviceperson 6) would stock the Woolshed fridge with drinks, and that those personnel taking an item would make a 'donation'.⁸¹ It was the responsibility of the NZCON Duty SNCO to close up at 2200hrs,⁸² but all the drivers knew where the fridge key was located.⁸³

24. Also following the RiP, tensions started to develop amongst the junior ranks (JRs) living in the Woolshed. Culturally, the dominant group there, was the Army cohort, consisting of the s. 6(a) driving team under NZ Serviceperson 6 the barracks commander,⁸⁴ and NZ Serviceperson 14. NZ Serviceperson 21 and though a CPL (E) by rank she believed she was considered and treated as a PTE (E).⁸⁵ NZ Serviceperson 21 had not established a strong relationship with any of the Army JRs during PDT,⁸⁶ and tensions arose over her expectations regarding barrack cleanliness and noise.⁸⁷ Whilst having what NZ Serviceperson 6

⁷³ Witness 10 A8, 38-45

⁷⁴ Witnesses: 4 A5; 43 A27; 45 A103-104; 46 A148-151; 50 A112-115

⁷⁵ Witnesses: 1 A57; 14 A27-28; 15 A30; 18 A116-119, 121; 23 A32-38; 30 A23-24, 54 A38-42

⁷⁶ Witness 14 A29-32

⁷⁷ Witnesses: NZDF MP 1, 16 A38-39

⁷⁸ Witness 1 A4

⁷⁹ Witnesses: 14 A 35; 34 A18-19; 36 A13-14

⁸⁰ Witnesses: 1 A8; 23 A45-49; 28 A47, 49; 42 A28; 45 A87

⁸¹ Witnesses: 26 A35-37; 28 A50, 52; 38 A23; 45 A91-91; 46 A144-146; 50 A105, 194, 261

⁸² Witness 15 A33-35

⁸³ Witness 46 A144

⁸⁴ Witnesses: 14 A50; 26 A17; 28 A4-7; 41 A95; 50 A263-266

⁸⁵ Witnesses: 33 A5, 7; 34 A63-64

⁸⁶ Witness 33 A5-6, 12

⁸⁷ Witnesses: 15 A41-43; 21 A14-15; 25 A52; 26 A117-119, 121; 28 A86-87, 90—93; 45 A35-39; 46 A138; 50 A69-70, 202, 266-269

NZ Serviceperson 6 described as a 'heart to heart' to clear the air,⁸⁸ NZ Serviceperson 21 perceived this dialogue as him bullying and threatening her.⁸⁹

The Bedouin Dinner

25. Once the routine of South Camp had become established for NZCON 01/17, some of the JRs became more interested in exploring the local region, which resulted in them planning a Bedouin dinner and camel ride excursion.⁹⁰ For previous OP FARAD contingents, such activities had been relatively normal.⁹¹ But the heightened security situation had resulted in the MFO directing that such excursions were only to be undertaken when they were vetted in advance and were to occur within approved boundaries.⁹² This was explicitly discussed during PDT,⁹³ reiterated on 16 May 2017 at NZCON weekly O Group and by email the same day stating adventure activities while on non duty excursions were not to occur.⁹⁴

26. Having decided to go, the excursion planners had booked and paid in advance,⁹⁵ but then sought to obtain permission retrospectively. They first asked NZ Serviceperson 12, who said it could not happen.⁹⁶ They then informally approached NZ 2IC-A, as NZCON 2IC, at a Happy Hour on 1 June 2017.⁹⁷ She informed them that permission would indeed need to be formally obtained and that this would not be given without the requisite vetting having been completed. She declined to give a verbal approval at that time.⁹⁸ The party then decided to proceed on the excursion regardless.⁹⁹

27. The personnel involved were the Driving Section (less NZ Serviceperson 6),¹⁰⁰ NZ Serviceperson 14, and one member of s. 6(a):¹⁰¹ NZ Serviceperson 21 had apparently been advised earlier of the excursion by NZ Serviceperson 15, but was not formally invited.¹⁰² The excursion planners were NZ Serviceperson 14 and NZ Serviceperson 2,¹⁰³ with some contending they were the only ones fully aware it had not been approved before they started out.¹⁰⁴ The group left South Camp without giving clear contact details and a location for where they would be going.¹⁰⁵ NZ Serviceperson 21 was evidently kept in the dark in case she gave their plans away to

⁸⁸ Witnesses: 28 A87, 89; 41 A95

⁸⁹ Witnesses: 33 A21, 27; 39 A85

⁹⁰ Witnesses: 14 A35; 43 A41; 45 A69; 46 A38; 50 A34; 54 A49

⁹¹ Witness 26 A55

⁹² Witness 1 A4

⁹³ Witnesses: 36 A52-59; 41 A24-26; 54 A51, 53

⁹⁴ Exhibit 53G

⁹⁵ Witness 26 A58

⁹⁶ Witnesses: 14 A36; 15 A37-38;

⁹⁷ Witnesses: 26 A57; 50 A52; Exhibit 53C-D, F

⁹⁸ Witnesses: 1 A8, 14; 14 A36; 26 A58; 50 A34

⁹⁹ Witnesses: 14 A36; 26 A58; 37 A85, 88-89; 45 A69; 50 A54-55

¹⁰⁰ Witness 28 A61

¹⁰¹ Witnesses: 26 A59; 43 A53; 50 A60-61

¹⁰² Witnesses: 15 A43; 33 A20; 50 A56

¹⁰³ Witnesses: 26 A56; 42 A40; 50 A34

¹⁰⁴ Witnesses: 1 A8; 18 A35; 43 A41-46; 46 A40-41

¹⁰⁵ Witnesses: 26 A58; 30 A41, 124-126

command, or 'narked' in colloquial terms.¹⁰⁶ There is conflicting testimony as to whether **NZ Serviceperson 8** had full knowledge of what was happening,¹⁰⁷ but he denied that he was aware of the group's intent.¹⁰⁸

28. After the party had returned the fact of their undertaking emerged. At first **NZ Serviceperson 12** **NZ Serviceperson** overheard **s. 6(a)** personnel discussing the matter at breakfast, along the lines of 'the Kiwis have done a Bedouin dinner and camel ride and perhaps we should do the same.'¹⁰⁹ **NZ Serviceperson 12** approached several of the JRs to ascertain if they had actually gone and was met with flat denial.¹¹⁰ She then informed **NZ 2IC-A** and **NZ RSM-B**.¹¹¹ Further questioning took place and the JRs continued to deny the allegation.¹¹²

29. At some stage LTCOL Putze had made statements, either directly to some or through the RSM to the SNCO group, to the effect that such an activity was not acceptable and that if it indeed had taken place then the ringleaders would be RTNZ.¹¹³ Some witness did recall that this statement was qualified in terms of 'and if they (the ringleaders) continued to lie about it'.¹¹⁴ At the insistence of **NZ 2IC-A** and **NZ Serviceperson 12**, inquiries continued and were formalised.¹¹⁵ Eventually **NZ RSM-B** managed to convince the group to admit what they had done.¹¹⁶ On questioning it could not be conclusively established if they had breached the MFO safe zones¹¹⁷ but it was subsequently established that the excursion was within the safe zone.¹¹⁸ Charges were then prepared with three of the group (**s.9(2)(ba)(i)**, **NZ Serviceperson 1** and **NZ Serviceperson 15**) charged with 'Negligently failing to perform a duty.'¹¹⁹ The remaining four (**NZ Serviceperson 14**, **NZ Serviceperson 2**, **NZ Serviceperson 13**, **NZ Serviceperson 3**) were charged with 'Disobeying a lawful command of a superior officer.'¹²⁰

30. The officers, WOs, SNCOs and **NZ Serviceperson 6** were all employed to be either presenting or defending officers within the process.¹²¹ The summary trials for the six members of the Driving Section were heard on 1 July 2017.¹²² **NZ Serviceperson 14** was deployed to North Camp at that time and was therefore heard separately on 11 July 2017.¹²³ Before the trials the SNO is now

¹⁰⁶ Witnesses: 14 A130-132; 15 A 41-42; 139; 28 A87; 33 A20; 37 A108-114; 39 A85,

¹⁰⁷ Witnesses: 15 A47, 51; 16 A40; 33 A20; 42 A46-48; 50 A49-50

¹⁰⁸ Witnesses: 42 A66-67; 43 A48 (supports **NZ Serviceperson** not being aware)

¹⁰⁹ Witnesses: 15 A41; 26 A59; 33 A20; 46 A52

¹¹⁰ Witnesses: 1 A112; 14 A36, 38; 15 A41; 26 A54

¹¹¹ Witnesses: 14 A39; 15 A41

¹¹² Witness 15 A45-46

¹¹³ Witnesses: 1 A8; 15 A20-23; 30 A44-45; 33 A27-28; 41 A12-16; 43 A62-63; 45 A77-80, 82; 46 A45-46; 54 A51-53, 109-110

¹¹⁴ Witnesses: 26 A60-61, 68-70; 54 A51, 57-59

¹¹⁵ Witnesses: 15 A44; 26 A60; 28 A63-64; 36 A60-61, 63; 37 A86-87

¹¹⁶ Witnesses: 50 A35-37; 54 A58

¹¹⁷ Witnesses: 1 A14-15; 54 A55, 70-72

¹¹⁸ Exhibits: 53A-G

¹¹⁹ Witness 14 A39-45; Exhibits: 53A-B, E

¹²⁰ Exhibits: 53C-D, F-G

¹²¹ Witnesses: 15 A53; 23 A81; 36 A62-63; 42 A41

¹²² Witnesses: 15 A53, 56; 26 A63-65; 54 A64; Exhibits: 53A-F

¹²³ Witnesses: 15 A53, 55, 65; 36 A73-74; 50 A34, 52-53; 54 A64, 101-102; Exhibit 53G

alleged to have stated that no one would be sent home or fined.¹²⁴ All seven pleaded guilty to the charges.¹²⁵ The punishments were varying terms of Confinement to Barracks.¹²⁶ NZ Serviceperson 14 and NZ Serviceperson 2 were deemed to be the most culpable, in that they planned the activity and had a clear understanding that it was not approved.¹²⁷ They received more severe punishments and NZ Serviceperson 14 also received Extra Work and Drill and had to complete and present a book review.¹²⁸

The CSM's Hour

31. A number of the SNCOs, led by NZ Serviceperson 12 were generally dissatisfied with the outcomes of the summary trials. Both they and NZ 2IC-A, did not perceive that the punishments given were severe enough in their impact and did not meet the threshold signalled by the SNO prior to the summary trials.¹²⁹ In particular NZ Serviceperson 12 perceived that their handling derived from the SNO favouring NZ Serviceperson 14, and that her lenient punishment and the individual hearing of her case were evidence of this.¹³⁰ In order to address this perceived issue with other concerns regarding the handling of the JRs and alcohol usage, the SNCOs concerned asked for a CSM's Hour with NZ Serviceperson 5.¹³¹

32. However, the CSM's Hour did not clear the air.¹³² There had already been an SNO's hour regarding workloads, where LTCOL Putze had not been receptive to the SNCO's points.¹³³ The impact of them again appearing to question his handling of the JRs as a group within NZCON, and the disciplinary issues specifically, entrenched this division between him and the SNCO group.¹³⁴ In addition NZ Serviceperson 12' allegations regarding the SNO and NZ Serviceperson 14 led to her being directly spoken to by the NZCON Adjt, NZ Officer 9.¹³⁵ The SNCOs were specifically told to keep away from the JRs.¹³⁶ The perception of virtually the entire SNCO group was that they were now targeted and marginalised by both the SNO and the NZCON command group,¹³⁷ and were referred to in negative terms both for their social and work performance.¹³⁸ The SNCOs therefore increasingly withdrew into their own company and away from participation in non-core NZCON activities.¹³⁹

¹²⁴ Witness 15 A56, 59

¹²⁵ Witnesses: 1 A8; 26 A54; Exhibits: 53A-G

¹²⁶ Witnesses: 26 A65; 36 A63, 76; 37 A97-107, 155-156; 41 A28; 42 A59; 43 A60; 45 A69

¹²⁷ Witnesses: 43 A59; 46 A38

¹²⁸ Witnesses: 1 A10-13; 15 A56; 18 A32, 36; 23 A81; 26 A66; 36 A76; 38 A32; 41 A18-19; 50 A34; Exhibit 53G

¹²⁹ Witnesses: 1 A9-10, 14; 14 A45-46; 15 A76,82; 30 A42-43, 47-50; 36 A67-68, 76-82

¹³⁰ Witnesses: 1 A10, 19; 15 A78-79, 83-84; 16 A126; 36 A69; 42 A70-72; 50 A14

¹³¹ Witnesses: 15 A83-99, 118-119; 23 A71-75; 30 A39; 34 A84, 89; 41 A31

¹³² Witnesses: 1 A48; 15 A86; 18 A37; 30 A83; 34 A82, 86

¹³³ Witnesses: 30 A33-38; 34 A29-31, 91; 41 A82

¹³⁴ Witnesses: 3 A13; 14 A146; 15 A116; 23 A61; 30 A50; 41 A66; 54 A100

¹³⁵ Witnesses: 15 A100-109; 36 A69, 89-91; 42 A74, 179; 50 A235

¹³⁶ Witnesses: 15 A121-123, 140; 23 A62; 36 A92-95; 54 A113

¹³⁷ Witnesses: 2-1 A4; 14 A146; 15 A114

¹³⁸ Witnesses: 1 A19; 15 A102-104, 127-129;


¹³⁹ Witnesses: 15 A161; 28 A80-82; 34 A67, 70-72; 36 A32, 86, 100; 38 A99-101; 39 A81; 43 A113; 46 A113; 54 A154

Alcohol

33. From this point, around July/ August 2017, the use of the Woolshed and NZCON alcohol usage also appears to have evolved. The weekly happy hours became more extended and other parties or gatherings developed.¹⁴⁰ Along with instances where hosted functions had been undertaken with the convention that guests could be invited with the SNO's permission, a pattern of informal parties emerged with more frequent attendance by personnel from other contingents on a more relaxed basis.¹⁴¹ Several s. 6(a) officers became frequent attendees.¹⁴² Spirits were allowed to be consumed and became a common feature,¹⁴³ with the exception of a specific direction that they were not to be seen during COMJ's visit.¹⁴⁴ Problems also started to develop where the 'donations' were not covering the cost of alcohol being consumed.¹⁴⁵

34. Whilst the hours for the informal bar were supposedly regulated with the requirement for the NZCON Duty NCO to lock the fridge and remove the donation box,¹⁴⁶ the closing hours also became erratic. Several of the witnesses indicated that when it came to closing the bar, more senior members of the Contingent (including the SNO, officers and RSM) together with visiting senior officers, tried to override the locking of the fridge.¹⁴⁷ This behaviour continued during NZCON 02/17.¹⁴⁸ As well as withdrawing from contingent activities, the SNCOs also withdrew from the Woolshed preferring to socialise together in the Romani Lines.¹⁴⁹

35. The structure of the Woolshed was already a concern, given that the block ablutions were necessarily unisex and open to all personnel, both the JR residents of the Woolshed and anyone visiting. The alcohol fuelled atmosphere generated at the Woolshed specifically led to two identified incidents. s. 6(a)



36. As well as being a frequent attendee at the Woolshed, LTCOL Putze also emphasised the need to be able to entertain others to drinks at his accommodation. On a regular basis

¹⁴⁰ Witnesses: 1 A20; 26 A38-40

¹⁴¹ Witnesses: 23 A59-60; 26 A79-85; 50 A84-86, 88-89

¹⁴² Witnesses: 28 A24-26, 115-118; 42 A28-30; 43 A134-147, 165-166; 45 A44, 107-111; 50 A95-97, 99; 54 A128-141

¹⁴³ Witnesses: 1 A44; 23 A34, 40-41; 25 A18; 26 A38-40; 28 A55, 57; 36 A37, 40-43; 37 A44, 54-58; 45 A95-97; 46 A118-119; 50 A105-106

¹⁴⁴ Witnesses: 1 A20, 81; 36 A48-51

¹⁴⁵ Witness 1 A20

¹⁴⁶ Witnesses: 27 A47; 35 42-44

¹⁴⁷ Witnesses: 15 A33; 38 A26, 118-119; 41 A56; 51 A42-45; 54 A124

¹⁴⁸ Witness 35 A48-49, 53-55

¹⁴⁹ Witnesses: 15 A161; 18 A28; 28 A80-82; 34 A67, 70-72; 36 A32, 86, 100; 38 A99-101; 39 A81; 42 A96

¹⁵⁰ Witnesses: 16 A115-122

¹⁵¹ Witnesses: 26 A90-103; 36 A25-29 (hearsay); 38 A27-29, 107-111

this included the other officers of NZCON and the WOs, as well as his friends from the other MFO nation's contingents.¹⁵² Periodically he would invite some of the JRs and sometimes the SNCOs, although they declined these invitations. His perception that this was a key requirement led to his insistence for NZ Serviceperson 12 (as S1) and NZ Serviceperson 11 (SQMS) to provide an NZDF funded refrigerator for his personal use, as well as a Barbeque.¹⁵³

37. Whilst the happy hours appear to have been embraced by the officers, WOs and JRs, the SNCOs referred to them as the 'Sad Sixties', and withdrew at the earliest opportunity.¹⁵⁴ However several of them admit that they were drinking significantly within Romani Lines.¹⁵⁵ NZ Serviceperson 7 admits he had a drinking problem at the time,¹⁵⁶ and NZ Serviceperson 4 believes he developed one. As well as perceiving that NZ Serviceperson 12 was being bullied,¹⁵⁷ some SNCOs and particularly NZ Serviceperson 10 felt they were being targeted by the SNO and RSM for their reticence to join in the 'compulsory fun' competitions.¹⁵⁸ For example, there were overheard instances of the SNO and RSM openly ridiculing NZ Serviceperson 19 regarding his lack of fitness.¹⁵⁹ NZ 2IC-A was also chided to 'chill out' on her attitude to drinking and socialising by the SNO, and on one occasion believes her drinks were spiked,¹⁶⁰ in order to induce less controlled behaviour.¹⁶¹

The Israel Visit

38. The next specific NZCON 01/17 incident occurred following an MFO Force Command cocktail party in Tel Aviv on 17th October 2017. The NZCON performed a Kapa Haka presentation as part of the entertainment.¹⁶² This had been thoroughly practiced and was well received.¹⁶³ The NZCON party, in uniform, stayed for drinks and left at the end of the reception. Upon return to their hotel the party changed into civilians and then decided to go out as a group.

39. It is not clear who led the group or if it was a conscious decision,¹⁶⁴ but the venue chosen was a strip club.¹⁶⁵ They did not arrive as a cohesive group, but by the arrival of NZ Officer 9, NZ Officer 9 and NZ Serviceperson 8, the SNO together with NZ Officer 3,¹⁶⁶ NZ Officer 2, several

¹⁵² Witnesses: 18 A79, 84;

¹⁵³ Witnesses: 1 A60; 39 A95-98

¹⁵⁴ Witness 42 A94-96

¹⁵⁵ Witnesses: 18 A28; Exhibits: 3A, 5A

¹⁵⁶ Witnesses: 42 A102-105, 119; 50 A117

¹⁵⁷ Witnesses: 14 A57; 15 A161-165;

¹⁵⁸ Witnesses: 14 A56; 23 A67-68; 30 A113-115; 34 A11, 24, 145-150; 39 A49; 41 A105-107; 42 A85-89; 46 A63; 54 A84

¹⁵⁹ Witnesses: 14 A57-59; 42 A89-92; 54 A234-235

¹⁶⁰ Witness 1 A24, 51-56

¹⁶¹ Witnesses: 28 A151-154; 36 A33; 39 A65; 41 A128

¹⁶² Witnesses: 1 A23; 25 A27; 28 95; 46 A75

¹⁶³ Witnesses: 23 A173; 38 A50; 50 A139-140; 54 A168

¹⁶⁴ Witnesses: 23 A99, 173; 26 A126; 28 A97, 100; 34 A100, 103, 105; 36 A120, 122; 38 A71; 50 A146-148

¹⁶⁵ Witnesses: 1 A24; 25 A28; 26 A123, 126; 34 A101; 46 A76-77; 50 A140; 54 A168-171

¹⁶⁶ Witnesses: 23 A96-98; 36 A115; 38 A72; 46 A78; 50 A149

SNCOs and the JRs (including NZ Serviceperson 14, NZ Serviceperson 2 and NZ Serviceperson 3)¹⁶⁷ were already inside. NZ 2IC-A did not gain admittance, and NZ RSM-B remained with her.¹⁶⁸

40. NZ Officer 9 queried the optics of being in a strip club with the SNO, but was advised to relax.¹⁶⁹ Some JRs thought it was OK because the SNO was there.¹⁷⁰ It was noted that personnel, including senior officers, s. 6(a) were also there at the same time.¹⁷¹ At some stage each NZCON member, including the females, received a lap-dance – though who arranged and paid for this has not been established.¹⁷² When NZ Serviceperson 14, NZ Serviceperson 2 and NZ Serviceperson 3 left, NZ Officer 9 and NZ Serviceperson 8 made sure they got back to the hotel.¹⁷³

41. Some personnel were still hungover by their return to South Camp the next morning.¹⁷⁴ Regardless of the presence of other MFO personnel, comments were made about the NZCON officers taking their soldiers to a strip club and participating in lap-dances.¹⁷⁵ When queried at the time of the OP FARAD 01/17 RiP,¹⁷⁶ and subsequently, several personnel recognised that this was probably not an appropriate venue or activity.¹⁷⁷

Male-on-Female Assault¹⁷⁸

42. A final series of key events relating to NZCON 01/17 centred on an incident at the Red Sea Oasis (RSO) bar on 7 November 2017, between 2000 and 2030 hrs during the RiP for NZCON 02/17.¹⁷⁹ NZ Serviceperson 14 testified that it was the continuation of an afternoon where NZ Serviceperson 7 had drunkenly stalked her.¹⁸⁰ That evening at the RSO Bar, NZ Serviceperson 7 was intoxicated and announced that he intended to give NZ Serviceperson 14 a hug.¹⁸¹ She rebuffed his movements. After ruffling her hair, he left.¹⁸² While several witnesses saw the exchange, some were not concerned,¹⁸³ but others perceived it as an assault.¹⁸⁴ The SNO initially directed NZ 2IC-B to investigate the allegation but this direction changed in short order and NZ 2IC-A undertook it instead.¹⁸⁵

¹⁶⁷ Witnesses: 26 A 127; 34 A104; 38 A53-54, 56, 60-61; 46 A80

¹⁶⁸ Witnesses: 1 A24, 27; 26 A 127-128; 28 A96; 36 A118-119; 38 A56; 50 A141; 54 A168-178

¹⁶⁹ Witnesses: 36 A115-117, 128; 38 A63-64

¹⁷⁰ Witnesses: 28 A96-98; 46 A81, 133

¹⁷¹ Witnesses: 38 A68; 54 A164-167

¹⁷² Witnesses: 25 A29; 36 A115, 133; 38 A73; 46 A135; 50 A142-143; Exhibits: 11B, 15A

¹⁷³ Witnesses: 36 A125-128; 38 A57-59, 66; 45 A143

¹⁷⁴ Witness 46 A89-90

¹⁷⁵ Witness 1 A24, 100

¹⁷⁶ Witness 2-1 A4

¹⁷⁷ Witnesses: 18 A70-74; 23 A99-100; 34 A112; 45 A144-147; 46 A82-84; 50 A150

¹⁷⁸ ToR 1. b.

¹⁷⁹ Witness 11 A6

¹⁸⁰ Witnesses: 1 A33, 35; 18 A108; 50 A118, 120

¹⁸¹ Witnesses: 1 32; 15 A188-189, 254; 26 A139, 141; 42 A124-128, 128-131; 45 A130

¹⁸² Witnesses: 26 A139; 50 A118

¹⁸³ Witnesses: 1 A66; 2-1 A72-76; 25 A41; 37 A83

¹⁸⁴ Witnesses: 1 A32, 33; 2-1 A4; 18 A105-106; 25 A41; 36 A134-136; Exhibits: 47E-47M

¹⁸⁵ Witnesses: 1 A29-36; 11 A8; Exhibits: 11A(1-2), 47B

43. **NZ 2IC-A** completed her report on 10 November 2017 and recommended charges against **NZ Serviceperson 7**.¹⁸⁶ Whilst reflecting during the period of completing the report, **NZ 2IC-A** became increasingly aggravated by the alcohol driven behaviours she encountered across the Contingent,¹⁸⁷ compounded by various issues and concerns she had been confronting since returning from leave, and these she communicated to **NZDF Lawyer 2**.¹⁸⁸ Following his recommendation, these concerns were the basis of her comments at paragraph 26 of her report, concerning the 'drinking culture'.¹⁸⁹ As she could not locate the SNO to present her report before departure, she left a copy on his desk, but also forwarded a copy direct to HQ JFNZ.¹⁹⁰ She also sent the SNO an email¹⁹¹, specifically warning him about the alcohol behaviours, sexualised banter,¹⁹² and the risk of personnel driving within 12 hours of drinking.¹⁹³

44. HQ JFNZ received **NZ 2IC-A** report shortly before COMJ was due to depart for a visit to Dubai. A letter was immediately drafted to the SNO FARAD, dated 16 November 2017, reiterating COMJ's expectations regarding alcohol use within the NZCON in theatre.¹⁹⁴ s. 9(2)(h)

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LTCOL Putze himself was observed to be angry the report had been sent before he could comment on it, and he contested the tone and observations,¹⁹⁶ as well as being worried about the impact that the report and the response that COMJ's expectations letter would have on his career.¹⁹⁷

45. A macro view of the key events and interactions involving LTCOL Putze and HQJFNZ from the Command Investigation being raised 10 November 2017 until the end of March 2019 is at Annex B.

NZCON 01/17 Debrief

46. The decompression for NZCON 01/17 was conducted in Dubai over the period 13-15 November 2017.¹⁹⁸ It had already been identified that the Contingent was not a cohesive group,¹⁹⁹ and consequently the senior psychologist, **NZDF Psych**, specifically debriefed the majority of those identified as having potential issues.²⁰⁰ This group included

¹⁸⁶ Witness 1 A29-36; Exhibits: 1B, 11C, 47C

¹⁸⁷ Witness 1 A9-10; Exhibit: 11B

¹⁸⁸ Witness 9 A12-13, 22

¹⁸⁹ Witnesses: 1 A35; 11 A6, 13, 107; Exhibits: 1B para 26, 11C, 47C

¹⁹⁰ Witness 1 A35

¹⁹¹ Exhibits: 1C, 2C

¹⁹² Witnesses: 15 A80, 26 A76; 50 A16, 122-125

¹⁹³ Witness 1 A35, 77

¹⁹⁴ Exhibit 2A

¹⁹⁵ Witness 11 A15; Exhibit 11 U (02)

¹⁹⁶ Witnesses: 2-1 A4; 11 A26-28; Exhibit 11E(1)

¹⁹⁷ Witness 2-1 A11-13

¹⁹⁸ Exhibits: 3A, 5A

¹⁹⁹ Witness **NZDF Psych**, 3 A6-9, 12

²⁰⁰ Witnesses: 1 A83; 3 A8-10, 12, 34;

most of the SNCOs from the Force Training Team (FTT), NZ Serviceperson 12, NZ Serviceperson 11 and NZ Serviceperson 21. When the collated report of the Initial Psychological Debrief (IPD) was published in January 2018,²⁰¹ LTCOL Putze contested the strength of its findings,²⁰² and recommended that he should have been consulted and allowed to comment before the report was finalised.²⁰³

47. However, the immediate strength of the concerns expressed and the significant proportion of those presenting with issues,²⁰⁴ led NZDF Psych 1 to contact her superior at HQ JFNZ, NZDF Psych 2.²⁰⁵ After some discussion,²⁰⁶ NZDF Psych 2 advised NZDF Psych 1 that if the issues were of such concern, it could be possible to have a direct interview with COMJ s. 6(a).²⁰⁷ This was arranged and took place on 17 November 2017,²⁰⁸ with only the two of them present.²⁰⁹ NZDF Psych 1 had collated the broad analysis of the key themes of the IPD and these included drinking, fraternisation and leadership.²¹⁰ At that time MAJGEN Gall expressed his frustration with the situation, the lack of hard evidence,²¹¹ and stated that he had no one to replace LTCOL Putze with.²¹² Upon her RTNZ NZDF Psych 1 again discussed the NZCON 10/17 debrief with NZDF Psych 2. Although follow up debriefs were programmed on a normal basis,²¹³ there were a series of emails exchanged and a telephone call arranged between NZDF Psych 2 and LTCOL Putze to discuss concerns and recommendations with the IPD process.²¹⁴

48. MAJGEN Gall considered travelling to the MFO.²¹⁵ But this could not be facilitated at short notice, and neither could LTCOL Putze travel s. 6(a) in time.²¹⁶ MAJGEN Gall therefore phoned LTCOL Putze, reiterating his concerns about alcohol use in OP FARAD,²¹⁷ and stipulated that with a new contingent the SNO had the opportunity to get it to work this time.²¹⁸ s. 9(2)(ba)(i)

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²⁰¹ Witness 3 A11: Exhibit 3A, 5A

²⁰² Witnesses: 3 A39-41; NZDF Psych 2, 5 A26-27, 29; Exhibit 5B

²⁰³ Witness 5 A29

²⁰⁴ Witnesses: 3 A11, 12, 15, 57-58, 5 A13, 15

²⁰⁵ Witnesses: 3 A17; 5 A9, 33; Exhibit 5E

²⁰⁶ Witnesses: 3 A27; 5 A10-12

²⁰⁷ Witnesses: 3 A18-20; 5 A12, 15

²⁰⁸ Witnesses: 3 A20; 48 A27, 34

²⁰⁹ Witness 3 A28-29

²¹⁰ Witnesses: 3 A21-22, 30, 33, 46; 17 A14

²¹¹ Witnesses: 3 A22-24; 5 A78

²¹² Witness 3 A24

²¹³ Witness 3 A38-39

²¹⁴ Exhibits: 5B, C

²¹⁵ Witness: 3 A44

²¹⁶ Witnesses NZ Officer 6, 9 A11-12; 48 A37

²¹⁷ Witnesses: 5 A18, 84-86; 17 A15-17; NZ Officer 8, 24 A4, 22; 48 A36-37

²¹⁸ Witness 9 A19, 27, 71-74; 11 A38; 22 A22; 48 A37, 40

²¹⁹ Witnesses: 17 A29-32, 83; 24 A26-27, 29 (admitted heard at third hand) 33-34; 41 A76-80

²²⁰ Witness 48 A30

49. Following his return to NZ, COMJ considered all matters.²²¹ Following discussions with NZDF Lawyer 2, who had been contacted by both NZ 2IC-A and NZ 2IC-B²²² COMJ had the J3, NZ Officer 6, direct a Military Police inquiry into the allegations surrounding NZCON 01/17.²²³ This investigation proceeded over the next six months and will be specifically described and discussed later. No other investigatory initiatives were taken by HQ JFNZ.

NZCON 02/17

50. The PDT for NZCON 02/17 was undertaken over the period 14th August – 10th September 2017, under the control of NZ 2IC-B²²⁴ The SNO, who was already in theatre did not attend.²²⁵ NZ Officer 3, who was to complete a full year in OP FARAD and was in NZ on leave, did spend some time with the Contingent.²²⁶ Similar to 01/17, NZCON 02/17 developed a Code of Conduct Card,²²⁷ which was cleared by the SNO.²²⁸ Concerns regarding alcohol issues within OP FARAD 01/17 were conveyed to NZ 2IC-B and s.9(2)(a) (02/17 RSM) by s.9(2)(a) (WO JFNZ),²²⁹ who had visited NZCON 01/17 with COMJ in June 2017,²³⁰ and by NZ 2IC-A.²³¹ This included the consumption of spirits. COMJ also spoke direct to s.9(2)(a).²³²

51. The key event of the 02/17 RiP occurred during their transit into theatre s. 6(a) s.9(2)(a).²³³ Fortunately the physical training instructor, s.9(2)(a), identified the situation early and through immediate intervention s.9(2)(a) survived.²³⁴ However, the impact on 02/17 was to lower their morale.²³⁵ It also required that NZ RSM-B be held over for a period as NZCON RSM until a permanent replacement could be mobilised from NZ. NZ RSM-B had to deal with the implications of this – that he would have to remain RSM FARAD until replaced by s.9(2)(a) some time into the New Year 2018.²³⁶

²²¹ Witness 17 A33-35, 94; Exhibit 5F

²²² Witness 11 A40-45

²²³ Witnesses: NZDF MP CO, 8 A4, 9 A13-16, 57-59; 11 A15

²²⁴ Witnesses: NZ Serviceperson 16, 29 A11; NZ Serviceperson 17, 31 A11; 44 A11

²²⁵ Witnesses: NZ Serviceperson 22, 21 A10; 35 A4

²²⁶ Witnesses: 23 A117; 35 A12

²²⁷ Witnesses: NZ Serviceperson 18, 27 A14; 29 A17; 35 A14; NZ Serviceperson 20, 40 A15; 44 A18

²²⁸ Witnesses: 2 A4; NZ Officer 7, 6 A42-46; NZDF Serviceperson 23, 20 A14; 23 A123

²²⁹ Witness 2-1 A4

²³⁰ Witnesses: 23 A108; 28 A65; 36 A47; 48 A10, 16-20

²³¹ Witnesses: 1 A37, 84, 116-117; 2-1 A4; Exhibits: 1C, 2C

²³² Witness 48 A37

²³³ Witnesses: 2-1 A4; 20 A13; 21 A11-12; 27 A10; 35 A109

²³⁴ Witnesses: 35 A113-116; 54 A220

²³⁵ Witnesses: 5 A46; 35 A113-117; 44 A13-14

²³⁶ Witnesses: 9 A72; 20 A32; 44 A65-66; 54 A153

52. NZ 2IC-B took heed of the warnings regarding alcohol. As a result he was on his guard from the outset.²³⁷ During the RiP process the warnings seemed to be confirmed. On 3 November 2017, upon deplaning in Sinai, NZ RSM-B met the incoming contingent in what NZ 2IC-B perceived as a hungover state. One driver commented their handover was complicated because the outgoing team were away with hangovers.²³⁸ On their second night NZ 2IC-B witnessed a noisy party involving the SNO, s. 6(a) and three NZDF female JRs at the Woolshed.²³⁹ On the third night there was the incident at the RSO between NZ Serviceperson 7 and NZ Serviceperson 14.²⁴⁰ Additionally NZ 2IC-B both noticed, and had brought to his attention, how stressed the outgoing 2IC/ SNCO group were.²⁴¹ The incoming SNCOs also became aware of the range of concerns and allegations.²⁴²

53. The impact was that NZ 2IC-B maintained his guard and ensured that the intent of the Code of Conduct, as agreed to during PDT, continued to be adhered to.²⁴³ The Woolshed bar was formalised (but not MFO authorised),²⁴⁴ with regularised hours and strict controls on visitors (s. 6(a)),²⁴⁵ and no spirits.²⁴⁶ The number of functions was gradually curtailed, and the Woolshed was predominantly left to the JRs.²⁴⁷ The SNCOs maintained the Romani Lines recreation area and kept to themselves.²⁴⁸ NZ Officer 4 joined other junior officers, establishing a group known as 'the Commonwealth Officer's Club'.²⁴⁹ Within the Woolshed the Section Comd maintained discipline and NZ Serviceperson 22 was a leading personality who took a proactive role in dealing with her fellows.²⁵⁰ NZ 2IC-B also prevented the SNO from hosting JRs at his hooch.²⁵¹

54. Some personnel regarded NZ 2IC-B deliberate level of interjection,²⁵² between the SNO and the contingent, as undermining LTCOL Putze's position and disrespectful.²⁵³ Another perception was that LTCOL Putze was trying to undermine the positions established by NZ 2IC-B. There was a perceived tension between the two,²⁵⁴ with LTCOL Putze describing NZ 2IC-B as a 'killjoy'.²⁵⁵ Overall though, the contingent collectively

²³⁷ Witness 2-1 A4, 83

²³⁸ Witness 31 A14

²³⁹ Witnesses: 1 A9-10, 2-1 A4, 41 A116-124

²⁴⁰ Witness 2-1 A4

²⁴¹ Witness 2-1 A4, 2-2 A32

²⁴² Witness 27 A69

²⁴³ Witnesses: 20 A76; 21 A34-35; 27 A58, 77; 40 A18, 53-56, 63

²⁴⁴ Witnesses: 20 A37; 29 A35-36; 31 A25; 35 A46

²⁴⁵ Witnesses: 2-1 A96-97, 99-101, 105; 27 A32, 55-57, 80-85; 35 A80-90; 44 A200, 204-205

²⁴⁶ Witnesses: 21 A49-50, 99; 27 A58; 31 A27

²⁴⁷ Witnesses: 20 A38; 27 A32; 35 A47

²⁴⁸ Witness 35 A46, 98

²⁴⁹ Witness 35 A37-39

²⁵⁰ Witness 21 A19-21; 31 A43

²⁵¹ Witnesses: 2-1 A8; 27 A66

²⁵² Witnesses: 2-2 A31, 34; 23 A134

²⁵³ Witnesses: 23 A118-119, 125, 134-135; 54 A158-159, 161

²⁵⁴ Witnesses: 35 A15-20, 37, 62, 99-102; 44 A53-55

²⁵⁵ Witness 35 A101-102

participated in the MFO competitions and delivered their outputs without trouble, whilst the JRs interaction with the entire command team was maintained with the normal distinctions between ranks.²⁵⁶

Inappropriate Relationship

55. One impact of the tighter controls at the Woolshed, and the warnings he had received from COMJ, was that LTCOL Putze appears to have become more circumspect. He continued to participate in all NZCON functions and activities and even tried to stretch some parameters.²⁵⁷ LTCOL Putze concentrated his socialisation more around his own hooch, particularly with s. 6(a);²⁵⁸ However, the nature of the group had also changed, with two CAPT (E) appointments now held by female officers (CAPT Read and NZ Officer 4). NZ RSM-B counselled LTCOL Putze it would be inappropriate to be seen to host these officers too often,²⁵⁹ and also warned his successor.²⁶⁰ Through the Christmas period, the SNO started functions at the Woolshed, but then would take some of the NZDF and s. 6(a) back to his hooch.²⁶¹

56. In January 2018 both LTCOL Putze and CAPT Read went on leave out of theatre. Upon his return LTCOL Putze admitted his relationship s. 9(2)(a) was in trouble and it was noticed he was spending more time with CAPT Read. s.9(2)(a).²⁶² They shared an interest in the gym, and they were working closely together in both the Force HQ and on NZCON matters. They started to socialise together, including reopening the Woolshed bar and bringing back s. 6(a).²⁶³ At some stage their relationship became sexual. The establishment of this inappropriate relationship has already resulted in disciplinary action against both of them, and will only be referred to in this COI in so far as it relates to their subsequent actions, or those of others. The impact of this relationship upon NZCON 02/17 was that LTCOL Putze appeared to become indecisive himself and defer to CAPT Read.²⁶⁴ Within South Camp the NZCON's reputation was diminished by the behaviour of the SNO and CAPT Read.²⁶⁵

Ibeza Beach Day

57. On 23 March 2018 a series of events developed, stemming from an NZCON excursion to Beach Ibeza,²⁶⁶ on the coast near Sharm El Sheik. Similar all ranks excursions had taken place during NZCON 01/17, as evidenced by the photo taken during the RiP process,²⁶⁷

²⁵⁶ Witnesses: 2-1 A14; 20 A47-50

²⁵⁷ Witness 20 A36-37, 40-47; 27 A58-59

²⁵⁸ Witnesses: 20 A49; 21 A25-27; 23 A156-160; 27 A34, 65; 35 A46, 98

²⁵⁹ Witness 54 A184-186, 192

²⁶⁰ Witness 54 A187

²⁶¹ Witnesses: 2-1 A15, 17; 27 A65

²⁶² Witness 2-1 A20

²⁶³ Witness 2-1 A17, 18

²⁶⁴ Witness 2-1 A51-52

²⁶⁵ Witness 2-1 A44-48

²⁶⁶ Witnesses: 2-1 A20; 21 A51-80; 23 A142; 35 A64-72

²⁶⁷ Exhibits: 2F, 11F(1-2)

where only the JRs, LTCOL Putze and NZ Officer 2 were present from the NZDF, together with Foreign Officer 1 and Foreign Officer 2, both s. 6(a) personnel.²⁶⁸ On this next occasion the group from the Woolshed based themselves at one of the beach bars, and there was a considerable amount of drinking, interspersed with some swimming. LTCOL Putze was also present,²⁶⁹ and is known to have purchased several (as many as six) rounds of shots during this process.²⁷⁰

58. **Skinny Dipping.** At around closing time LTCOL Putze was away from the site for a period and NZ Serviceperson 22 was arranging taxis to get the group back to South Camp.²⁷¹ At this time several of the remaining NZCON JRs, both male and female, decided to go 'skinny dipping.'²⁷² NZ Serviceperson 22 returned to find LTCOL Putze angrily calling the NZCON personnel out of the water.²⁷³ They dressed hurriedly and the group returned to South Camp.

59. **Assault and Drunkenness.** When the group had returned to South Camp some personnel decided to continue drinking at the RSO.²⁷⁴ NZ Serviceperson 17, feeling ill and having a driving task next day, decided to go to bed in her room in the Woolshed.²⁷⁵ NZ Serviceperson 22 assisted her to get settled there and then went to the RSO.²⁷⁶ Later NZ Serviceperson 22 again needed to help another driver to return to the Woolshed and arranged to get him into his own room. Having done so NZ Serviceperson 22 again checked on NZ Serviceperson 17.²⁷⁷ Subsequently she then had to assist NZ Serviceperson 9 back to his room, though he was not cooperative.²⁷⁸ Going back yet again to the Woolshed accommodation some time later to check on both individuals, NZ Serviceperson 22 found NZ Serviceperson 9 in NZ Serviceperson 17's bed.²⁷⁹ In yelling at him to get up and get out, NZ Serviceperson 17 was also woken. It was immediately apparent NZ Serviceperson 9 was not there with NZ Serviceperson 17's consent,²⁸⁰ and the occurrence was reported to NZ Serviceperson 18.²⁸¹

60. LTCOL Putze went to Rome on 25 March 2018 for a 10 day MFO planning conference.²⁸² The initial investigation of the alleged offences was carried out by CAPT Read.²⁸³ During this process Capt Read communicated several times with the SNO regarding the content of the statements.²⁸⁴ During the communications LTCOL Putze indicated that he

²⁶⁸ Witnesses: 2-1 A20; 44 105

²⁶⁹ Witnesses: 21 A56-57; 27 A35; 35 A65; 44 A88-91

²⁷⁰ Witnesses: 2-1 A20, 22, 28; 16 A127; 20 A57; 23 A152; 29 A44; 31 A51-52; 40 A35-36, 64; 44 A92-95

²⁷¹ Witness 21 A62

²⁷² Witnesses: 21 A63, 92; 23 A147; 29 A46-49, 70; 31 A53; 44 A98

²⁷³ Witnesses: 29 A90; 31 A54-55; 35 A65

²⁷⁴ Witnesses: 21 A67; 31 A56-57

²⁷⁵ Witnesses: 21 A67; 27 A21; 31 57; 65 A65; Exhibits 53H(2), I(2)

²⁷⁶ Witnesses: 21 A67; 31 A58-59; 40 A31; Exhibits 53H(2), I(2)

²⁷⁷ Witnesses: 21 A67; Exhibits 53H(2), I(2)

²⁷⁸ Witnesses: 21 A67; 31 A59; 44 A114-115; Exhibits 53H(2), I(2)

²⁷⁹ Witnesses: 21 A 67; 27 A21; 31 A60; 35 A65; 44 A116 ; Exhibits 53H(2), I(2)

²⁸⁰ Witnesses: 21 A23; 21 A68-70; 29 A57-62; 31 A59-60; Exhibits 53H(2), I(2)

²⁸¹ Witnesses: 31 A64; Exhibits 53H(2), I(2)

²⁸² Exhibit 120(12)

²⁸³ Exhibit 120(13)

²⁸⁴ Witness 2-1 A28-31; Exhibit 120(13)

desired the timeframe of the incident to be shortened which removed any mention of Beach Ibeza.²⁸⁵

61. NZ 2IC-B was in the process of returning from leave at the time of this latest incident. He was not advised about it by either the SNO or CAPT Read, but was told by the SNCOs. He was concerned when he became aware that witness statements were being changed. LTCOL Putze subsequently rang NZ 2IC-B to 'come clean' and detailed the events at beach Ibeza,²⁸⁶ but suggested that the timeline of the statements be isolated to the period from 1900.²⁸⁷ NZ 2IC-B perception was that LTCOL Putze wanted to conceal that element in part to protect the s. 6(a) present.²⁸⁸ NZ 2IC-B directed that the original statements were to be used.²⁸⁹

62. NZ 2IC-B also discussed the issues with J09 (NZDF Lawyer 2), recommending a Summary Trial instead of initiating a formal Command Investigation.²⁹⁰ NZ 2IC-B then directed NZ Officer 3, CAPT Read, s.9(2)(a) and NZ Serviceperson 18 to undertake interviews of the witnesses and NZ Serviceperson 9 and NZ Serviceperson 17 s. 9(2)(h)

.²⁹² After review of the recommended charges and advice from both NZDF Lawyer 3 and NZDF Lawyer 2 in HQ JFNZ,²⁹³ NZ Serviceperson 9 was charged with indecent assault, assault and drunkenness.²⁹⁴ NZ Serviceperson 17 was charged with drunkenness.²⁹⁵ Regardless of his own apparent involvement, LTCOL Putze heard the charges on 11 April 2018.²⁹⁶ NZ Serviceperson 9 was found guilty of assault and drunkenness and reduced in rank to PTE with a stay of seniority for 12 months.²⁹⁷ NZ Serviceperson 17 received a caution.²⁹⁸

NZCON 02/17 Extraction

63. The psychological debrief of the NZCON 02/17²⁹⁹ revealed none of the problems that had emerged during that of 01/17, beyond the one disciplinary incident over NZ Serviceperson 9 assaulting NZ Serviceperson 17,³⁰⁰ and rumours regarding LTCOL Putze and CAPT Read.³⁰¹ However in the early morning hours of 14 May 2018 at the hotel s. 6(a), the behaviour of LTCOL Putze

²⁸⁵ Witness 2-1 A28-31; Exhibit 120(13)

²⁸⁶ Witness 2-1 A28; Exhibit 120(13)

²⁸⁷ Exhibit 120(13)

²⁸⁸ Witness 2-1 A44

²⁸⁹ Witnesses: 2-1 A28; 35 A75

²⁹⁰ Exhibit 11U(7)

²⁹¹ Witness 2-1 A25-27; Exhibit 11U(9)

²⁹² Witness 2-1 A44

²⁹³ Exhibit 11U(8-9)

²⁹⁴ Witness 44 A117-119; Exhibits: 53H (1, 3, 4)

²⁹⁵ Witnesses: 11 A72, 121-122; 21 A71-73; 27 A30; 31 A68; 35 A65-66; 40 A40; 44 A120-121; Exhibits 53I (1, 3, 4)

²⁹⁶ Witnesses: 2-1 A41-43; 27 A35; 44 A149; Exhibit 120(15)

²⁹⁷ Witnesses: 2-1 A41, 43; Exhibit 53H(3)

²⁹⁸ Exhibit 53I(1)

²⁹⁹ Witnesses: 3 A60; 5 A54-55; NZ Psych 3, 7 A5, 22; 21 A89; Exhibits: 3B, 5G

³⁰⁰ Witnesses: 5 A61-62; 7 A6

³⁰¹ Witnesses: 7 A27; 20 A60, 69-71; 40 A89

and CAPT Read was such that NZ Serviceperson 22 approached them directly and told them it was not appropriate.³⁰² The situation had escalated to the point where NZ 2IC-B called the s. 6(a), NZ Officer 7,³⁰³ as he felt unable to deal with it as an officer both junior and subordinate to LTCOL Putze.³⁰⁴

64. NZ Officer 7 met initially with LTCOL Putze and CAPT Read at the decompression hotel where both denied all allegations.³⁰⁵ NZ Officer 7 received statements from two eye witnesses³⁰⁶ but there was no conclusive evidence of intimate contact.³⁰⁷ NZ Officer 7 advised LTCOL Putze that he was not to talk to any of the witnesses and to distance himself from CAPT Read, and then left.³⁰⁸ Subsequently it was found that LTCOL Putze and CAPT Read had not complied with NZ Officer 7's instructions.³⁰⁹ NZ Officer 4 also came forward to corroborate NZ Serviceperson 22 account.³¹⁰ NZ Officer 7 made several reports about the issue to HQ JFNZ.³¹¹

65. NZ Officer 8 also spoke directly to LTCOL Putze, who denied anything had occurred.³¹² NZ Officer 8 also advised LTCOL Putze that an investigation would be conducted on his RTNZ.³¹³ NZ Officer 7, and s.9(2)(ba)(i) were warned to keep an eye on LTCOL Putze during the remainder of the debrief period.³¹⁴ NZ Officer 8 advised and updated COMJ, DCOMJ and LCC of the incident and actions taken³¹⁵

66. Upon his RTNZ LTCOL Putze was directly confronted by the Land Component Commander (LCC), BRIG John Boswell, over both the allegations of his behaviour in s.6(a) and of his having an inappropriate relationship with CAPT Read.³¹⁶ LTCOL Putze denied both allegations.³¹⁷ It is public knowledge that LTCOL Putze was prosecuted and convicted at Court Martial for failing to comply with written orders, in having an inappropriate relationship with CAPT Read, and lying to BRIG Boswell.

³⁰² Witnesses: 2-1 A62; 6 A7-8; 21 A84, 87, 100; 40 A86-88; Exhibits: 6B, 24E(3)

³⁰³ Witness 6 A7

³⁰⁴ Witnesses: 2-1 A63; 2-2 A17-18; 6 A64-65; Exhibits: 6A, 24E(2)

³⁰⁵ Witnesses: 2-2 A25; 6 A7-8; Exhibits: 6A, 24E(2)

³⁰⁶ Exhibits: 6B-C, 24E(2-4),

³⁰⁷ Exhibit 6H

³⁰⁸ Witness 6 A8

³⁰⁹ Witness 6 A14

³¹⁰ Witnesses: 6 A13, 55; 35 A106; Exhibit 6E-F

³¹¹ Witnesses: 6 A6, 8, 14-15; 24 A11; Exhibits: 6A, G; 24E(2)

³¹² Witness 24 A24-25

³¹³ Exhibits: 6D, 24E(5)

³¹⁴ Witness 5 A57-59

³¹⁵ Exhibits 24E(1-2)

³¹⁶ Witness 32 A8, 38

³¹⁷ Witnesses: 9 A66-67; 11 A123-126, 130-131; 13 A9; 24 A25; 32 A16, 42

INVESTIGATION³¹⁸

67. Following discussions between J09 and NZDF MP,³¹⁹ on 4 December 2017 at the direction of COMJ,³²⁰ the initial direction for the Military Police Investigation was made by the J3 HQ JFNZ.³²¹ The J3 was now designated the command authority for discipline, but the J09 advised COMJ that the allegations against the SNO would be dealt with by the unit he would be posted to on RTNZ.³²² The investigation was assigned to s. 6(c),³²³ RNZMP. The investigation was named s. 6(c) and the NZDF MP Serious Investigation Branch (SIB) Incident Report was filed on 15 December 2017.³²⁴ s. 6(c)

68. Activity was slow to initiate because of the dispersion of the Op FARAD 01/17 personnel upon RTNZ, and then the Christmas leave period.³²⁵ s. 6(c)

69. The increasing number of potential offences by NZCON 01/17 personnel were included in the first Interim Report to HQ JFNZ on 2 March 2018.³³³ s. 6(c)

³¹⁸ ToR 1. b., 9

³¹⁹ Exhibit 11L(1)

³²⁰ Witness 48 A35, 43, 49, 73

³²¹ Witnesses: NZDF MP CO, 8 A18, 20; 9 A13-15; 17 A18; Exhibit 9A

³²² Exhibit 11U(3)

³²³ Witnesses: NZDF MP 2, 12 A6, 13; 16 A4

³²⁴ Witness 11 A45; Exhibits: 8A, 11G

³²⁵ Exhibit 8C

³²⁶ Witnesses: 1 A39; 11 A166; 16 A5; 17 A37; 48 A50

³²⁷ Witnesses: 8 A8; 11 A48, 50-52; 12 A44-46;

³²⁸ Witnesses: 8 A9-10, 39; 11 A50-54; Exhibit: 8C

³²⁹ Witnesses: 16 A4, 7-8, 19-20; 33 A134, 137

³³⁰ Witness 16 A21

³³¹ Witnesses: 8 A11; 11 A49

³³² Witnesses: 8 A11; 12 A130-137; 17 A24-27, 51-54; 19 A17, 44; 22 A12; 24 A39

³³³ Witnesses: 8 A12; 11 A49; 12 A8, 20; 16 A28-30; Exhibits: 8B, 11H(1)

³³⁴ Witnesses: 8 A32-33

³³⁵ Exhibit 12E(1-2)

s. 6(c)

70. A second update meeting was held at HQ JFNZ on 11 April 2018.³³⁹ s. 6(c) and s. 6(c), advised that having interviewed all NZCON 01/17 personnel,³⁴⁰ less those specifically implicated,³⁴¹ there were now 28 potential identified offences against seven individuals.³⁴² s. 6(c)

³⁴⁷ Following the incident at the hotel s. 6(a), further allegations in relation to LTCOL Putze were included within the investigation.³⁴⁸

71. With the return of the Op FARAD 02/17 contingent and the SNO for leave and subsequent dispersal to parent units, the investigation oversight responsibility for the interaction with the MP investigation passed from J3 to the LCC on 8 June 2018.³⁴⁹ The Executive officer (XO) to LCC, LCC XO, undertook the detail of this requirement.³⁵⁰

72. On 14 May 2018 J09 advised COMJ what the MPs specifically sought and the legal basis for them doing so.³⁵¹ On 31 May, J3 recommended that COMJ write to the MFO requesting cooperation with the investigation,³⁵² and this letter was sent to the MFO Force Comd on 8 June 2018.³⁵³ The Force Comd replied, giving tentative agreement but seeking

³³⁶ Witnesses: 8 A11, 21, 65-67; 11 A55; 12 A6, 15, 46; 16 A22, 52, 109-110, 113; NZ Officer 12, RNZN, 22 A4, 32; 24 A7-8, 12; Q52477 MAJGEN JR Boswell, 32 A7; Exhibit 8B

³³⁷ Witness 12 A20-21, 120

³³⁸ Witness 16 A25; Exhibit 12A

³³⁹ Witnesses: 8 A29-31; 12 A20; 24 A10; Exhibits: 8E, 11U(18), 12C

³⁴⁰ Witness 16 A30-34

³⁴¹ Witness 16 A 34-37 (LTCOL Putze, NZ RSM-B, NZ Serviceperson 7, NZ Serviceperson 6, NZ Serviceperson 14)

³⁴² Witnesses 8 A29-31, 56-57; 12 A20,27-29; 16 A10-19, 28-30; 19 A19.; Exhibits: 8E, 11U(18), 12M(3-4), 16A

³⁴³ Witnesses: 12 A27; 17 A37-38; Exhibit 11H (1)

³⁴⁴ Witnesses: 8 A24, 12 A28-29; 16 A91-97; 17 A38; NZ Lawyer 3, NZALS, 19 A6; 22 A4-7; 24 A8-10, 12

³⁴⁵ Exhibits: 24C (1), 24C (2), 24D

³⁴⁶ Witnesses: 12 A32-33; 16 A112

³⁴⁷ Witnesses: 11 A63-65; 24 A28, 45

³⁴⁸ Witnesses: 11 A155; 16 A56; 24 A11

³⁴⁹ Witnesses: 8 A61-64; 24 A11; 48 A59, 100-103, 106; Exhibits: 24G, H

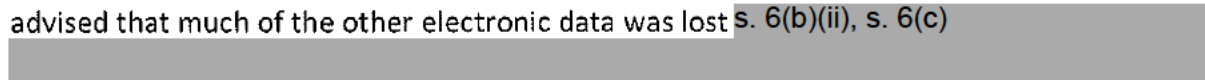
³⁵⁰ Witnesses: 8 A23; 11 A11; 12 A21-24, 26, 129; 17 A12, 36, 43-44; Exhibit 12D


³⁵¹ Exhibit 11I


³⁵² Exhibit 11U (10)

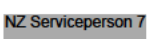
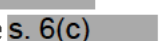
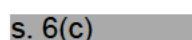
³⁵³ Witness 32 A14; Exhibits 11J, 11L(6), 12I(1-2)

further detail as to the nature of the investigation.³⁵⁴ Consequently on 27 June 2018 COMJ wrote a more comprehensive letter, outlining the evidence the MPs wished to gather in support of their investigation.³⁵⁵ This was passed to MFO Rome,³⁵⁶ who replied to COMJ on 3 September 2018.³⁵⁷ The reply indicated that the majority of the personnel identified to be interviewed had now departed the MFO and therefore their respective defence forces would need to be approached direct in order to expedite those aspects of the investigation. A certain amount of the documentary evidence, in terms of emails which were directly or indirectly between LTCOL Putze and CAPT Read, were provided.³⁵⁸ However, the MFO advised that much of the other electronic data was lost s. 6(b)(ii), s. 6(c)

.³⁵⁹ The MFO concluded that they could not approve a specific NZDF MP investigation being conducted in theatre.³⁶⁰

73.  s. 6(c)

74.  s. 6(c)

75. In April 2018 the initial allegation against  had been sent to 2 CSSB for a summary hearing. The evidence gathered during the  s. 6(c) interviews, whilst disclosing potential offences, was not sufficient to proceed to formal charges. The evidence provided by the MFO did not support these additional allegations either. Consequently none of the additional allegations made by NZCON 01/17 personnel during the MP investigation  s. 6(c) resulted in disciplinary action.³⁶⁷ As a result, of the 32 allegations eventually

³⁵⁴ Exhibits: 11M, 12I(1-2)

³⁵⁵ Witnesses: 8 A45-46; 9 A69; 11 A59-60, 67-70, 136-139; 22 A30, 33; 48 A106; Exhibit 11N

³⁵⁶ Witness 11 A135-136

³⁵⁷ Witnesses: 9 A82; 11 A59-60; 12 A100-102; 17 A37, 40; Exhibits: 9C, 11I, P, 12P(1-2), 48C

³⁵⁸ Witnesses 12 A97-98; 16 A64; Exhibits: 12N(1-8), 12 O(1-30)

³⁵⁹ Witness 16 A65

³⁶⁰ Witnesses: 11 A139; 17 A73; Exhibits: 9C, 11P, 12P(2), 48C

³⁶¹ Witness 12 A102-107; Exhibits: 12Q, 12R(1), 17A(1)

³⁶² Witnesses: 8 A24-27; 11 A142-145, 155; 16 A52; 17 A37; Exhibits: 8D, 9B, 11Q-R, 12R(1-2), 17A(1-2), B

³⁶³ Witnesses: 16 A51, 17 A75-76; 24 A21; Exhibits: 12L (1-4)

³⁶⁴ Witnesses: 12 A92-96; 16 A66-67 ; Exhibit 12T

³⁶⁵ Witness 16 A66-68

³⁶⁶ Witnesses: 12 A72-77, 133; 16 A69-70; Exhibit 12J

³⁶⁷ Witness 13 A40

considered by the MPs in relation to nine individuals, the following did not progress beyond the allegation stage following investigation/examination:³⁶⁸

- a. LTCOL Putze having an inappropriate relationship with **NZ Serviceperson 14**,³⁶⁹
- b. LTCOL Putze having an inappropriate relationship with a **s.6(a)**,³⁷⁰
- c. **NZ Serviceperson 14** having an inappropriate relationship with a **s.6(a)**,³⁷¹
- d. **NZ Soldier 2** having an inappropriate relationship with a **s.6(a)**,³⁷²
- e. Allegations related to the Tel Aviv Strip Club,³⁷³
- f. Allegation that **NZ Serviceperson 13** missed a duty due to intoxication,³⁷⁴
- g. Unauthorised establishment of a bar facility at the Woolshed,
- h. Allegations related to skinny dipping at Beach Ibeza,³⁷⁵
- i. **NZ Serviceperson 14** bullying **NZ Serviceperson 21**,³⁷⁶
- j. LTCOL Putze involvement in obtaining inappropriate awards for NZDF personnel,³⁷⁷ and
- k. LTCOL Putze and **NZ RSM-B** travelling into excluded area.³⁷⁸

Disciplinary Action³⁷⁹

76. The charge against **NZ Serviceperson 7** for the assault on **NZ Serviceperson 14**, was dealt with summarily by his OC at 2 CSSB, MAJ Samuela, on 5 September 2018. **NZ Serviceperson 7** was found guilty of assault and drunkenness and sentenced to a fine of \$756 and nine days stoppage of leave. His CO subsequently reducing the fine to \$504.³⁸⁰

77. A detailed view of the documentary flow timeline of the investigation and subsequent summary trial of **NZ Serviceperson 7** is at Annex C.

78. Seven charges were recommended against LTCOL Putze on 15 April 2019 by NZDF MPs.³⁸¹ He was charged with all seven charges and referred for Summary Trial.³⁸² At that Summary Trial on 7 June 2019 the DISCO, AIRCDRE Webb, dismissed one charge and formed the view that he would not have sufficient powers of punishment should LTCOL Putze be

³⁶⁸ Witnesses: 12 A111-118; 16 A61-63, 79, 100-101; Exhibit 12T

³⁶⁹ Witness 16 A75-76, 89

³⁷⁰ Witness 16 A107

³⁷¹ Witness 16 A75-76, 88-89

³⁷² Witness 16 A107

³⁷³ Witnesses: 13 A20-21; 16 A62, 98; Exhibit 11T

³⁷⁴ Witnesses: 16 A40-41; 26 A52 (denies alcohol involved); 28 A41-42 (denies alcohol involved); 33 A32; 39 A73

³⁷⁵ Witness 13 A58-60, 94-95; Exhibit 11T

³⁷⁶ Witness 16 A36-37, 81-88, 107

³⁷⁷ Witnesses: 16 A62; 23 A178

³⁷⁸ Witness 16 A63, 65; 28 A62; 33 A138-140; Exhibit 33F

³⁷⁹ ToR 2

³⁸⁰ Witnesses: 42 A36; **NZDF Lawyer 4**, 47 A7, 39; Exhibit 47A

³⁸¹ Exhibit 11T

³⁸² Exhibits: 13F-G

found guilty on the remaining charges.³⁸³ AIRCDRE Webb remanded LTCOL Putze to Court Martial.³⁸⁴

79. The offences that LTCOL Putze was charged with were developed in keeping with the Solicitor-General's Prosecution Guidelines.³⁸⁵ As stated in para 3, LTCOL Putze was now charged with of three counts of Failing to Comply with Written Orders and one charge of Doing an Act Likely to Prejudice Service Discipline.³⁸⁶ The charges did not relate to the allegations pertaining to OP FARAD 01/17, but to his inappropriate relationship with CAPT Read during OP Farad 02/17.³⁸⁷

80. A detailed view of the documentary flow timeline of the interaction of HQ JFNZ with NZDF MP and the MFO from 10 November 2017 until LTCOL Putze is sentenced after being found guilty at Court Martial 5 March 2020 is at Annex D.

81. The MP investigation s. 6(c) specifically and reasonably excluded all disciplinary matters which LTCOL Putze had already dealt with summarily in theatre.³⁸⁸

DISCUSSION

82. Despite all the issues highlighted above, and which will be discussed below, the overall perception of both OP FARAD 17 contingents within the MFO was high.³⁸⁹ Both Driving Sections did a good job,³⁹⁰ and the Training Teams delivered what was asked of them. During his entire tenure LTCOL Putze was a prominent member of the Force Comd's staff, and received a commendation at the end of his tour.³⁹¹ He was key to moving the MFO planning forward, and as an English speaker with a high degree of personal charm, he was valued and rated accordingly.³⁹² As s. 6(a) for NZCON 01/17 ^{NZ Serviceperson 14} was prominent because of her role and had a high degree of visibility and impact within the Force HQ.³⁹³ NZ Officer 2 was beside the Force Comd at all times,³⁹⁴ and NZ Officer 3 was subsequently decorated for the work he did completing the works requirements of the relocation from North Camp. The NZCONs, as individuals and collectively, were viewed as assets by the Force Comd.³⁹⁵ He did not have visibility of the internal issues, and no NZCON alcohol related problems reached a threshold requiring his notice.³⁹⁶ Perhaps the closest the

³⁸³ Exhibits: 13A, 13B

³⁸⁴ Exhibits: 13B, 13G

³⁸⁵ Exhibit 13E

³⁸⁶ Witness 13 A18-20, 23-24; Exhibits: 13B, 13C Charge Sheet, 13D Note on sentencing

³⁸⁷ Witnesses: 9 A84-85, 88; 13 A27-28

³⁸⁸ Witness 16 A42-48, 123, 125-127

³⁸⁹ Witnesses: 24 A50; 25 A64-67; 34 A129; 35 A79

³⁹⁰ Witnesses: 40 A101; 46 A165

³⁹¹ Witnesses: 24 A51; 25 A66, 73

³⁹² Witness 9 A46-48

³⁹³ Witness 25 A66, 94-96

³⁹⁴ Witnesses: 25 A11, 64; 43 A73

³⁹⁵ Witnesses: 4 A63; 50 A270

³⁹⁶ Witnesses: 25 A67-68, 93; 48 A33

latter came was when LTCOL Putze hijacked his barbeque for a period, until NZ Officer 2 retrieved it.³⁹⁷

83. It is therefore not surprising that the MFO generally, and the Force Comd when queried specifically by both MAJGEN Gall³⁹⁸ and BRIG Boswell,³⁹⁹ did not have anything negative to say about LTCOL Putze.⁴⁰⁰ Similarly, when NZ Officer 6 (about to become J5 HQ JFNZ) visited in December 2017,⁴⁰¹ nothing negative was raised with him either,⁴⁰² and he had not been directed to look for anything specific in that regard.⁴⁰³ The COI could not interview these key MFO personnel directly. However, on the basis of the witness interactions described above, it appears that the NZDF's organisational reputation with international partners was not impacted and that the concerns and issues remained largely internal to the NZDF.

84. As reflected by MAJGEN Gall's comment, many NZDF personnel consider that LTCOL Putze's conviction at Court Martial, and his reduction in rank, ends the matter.⁴⁰⁴ However a number of OP FARAD 01/17 personnel, in particular, feel that they have been adversely affected by LTCOL Putze's command. Some contend that whilst his conviction and reduction in rank does indeed confirm his inadequacies as a commanding officer, they have not been freed of its negative influence on their reputations or careers.⁴⁰⁵ In one other instance the witness feels that the allegations others have made about her persist to this day.⁴⁰⁶ The strength of that feeling has manifested itself in verbal discontent, continued rumour, and one newspaper article⁴⁰⁷ (with an associated OIA).⁴⁰⁸ To address this the inquiry first concentrated on:

- a. Establishing what allegations, concerns and complaints were actually raised by the personnel of OP FARAD contingents 01/17 and 02/17;
- b. Assessing whether the standard of investigations undertaken were adequate and thorough;
- c. Identifying where investigations were not completed, why this was the case: and
- d. Identifying any previously unknown issues, concerns or allegations.

CONCERNS RAISED

85. A primary difficulty in addressing the complaints or concerns personnel state they have raised, is identifying how they were made, and with what expectations when they did so. The primary mechanisms available in this case were:

³⁹⁷ Witness 1 A71

³⁹⁸ Witnesses: 19 A20; 24 A51; 48 A11, 31-33

³⁹⁹ Witness 32 A14, 60

⁴⁰⁰ Witnesses: 25 A76; 48 A99

⁴⁰¹ Witness 2-2 A15

⁴⁰² Witnesses: 9 A19, 27, 46; 11 A95-97

⁴⁰³ Witness 9 A45-46

⁴⁰⁴ Witness 48 A110

⁴⁰⁵ Witness 33 A125

⁴⁰⁶ Witness 14 A96-99;

⁴⁰⁷ Exhibit 50A

⁴⁰⁸ Exhibits 5I,

- a. Verbally through the chain of command,
- b. A formal complaint (not employed),
- c. Through the production of a report,
- d. Via direct statements, either recorded in a report or made to MPs conducting an investigation, or
- e. Through comments made to the psychologists during post deployment debriefing.

Raised Verbally through the Chain of Command

86. The most immediate and usual mechanism to raise a concern is by a direct verbal approach to someone senior in the chain of command. In the initial stages of NZCON 01/17's deployment, this was the mechanism employed by several individuals or groups to highlight their concerns. At first LTCOL Putze appeared to be achieving his apparent objective of having a comparatively flat structure, whereby he would remain approachable by all. As a result the following issues were raised directly with LTCOL Putze:

- a. **NZ RSM-A** - during handover, regarding the potential example he was setting over alcohol use,⁴⁰⁹
- b. **NZ 2IC-A** - a behind closed doors debate about the undesirability of spirits being consumed in the Woolshed;⁴¹⁰ and a conversation regarding **NZ Serviceperson 2** and **Foreign Officer 1** alleged relationship.⁴¹¹
- c. **NZ Officer 9** - regarding spirits being consumed at the Woolshed,⁴¹²
- d. **NZ Serviceperson 21** - raised her personal situation within the Woolshed,⁴¹³
- e. **NZ Serviceperson 5** - discussed his past problems on deployment,⁴¹⁴ and
- f. **NZ RSM-B** - cautioned him about his behaviours,⁴¹⁵ and subsequently about having young female officers socialise at his hooch.⁴¹⁶

87. The CSM's Hour, initiated by **NZ Serviceperson 12**, but largely supported by the SNCO group, was also an attempt to notify LTCOL Putze about a number of concerns regarding perceptions and beliefs.⁴¹⁷ The issues raised at this time included:

- a. the SNO's relationship with **NZ Serviceperson 14** was inappropriately close at some level, and at least looked like specific favouritism or fraternisation,⁴¹⁸

⁴⁰⁹ Witness 10 A18, 64

⁴¹⁰ Witness: 1 A118

⁴¹¹ Witnesses: 2-1 A4; 41 A65

⁴¹² Witness 36 A37

⁴¹³ Witness 33 A18-19, 47-49

⁴¹⁴ Witness 41 A75, 84-86, 88-89

⁴¹⁵ Witnesses: 23 A206; 54 A180-183

⁴¹⁶ Witness 54 A184-186

⁴¹⁷ Witness 15 A97, 117

⁴¹⁸ Witnesses: 3 A12, 13; 15 A78-79, 83-84; 30 A127-129; 33 A48-50, 94; 39 A29-30, 33; 42 A38-39

- b. the SNO was inconsistent in his disciplinary dealings with the JRs over the Bedouin Dinner summary trials, given his previous statements,⁴¹⁹
- c. the SNO was encouraging an unhealthy disciplinary environment by allowing the Woolshed JRs too much autonomy,⁴²⁰
- d. the SNO was allowing, or encouraging, adverse behaviour and socialisation within the Woolshed and NZCON generally,⁴²¹ as characterised by excessive drinking and sexualised banter, and
- e. the SNO and RSM were marginalising, undermining and publicly belittling the SNCOs.⁴²²

Some witnesses concede **NZ Serviceperson 12** and **NZ Serviceperson 10** could be quite unyielding, but that the basis of the representations they made were legitimate.⁴²³

88. Direct verbal approach to the chain of command is only effective if it is responded to, or achieves an agreed resolution. In the cases of the individual approaches set out above, the witnesses' state that LTCOL Putze ignored them. The witnesses do not believe that LTCOL Putze made any changes to his behaviour as a result, or took care with the perceptions of relationships that he was advised about.⁴²⁴ To compound the situation many of the witnesses were not sure of where they stood with **NZ 2IC-A**. So she was not perceived as an alternative medium of approach or resolution.⁴²⁵ Conversely **NZ Serviceperson 5** characterises this perception as **NZ 2IC-A** being professional at all times,⁴²⁶ but this did seem to make her appear unapproachable.⁴²⁷

89. In relation to the CSM's Hour, the response was entirely negative and only exacerbated the tensions around the very issues highlighted.⁴²⁸ Overall, the situation was compounded as the key members of the intermediate chain of command also felt the SNCOs were overstepping the mark. **NZ Officer 9**, **NZ RSM-B**, and **NZ Serviceperson 5** all believed that command is as command does, and that the disciplinary proceedings following the Bedouin Dinner were handled appropriately within the SNO's discretionary powers.⁴²⁹ **NZ RSM-B** conceded that LTCOL Putze's statements to the SNCOs prior to the JR's actual admissions created an extreme expectation on their part, but he felt the SNCOs should have moved on, rather than dwelling on the issue.⁴³⁰ As part of the group who socialised more closely with LTCOL Putze, both at the Woolshed and elsewhere, the officers and WOs maintained their collective behaviours both towards the JRs and the SNCOs.

⁴¹⁹ Witnesses: 3 A12; 34 A47, 50; 38 A31, 38; 39 A25-28; 42 A44-46, 53-59, 63-66, 72

⁴²⁰ Witnesses: 42 A24, 71, 174-175; 46 A66

⁴²¹ Witnesses: 14 A51; 42 A71

⁴²² Witness 14 A 49-51; 34 A65, 69-70, 91, 93; 39 A39-53; 42 A24,

⁴²³ Witnesses: 34 A75-80; 39 A39-57; 42 A207

⁴²⁴ Witnesses: 36 A84; 54 A180-181, 238-240

⁴²⁵ Witnesses: 14 A63-66; 37 A69-71, 75, 161-168; 38 A78; 43 A76-80; 45 A126-127

⁴²⁶ Witness 41 A125-127

⁴²⁷ Witnesses: 41 A130-132; 42 A166-167

⁴²⁸ Witnesses: 1 A48; 15 A86; 18 A37; 30 A83; 34 A82, 86

⁴²⁹ Witnesses: 36 A46; 85; 38 A44-45; 41 A29, 32

⁴³⁰ Witness 54 A98

Conversely the SNCO group collectively withdrew and did not accept invitations to the SNO's.⁴³¹

90. Specifically in relation to the allegation that he at the least favoured **NZ Serviceperson 14**, LTCOL Putze in no way modified his behaviours towards her by creating a perceptible distance, or establishing a more formal relationship appropriate to their respective ranks. Instead **NZ Officer 9** directly confronted **NZ Serviceperson 12** for raising the issue.⁴³² This highlights another issue, which is how mixed concerns are dealt with. **NZ Serviceperson 12**' strong assertions about **NZ Serviceperson 14** and the SNO were combined with issues of demonstrable concern to the wider SNCO group. All were ignored, and it created a perception within the SNCOs that standing up for NZDF values could get you in trouble within an environment where the leadership were not adhering to them themselves.⁴³³

91. Several witnesses believe the Bedouin Dinner, the disciplinary proceedings and the handling of the CSM's hour collectively form the watershed moment for the OP FARAD 01/17 contingent.⁴³⁴ With the core group of SNCOs coalescing around **NZ Serviceperson 12** and **NZ Serviceperson 10**, and increasingly withdrawing from the 'compulsory fun' upon which LTCOL Putze tried to hold the contingent together as a group,⁴³⁵ they became targeted as a 'toxic group of SNCOs'.⁴³⁶ This in turn enabled the concerns they were raising to be more readily dismissed by the officer/ WO leadership group without them having to objectively assess whether there was in fact any true basis for some of the criticisms.⁴³⁷ This characterisation of a group of toxic SNCOs also permeated to parts of HQ JFNZ to some degree, because "...at the time, there was quite a bit of trust in the SNO..."⁴³⁸

92. The behaviours which had concerned the affected personnel in NZCON 01/17 were not reflected in NZCON 02/17. This may have been due to the interventions of COMJ in November 2017, and to the firmer hand of **NZ 2IC-B** as contingent 2IC.⁴³⁹ However **NZ 2IC-B** did speak to LTCOL Putze on several occasions on issues including:

- a. Issues surrounding **NZ 2IC-A** report,
- b. Discipline and alcohol use,
- c. Their relative positions in handling NZCON 02/17,
- d. Foreign nationals and officers at the Woolshed,

⁴³¹ Witness 14 A53-54

⁴³² Witnesses: 15 A100-109; 36 A69, 89-91

⁴³³ Witnesses: 18 A115; 42 A203-209

⁴³⁴ Witnesses: 3 A13, 16; 5 A36; 14 A49, 55-56; 15 A76; 18 A30, 38; 33 A25, 35, 45-47, 53; 36 A83, 177; 38 A31, 41, 43; 39 A25; 41 A33-34; 42 A24, 94; 48 A48; 54 A92, 179

⁴³⁵ Witnesses: 18 A38; 33 A53

⁴³⁶ Witnesses: 3 A12; 5 A34-36; 9 A30-34, 37; 11 A172-173; 14 A49; 15 A191, 280; 20 A17-21, 27; 22 A42; 23 A75-77, 95; 24 A4-6, 27; 27 A67-69; 32 A22-23; 36 A87, 98; 38 A88; 41 A102—105, 152; 54 A77-78; Exhibits: 3A, 54A

⁴³⁷ Witnesses: 9 A37-38; 38 A41, 43-45, 89-96; 41 A153-155

⁴³⁸ Witness 9 A30, 34

⁴³⁹ Witnesses: 20 A76; 21 A34-35; 27 A58, 77; 35 A15-20, 37, 62, 99-102; 40 A18, 53-56, 63; 44 A53-55

96. In examining the concerns raised by the various personnel interviewed during this COI, there were no recorded or mentioned instances where a witness stated that they had made a formal complaint. **NZ Serviceperson 10** considered doing so, but did not.⁴⁵⁵ In addition there were no situations described where the individual listening to the concerns being expressed should have taken action to expedite that process. **NZ RSM-A** has been approached by both **NZ Serviceperson 12** and **NZ Serviceperson 14** since their RTNZ. Both raised their respective perceptions about their treatment since RTNZ, rather than in relation to the issues relevant at the time.⁴⁵⁶

97. As a result, the COI can deduce that in terms of the Complaints process there has been no dereliction by any individual or superior in terms of receiving or handling a formal complaint. Further, no individual established themselves as a complainant and was entitled to mandatory reports on the progress of their complaint and the outcome of its consideration. For various reasons, each person who had concerns chose to continue to deal with them through other avenues.

Production of a Report

98. A common mechanism to highlight a concern to the chain of command, is produce a written report. In a military context, a written document generally elicits a response, which is in itself a matter of record. However this still presents barriers, both systemically and structurally, in situations where a superior level within the chain-of-command is itself the subject of the report. Some of the witnesses comment that if there is to be a mechanism that enables concerns to be raised with higher levels of command, there must be some confidence that the matter will be properly handled and objectively considered at that higher level, given the normal loyalties to structures, rank and the possible relationships between those being criticised and those receiving the report.⁴⁵⁷

99. **NZ 2IC-A** produced her report at the instigation of LTCOL Putze. The only criticism indirectly implied against him at that stage related to the drinking culture within NZCON 01/17. Although even then she was concerned by the implications of doing this.⁴⁵⁸ **NZ Serviceperson 10** commented that his perception was no one in superior command really appeared to care how OP FARAD 01/17 had been commanded.⁴⁵⁹ **NZ 2IC-B** dealt with the various concerns he had during the period of OP FARAD 02/17. But he was concerned that he had no clear reporting avenue. He believed that formally bypassing LTCOL Putze would not only be perceived as inappropriate, but would also bring into play the personal alliances and relationships that he understood LTCOL Putze to have within HQJFNZ (**s.9(2)(a)** **s.9(2)(a)**)⁴⁶⁰ and within the Army as a whole.⁴⁶¹ For similar reasons it was perceived that the reports made by **NZ Officer 7**, regarding the incident **s. 6(a)**, were not welcome at

⁴⁵⁵ Witness 14 A86

⁴⁵⁶ Witness 10 A31-36

⁴⁵⁷ Witnesses: 15 A275, 278; 34 A125

⁴⁵⁸ Witness 11 A 13, 33-34

⁴⁵⁹ Witness 14 A140

⁴⁶⁰ Witness 2-1 A128-130

⁴⁶¹ Witness 2-1 A32-35

HQ JFNZ,⁴⁶² though he acknowledges this was speculation.⁴⁶³ Such perceptions are certainly a barrier to open and frank disclosure in potential future situations where an SNO's conduct needs to be brought to light, and highlights that existing reporting mechanisms are not well understood and need improvement.

Status of Personnel Raising a Concern within a Report.

100. The individual raising the report is not a complainant per se. They are the author of a report. Therefore NZ 2IC-A reporting relationship, for example, remained with LTCOL Putze. Any feedback she might expect would have had to come direct from him. Knowing that an information copy of the report would go to HQ JFNZ, and thus bypass LTCOL Putze's ability to shape or filter its contents before they received it, still did not place NZ 2IC-A in a direct feedback relationship with HQ JFNZ regarding her observations. She had to take the chance that HQ JFNZ would indeed recognise the points raised. But she could only expect to find that out if she was subsequently approached by pers from HQ JFNZ on her RTNZ. She was in fact approached on RTNZ but by the NZDF MPs. This then led to confusion and a lack of understanding about what was going on. She thought of herself as an individual making allegations, whilst the MPs thought of her as a witness within an established inquiry directed by HQ JFNZ. Consequently the MPs did not respond directly to NZ 2IC-A to inform her of progress, and neither did HQ JFNZ.⁴⁶⁴

Statements in a Report or Investigation

101. Several witnesses acknowledged they did speak to the NZDF MP investigation.⁴⁶⁵ However, some felt the concerns and issues they raised had not been followed through, as they formed no element of the subsequent prosecution of LTCOL Putze at Court Martial.⁴⁶⁶ The issues surrounding these perceptions will be discussed later whilst examining the adequacy of the MP investigation itself and the subsequent procedures for bringing charges to Court Martial.

Post Deployment Debriefs

102. The NZDF deploys Industrial Organisation Psychologists to conduct debriefs of most operational missions as they are extracting from theatre.⁴⁶⁷ Several witnesses from NZCON 01/17 stated that they told the Psychologists what had happened during their post-deployment debriefs s. 6(a).⁴⁶⁸ In these instances the Psychologists are clear in both their understanding and handling of this material. The specifics related to them are only dealt with on a personal level, and relate to whether the individual concerned requires follow up

⁴⁶² Witnesses: 2-2 A20-22, 29-30; 6 A17-20, 24, 30-35

⁴⁶³ Witness 6 A36-37

⁴⁶⁴ Witness 1 A38-39

⁴⁶⁵ Witnesses: 14 A86; 15 A182, 215-217, 225-229; 18 A97-99; 30 A152-153; 39 A103—107; 41 A157-160; 43 A131-132; 45 A1190-121; 46 A105-108; Exhibits: 2G-I, 14B, 15A, 39A

⁴⁶⁶ Witnesses: 15 A221-222; 33 A141-146; Exhibit 50A

⁴⁶⁷ Witness 3 A1, 4, 6

⁴⁶⁸ Witnesses: 14 A90; 15 A248; 33 A23, 101; 34 A130, 137; 39 A109; 42 A160-162; 50 A242-244; Exhibit 33C-D

treatment. Such issues are treated as being in-confidence and are not communicated to the chain of command in specific terms related to individuals.⁴⁶⁹ However, generic data is collected and compared to previous debriefs. The outcomes of that process are communicated to command, though they make no recommendations and command has no visible or formalised process to follow up.⁴⁷⁰

103. This division of professional accountability is not understood by all.⁴⁷¹ While some witnesses did understand⁴⁷² there were others who thought that by telling the psychologists, they had in fact informed command and that this would somehow be enough to have issues dealt with.⁴⁷³ Conversely, even though **NZDF Psych 1** ' findings were of such concern to her and **NZDF Psych 2** that an immediate, face-to-face brief was given to COMJ, he was frustrated that it did not disclose sufficient, specific allegations upon which he could either act immediately, or provide a basis for investigation.⁴⁷⁴

104. The immediate post-deployment debriefs conducted prior to RTNZ are restricted to psychological interviews. The concept was floated with several witnesses whether there would therefore be any merit in conducting a Command style debrief as well. It was felt this would be of limited value.⁴⁷⁵ **s. 9(2)(ba)(i)**

105. Follow up interviews are meant to be conducted six months later, but these are completed by their local field psychologist. One witness, who had presented issues during her initial debrief, had to chase her follow up interview.⁴⁷⁷ The results of these are not collated and assessed in relation to any themes collected at the contingent debrief.⁴⁷⁸ The psychologists have some concerns that those with bad experiences of their deployment do not want to relive them, so this is why follow up is individualised.⁴⁷⁹ However, a number of witnesses described the follow up as mostly a box-ticking exercise.⁴⁸⁰

Reporting Mechanisms⁴⁸¹

106. Outside the standard chain of command, there were no specific mechanisms available to the majority of OP FARAD 17 personnel to report matters of concern, had they

⁴⁶⁹ Witness 5 A78

⁴⁷⁰ Witnesses: 5 A80-82; 7 A35-38, 44-46, 50, 57

⁴⁷¹ Witnesses: 5 A79; 7 A57-61; 48 A125-126

⁴⁷² Witnesses: 14 A95

⁴⁷³ Witnesses: 7 A29; 15 A249-252; 34 A138

⁴⁷⁴ Witnesses: 3 A22-24; 5 A78

⁴⁷⁵ Witnesses: 5 A106-108; 7 A47-48; 48 A124

⁴⁷⁶ Witness 7 A47-49

⁴⁷⁷ Witness 33A101-106

⁴⁷⁸ Witness 5 A90-98

⁴⁷⁹ Witness 5 A100-101

⁴⁸⁰ Witnesses: 26 A149-150; 35 A110-112; 44 A181-183

⁴⁸¹ ToR 12. c

wished to do so.⁴⁸² In his pre-deployment speech COMJ told the contingent they could come to HQ JFNZ with such issues but did not specify how.⁴⁸³ Whilst the two 2ICs both had a greater awareness of how it might have been approached, both were aware of the personal risks in doing so.⁴⁸⁴ Both NZ 2IC-A and NZ 2IC-B did communicate with the J09, NZDF Lawyer 2 [REDACTED].⁴⁸⁵ The SNCOs chose to utilise their normal mechanisms, via the CSM's Hour. But they found the results unsatisfactory in terms of both resolving the issue and the negative response they got as both a group and as individuals. Those personnel who spoke direct to LTCOL Putze also felt they were ignored.

107. Potential mechanisms are being considered for inclusion within the Safety Event Management Tool (SEMT) and the recently announced 0800 Serious Wrongdoing reporting line, to allow affected personnel to notify issues of concern direct to the centre.⁴⁸⁶ When it was put to witnesses whether they would utilise such a system, results were mixed. Those with stronger complaints believe they would.⁴⁸⁷ NZ Serviceperson 17's case was one of sexual assault, and her main concern about it being dealt with in theatre was that the SNO was too close to the suspect.⁴⁸⁸ Those with no complaints obviously were not concerned by the lack of such a mechanism then, and do not see the need for one now.⁴⁸⁹ Some of the officers and WOs have mixed feelings, based more on their retrospective understanding of what transpired on OP FARAD 17.⁴⁹⁰ Several believe that LTCOL Putze's behaviours were an aberration, and that the provision of such a mechanism would potentially undermine commanders in the future, whilst others concede it could be useful.⁴⁹¹ s. 9(2)(ba)(i)

Identified Issues of Complaint and their Origin⁴⁹³

108. In the process of the COI, the Court took statements from all members of OP FARAD 01/17, less s.9(2)(a) [REDACTED] and s.9(2)(a) [REDACTED] (both now retired). From OP FARAD 02/17 a sample of personnel were interviewed, including all those involved in the disciplinary proceeding from 23 March 2018. All remaining OP FARAD 17 personnel, less CAPT Read, were contacted to ask if they wished to raise any issues, but none responded. As a result, the following list of complaints, concerns, allegations, incidents or unresolved issues was derived:

a. NZ 2IC-A [REDACTED]

⁴⁸² Witnesses: 7 A39; 11 A34, 163; 14 A158; 15 A268; 18 A53, 57, 89; 23 A105; 34 A125; 35 A118

⁴⁸³ Witness 48 A77-81; Exhibit 48A

⁴⁸⁴ Witnesses: 1 A85-86, 115; 2-1 A33-35

⁴⁸⁵ Witnesses: 2-1 A30-40; 11 A12-13, 41-42

⁴⁸⁶ Witnesses: 7 A40-42; 32 A31-32, 35-36

⁴⁸⁷ Witnesses: 1 A116; 2-1 A84-86; 15 A268, 275; 33 A111, 114; 34 A125; 35 A119; 42 A165; 50 A253

⁴⁸⁸ Witness 31 A108-109

⁴⁸⁹ Witness 24 A49

⁴⁹⁰ Witness 23 A189-192

⁴⁹¹ Witness 10 A59; 14 A158; 23 A185-186; 36 A171-173; 41 A168-170

⁴⁹² Witness 48 A127-129

⁴⁹³ ToR 5

- i. LTCOL Putze's command behaviours and judgement, including intoxication, sexualised behaviour with junior personnel⁴⁹⁴
 - ii. NZCON alcohol use and drinking culture.⁴⁹⁵
 - iii. Allegation of a spiked drink in the Woolshed,⁴⁹⁶
 - iv. NZCON personnel attending a strip bar in Tel Aviv,⁴⁹⁷
 - v. LTCOL Putze having an inappropriate relationship with **NZ Serviceperson 14**,
 - vi. LTCOL Putze's behaviours bringing the NZCON into disrepute with other MFO contingents.⁴⁹⁸
- b. **NZ Officer 3**
s. 6(a)
- c. A male officer. Indecently assaulted by a Service person from another nation.⁵⁰¹
- d. **NZ Serviceperson 12**
- i. Inappropriate relationship (SNO and **NZ Serviceperson 14**),⁵⁰²
 - ii. Inappropriate relationship (SNO and **s.6(a)**),⁵⁰³
 - iii. Inappropriate relationship (**NZ Serviceperson 14** and **s.6(a)**),⁵⁰⁴
 - iv. Inappropriate relationship (**NZ Serviceperson 2** and **Foreign Officer 1**) and socialisation of female JRs.⁵⁰⁵
 - v. Alcohol abuse by OP FARAD 01/17 personnel.⁵⁰⁶
 - vi. Bullying within NZCON -01/17⁵⁰⁷
 1. Herself – particularly by **NZ Officer 9**;
 2. **NZ Serviceperson 10**; and
 3. **NZ Serviceperson 21** by **NZ Serviceperson 14**
 - vii. Inappropriate/ unfair reporting and impact on careers.⁵⁰⁸
 - viii. Inappropriate purchases with NZDF funds for personal use by SNO.⁵⁰⁹
 - ix. Inappropriate awards to personnel technically ineligible to receive them.⁵¹⁰

⁴⁹⁴ Witness 11 A13

⁴⁹⁵ Witness 1 A36; Exhibit 1C, 2C

⁴⁹⁶ Witness 1 A51-52

⁴⁹⁷ Witnesses: 1 A23-24; 11 A13

⁴⁹⁸ Witness 11 A13

⁴⁹⁹ Witnesses: 23 A101-104, 111; 54 A187

⁵⁰⁰ Witnesses: 23 A170; 54 A187

⁵⁰¹ Witness 16 A120

⁵⁰² Witness 15 A79-81, 183; 33 A58

⁵⁰³ Witness 48 A25

⁵⁰⁴ Witnesses: 33 A62-64; 54 A203

⁵⁰⁵ Witness 15 A184

⁵⁰⁶ Witness 15 A167-171

⁵⁰⁷ Witnesses: 14 A128; 15A128-129, 136, 141-144, 177, 246-247, 285; 33 A56; 42 A74, 78-92

⁵⁰⁸ Witness 15 A130-134, 177, 191, 258-264; 33 A56; Exhibit 15B(1-2)

⁵⁰⁹ Witness 15 A161-165

⁵¹⁰ Witness 15 A187, 191-198

- x. Ongoing damage to her career and reputation.⁵¹¹
- e. **NZ Serviceperson 10**
 - i. Bullying within NZCON 01/17:⁵¹²
 - 1. Directed at himself;
 - 2. **NZ Serviceperson 12**; and
 - 3. **NZ Serviceperson 19**.
 - ii. Inappropriate/ unfair reporting,⁵¹³
 - iii. Creation of self-doubt and damage to career,⁵¹⁴
 - iv. Creation of lack of trust in organisation,⁵¹⁵
 - v. Inappropriate relationship (SNO and **s.6(a)**)⁵¹⁶
 - vi. Inappropriate relationship (SNO and **NZ Serviceperson 14**)⁵¹⁷
 - vii. Inappropriate behaviours by SNO, including excessive use of alcohol⁵¹⁸
 - viii. Erosion of trust in SNO's ability to command, and maintain proper rank distance,⁵¹⁹
 - ix. **NZ Serviceperson 14** out of control, conducting an inappropriate relationship (**s.6(a)**),⁵²⁰
 - x. Personnel left NZDF as a result of OP FARAD experience (**NZ Serviceperson 11** **NZ Serviceperson 21** **NZ Serviceperson**),⁵²¹
 - xi. Loose supervision of Driver Section and potential drunk driving on tasks.⁵²²
- f. **NZ Serviceperson 4**
 - i. Bullying within NZCON 01/17;⁵²³
 - ii. Inappropriate/ unfair reporting: and
 - iii. NZCON 01/17 drinking culture.⁵²⁴
- g. **NZ Serviceperson 18**. The appropriateness of LTCOL Putze conducting the summary trials of **NZ Serviceperson 9** and **NZ Serviceperson 17** given his involvement in preceding events at Beach Ibeza.⁵²⁵
- i. **NZ Serviceperson 7**

⁵¹¹ Witness 15 A212, 239-243

⁵¹² Witness 14 A57-59, 76-77; 33 A49-50; 42 A85-88; 54 A232-235

⁵¹³ Witness 14 A67-71, 80; Exhibit 14A

⁵¹⁴ Witness 14 A80-85, 90, 93

⁵¹⁵ Witness 14 A86

⁵¹⁶ Witness 14 A101-104

⁵¹⁷ Witness 14 A108-117

⁵¹⁸ Witness 14 A101, 133

⁵¹⁹ Witness 14 A101, 104, 133

⁵²⁰ Witness 14 106-108

⁵²¹ Witnesses: 14 A128; 15 A245-246

⁵²² Witnesses: 14 A137; 15 A167-168; 34 A95

⁵²³ Witness 34 A31-39

⁵²⁴ Witness 34 A54

⁵²⁵ Witnesses: 27 A 35, 78; 35 A71-73

- i. Disciplinary proceedings delay,⁵²⁶ and
 - ii. That no one, including the SNO has been held to account and no one seems to care overall.⁵²⁷
- h. **NZ Serviceperson 19**. The treatment of **NZ Serviceperson 7**,⁵²⁸
- i. **NZ Serviceperson 11**
- i. Bullying of SNCOs (**NZ Serviceperson 12**, **NZ Serviceperson 10**),⁵²⁹ and
 - ii. Bullying of **NZ Serviceperson 21** within the Woolshed.⁵³⁰
- j. **NZ Serviceperson 21**⁵³¹
- i. Bullying and exclusion (herself by **NZ Serviceperson 14**),⁵³²
 - ii. Threatening and bullying behaviour by **NZ Serviceperson 6**,⁵³³
 - iii. Lack of respect for herself as a RNZN Serviceperson,⁵³⁴
 - iv. Unwanted attention (**NZ Serviceperson 15**),⁵³⁵
 - v. Favouritism for **NZ Serviceperson 14**, including light punishment and inappropriate MFO award,⁵³⁶
 - vi. Intimidation by NZDF (Army) personnel during extraction **s. 6(a)**, and non-handling by SNO **s. 6(a)**,⁵³⁷
- k. **NZ Serviceperson 6** Unfair treatment by LTCOL Putze over payment of fares for compassionate RTNZ during tour.⁵³⁸
- l. **NZ Serviceperson 14**
- i. Publication in open press, and continued perpetuation, of allegations and rumour regarding herself and LTCOL Putze,⁵³⁹
 - ii. Breach of NZDF security by personnel telling press about Conduct after capture training,⁵⁴⁰
 - iii. Double standards applied to NZDF female Service persons,⁵⁴¹ and need for some form of support or mentorship,⁵⁴²

⁵²⁶ Witness 42 A137

⁵²⁷ Witness 42 A122

⁵²⁸ Witness 30 A70

⁵²⁹ Witness 39 A36-47

⁵³⁰ Witness 39 A85-86

⁵³¹ Witness 33 A74; Exhibit 33A

⁵³² Witnesses: 16 A36; 26 A120; 33 A12, 20, 22, 45, 76; 42 A75, 79-84; 45 A41; 50 A167; 54 A205-208

⁵³³ Witnesses: 28 A87, 89; 33 A21, 27

⁵³⁴ Witness 33 A5, 7, 12, 74, 128, 130

⁵³⁵ Witnesses: 26 A 120; 28 A108; 33 A14-15, 67-69, 78; 39 A87; 50 A174-183

⁵³⁶ Witness 33 A20, 34, 35-41

⁵³⁷ Witness 33 A108-109

⁵³⁸ Witness 28 A19-22

⁵³⁹ Witness 50 A212-215, 217, 237, 250, 273; Exhibit 50A (Marked up with Comments)

⁵⁴⁰ Witness 50 A215-216

⁵⁴¹ Witness 50 A238-239, 241

⁵⁴² Witness 50 A250-251

- iv. Damage to her professional reputation and career,⁵⁴³
- v. The failure of the NZCON 01/17 command Team, and now the NZDF, to provide her with a safe working environment.⁵⁴⁴

- m. **NZ Serviceperson 2**
 - i. Indecent assault (s.6(a)),⁵⁴⁵
 - ii. False allegations (relationship between herself and **Foreign Officer 1**),⁵⁴⁶ and
 - iii. Chain of command's failure to recognise and assist **NZ Serviceperson 7** with his alcohol problem.⁵⁴⁷

- n. **NZ 2IC-B**
 - i. Drinking culture and behaviours of LTCOL Putze,
 - ii. LTCOL Putze hearing charges he was potentially implicated in,⁵⁴⁸
 - iii. Persecution upon RTNZ for being seen to undermine his SNO,⁵⁴⁹ and
 - iv. Inappropriate award to CAPT Read.⁵⁵⁰

- o. **NZDF Serviceperson 23** Negative reporting on individuals.⁵⁵¹

- p. **NZ Serviceperson 22** Perceived guilt over not being able to prevent **NZ Serviceperson 9** assault on **NZ Serviceperson 17**

- q. **NZ Serviceperson 9** Reduction in rank and double standards by SNO.

- r. **NZ Serviceperson 17** ⁵⁵²
 - i. Double standard of being charged for drunkenness when many others were as well,⁵⁵³
 - ii. Effectively being convicted for an offence because she was the victim of an assault,⁵⁵⁴
 - iii. Personnel believing **NZ Serviceperson 9** was actually in her room with her consent,⁵⁵⁵ and
 - iv. LTCOL Putze seemed to minimise seriousness of assault and talked to **NZ Serviceperson 9** about him going to OCS.⁵⁵⁶

⁵⁴³ Witness 50 A239

⁵⁴⁴ Witness 50 A240-241

⁵⁴⁵ Witness 26 A90-103

⁵⁴⁶ Witnesses: 26 A86-89; 36 A158-160; 45 A112; 54 A141

⁵⁴⁷ Witness 26 A136-139, 142-143

⁵⁴⁸ Witness 2-1 A43

⁵⁴⁹ Witness 2-1 A88-90

⁵⁵⁰ Witness 23 A171

⁵⁵¹ Witnesses: 2-1 A81-83

⁵⁵² Witness 31 A44-86

⁵⁵³ Witnesses: 31 A68-73, 98; 35 A69-72; 40 A41

⁵⁵⁴ Witnesses: 31 A68, 74-75, 87-92; 35 A67-68, 73; 40 A41-43

⁵⁵⁵ Witness 31 A66, 81-86

⁵⁵⁶ Witness 31 A97

109. **Current State of Individuals.**⁵⁵⁷ Where it appeared appropriate witnesses were specifically questioned about their current mental state and whether they are aware of the support available to them through either the NZDF or Veterans Affairs. Most stated they had no ongoing concerns.⁵⁵⁸ But the following witnesses are highlighted either as individuals who have concerns, or where the NZDF might owe a further duty of care:

- a. s. 9(2)(a), s. 9(2)(ba)(i)
- b. s. 9(2)(a), s. 9(2)(ba)(i)
- c. s. 9(2)(a), s. 9(2)(ba)(i)
- d. s. 9(2)(a), s. 9(2)(ba)(i)
- e. s. 9(2)(a), s. 9(2)(ba)(i)

⁵⁵⁷ ToR 11

⁵⁵⁸ Witnesses: 1 A128-129; 20 A64; 21 A89-90; 25 A103; 27 A78; 28 A112, 130; 29 A94-97; 30 A75-76; 35 A104, 112, 122; 36 A179; 37 A146-149; 38 A128; 39 A108, 115; 40 A90, 94; 41 A116; 43 A158-160; 44 A214-215; 45 A60, 122-123, 161, 165; 46 A95, 103, 109; 51 A57, 59-60; 54 A221-222

⁵⁵⁹ Witness 14 A127

⁵⁶⁰ Witness 14 A83-84

⁵⁶¹ Witness 14 A90, 93

⁵⁶² Witness 14 A143

⁵⁶³ Witness 15 A205

⁵⁶⁴ Witness 15 A239-242

⁵⁶⁵ Witness 23 A214

⁵⁶⁶ Witness 33 A107-108, 118-121, 126; Exhibit 33D

⁵⁶⁷ Witness 33 A110, 116

⁵⁶⁸ Witness 33 A117-122, 127

⁵⁶⁹ Witness 26 A90-103

⁵⁷⁰ Witness 26 A150-151

f. s. 9(2)(a), s. 9(2)(ba)(i)

g. s. 9(2)(a), s. 9(2)(ba)(i)

h. s. 9(2)(a), s. 9(2)(ba)(i)

i. s. 9(2)(a), s. 9(2)(ba)(i)

j. s. 9(2)(a), s. 9(2)(ba)(i)

k. s. 9(2)(a), s. 9(2)(ba)(i)

ADEQUACY OF INVESTIGATION⁵⁸⁵

110. The discussion above identifies a large range of identified concerns. Most of these were raised with the MPs as those which witnesses thought required investigation. A major concern from NZCON 01/17 witnesses who still have concerns was that they had raised

⁵⁷¹ Witness 31 A93-94

⁵⁷² Witness 31 A90-91

⁵⁷³ Witness 31 A95

⁵⁷⁴ Witness 31 A96

⁵⁷⁵ Witness 34 A131-133

⁵⁷⁶ Witness 40 A95-96

⁵⁷⁷ Witness 42 A138

⁵⁷⁸ Witness 42 A160-163

⁵⁷⁹ Witness 42 A140, 142, 201-202

⁵⁸⁰ Witness 42 A132, 136

⁵⁸¹ Witness 44 A183-191, 193

⁵⁸² Witness 50 A212--217

⁵⁸³ Witness 50 A239

⁵⁸⁴ Witness 50 A246

⁵⁸⁵ Tor 9, 10

them with the NZDF MPs, but that these formed no part of any subsequent disciplinary action.⁵⁸⁶ This led them to believe that what they alleged had not been properly investigated, and appears to form the basis of the complaint in the press.⁵⁸⁷ The questions around the adequacy of the investigations into LTCOL Putze's command of OP FARAD 17 therefore derive from several issues:

- a. The perception that not all matters raised were investigated,
- b. The prolonged nature of the process, and
- c. The narrowness of the elements of offending for which LTCOL Putze was actually charged.

Investigation of NZ Serviceperson 7⁵⁸⁸

111. The basis of NZ 2IC-A Preliminary Inquiry report was the alleged assault of NZ Serviceperson 14 NZ Serviceperson 14 by NZ Serviceperson 7 at the RSO bar on 7 November 2017. Because this incident involved contact between a male and a female, the assault was initially described by some as indecent,⁵⁸⁹ or being of a sexually aggressive nature.⁵⁹⁰ That classification or perception appeared to persist for some time.⁵⁹¹ NZ Serviceperson 7 stated that he was characterised as having sexually assaulted NZ Serviceperson 14, and that he was treated accordingly upon his RTNZ.⁵⁹²

112. Although this was a core element of what became s. 6(c), it is evident that it was not investigated by NZDF MP because they understood it had already been investigated in theatre.⁵⁹³ Supporting this understanding is NZ Serviceperson 7's statement that he was not interviewed by the NZDF MP,⁵⁹⁴ and that a Caption Summary (CAPSUM) was not provided when the relevant material was forwarded to his unit.⁵⁹⁵

113. The MPs did not forward the matter to CSSB sooner because of the J09 recommendation that this should not occur until it was clear NZ Serviceperson 7 would not be charged with anything else derived from the s. 6(c) investigation.⁵⁹⁶ CO 2 CSSB was aware that there were pending disciplinary matters relating to NZ Serviceperson 7, but was awaiting the outcome of the wider MP investigation.⁵⁹⁷ NZ Serviceperson 7 himself understood that the delay in his charge being heard related to the ongoing NZDF MP investigation.⁵⁹⁸ On 5 April 2018 the matter came to the CO 2 CSSB via the central region legal office for the AFDA s102

⁵⁸⁶ Witnesses: 11 A90, 113-114; 15 A217, 221-222; 17A19-20; 18 A113

⁵⁸⁷ Exhibit 50A

⁵⁸⁸ ToR 2

⁵⁸⁹ Witness 18 A85

⁵⁹⁰ Exhibit 1B paras 11, 25

⁵⁹¹ Witnesses: 42 A128; NZ Officer 11, RNZALR, 49 A9-10; 50 A118

⁵⁹² Witness 42 A137

⁵⁹³ Witness 16 A102-104, 132; 42 A137, 147

⁵⁹⁴ Witness 42 A147, 191-193

⁵⁹⁵ Witness 47 A49

⁵⁹⁶ Exhibits 11U(2)

⁵⁹⁷ Witness 49 A8, 22; Exhibit 49A

⁵⁹⁸ Witness 42 A188

determination.⁵⁹⁹ The 2 CSSB Presenting Officer, s.9(2)(a) (since released) commenced action in early May 2018.⁶⁰⁰ Charges were eventually preferred of Common Assault and Drunkenness,⁶⁰¹ and were dealt with summarily on 5 September 2018.⁶⁰² NZ Serviceperson 7 pled guilty to both charges.⁶⁰³

114. The initial delays in turning the matter over to 2 CSSB are thus explained by the evolving nature of the allegations against numerous individuals deriving from s. 6(c) and a specific decision to complete the disciplinary action only occurred when it was clear nothing further was alleged in relation to NZ Serviceperson 7.⁶⁰⁴ The delays in the completion of the unit investigation are potentially explained by the inexperience of the presenting officer.⁶⁰⁵ Overall NZ Serviceperson 7's case took over 299 days to resolve.⁶⁰⁶ NZ Serviceperson 7 contends that over this long period his inability to provide a version of events, or characterise the incident as anything other than indecent assault, s. 9(2)(a), s. 9(2)(ba)(i)

115. **Deductions regarding handling of investigation into NZ Serviceperson 7.** The witness evidence in relation to NZ Serviceperson 7's case raises the wider issue of what constitutes an acceptable delay in resolving disciplinary matters. From the witness evidence it is apparent that for some time no individual at either HQ JFNZ, NZDF MP, or 2 CSSB had the control necessary to ensure NZ Serviceperson 7's case was expeditiously dealt with. Upon its receipt by the unit, the case was not dealt with in a competent manner. Thus while proper process was followed, the overall 299 day delay in the charges against NZ Serviceperson 7 being heard was not satisfactory.

Conduct of s. 6(c)⁶⁰⁹

116. The technical adequacy of the investigation of the remaining issues that then constituted s. 6(c) is a difficult assessment. It is characterised by a complex interaction between the NZDF MP and HQ JFNZ.

117. As already described, s. 6(c) commenced when NZDF MP were tasked by J3 HQ JFNZ on 4 December 2017 to investigate the matters raised by NZ 2IC-A in her 10 November 2017 Preliminary Inquiry Report.⁶¹⁰ The process of interviews of the NZCON 01/17 personnel was slow to commence.⁶¹¹ In its initial stages the NZDF MPs identified a need to speak

⁵⁹⁹ Witnesses: 16 A102; 47 A6249 A12-14; Exhibit 49A

⁶⁰⁰ Witnesses: 47 A25, 55; 49 A15; Exhibits: 47R-S

⁶⁰¹ Witness 47 A23; Exhibits: 47O-Q

⁶⁰² Witness 49 A16-17

⁶⁰³ Exhibits: 47A, T

⁶⁰⁴ Exhibits: 11U(02), 49A

⁶⁰⁵ Witness 47 A8-9, 27, 29

⁶⁰⁶ Witnesses: 47 A28; 49 A19, 21; Exhibit 47N

⁶⁰⁷ Witness 42 A137

⁶⁰⁸ Witness 49 A18

⁶⁰⁹ ToR 3, 9, 10

⁶¹⁰ Exhibits: 9A, 11D

⁶¹¹ Exhibits: 8A, 11G

directly to LTCOL Putze, s. 6(c) The NZDF MPs reiterated these investigatory requirements in their reporting and discussions with DCOMJ and the J3 on 2 March 2018.⁶¹² At that point both NZDF MPs and HQ JFNZ appeared to have a common understanding of the way forward, s. 6(c)

118. s. 6(c)

119. In the time it took to establish clarity around the information the NZDF MP sought, further interviews with FARAD 01/17 personnel took place, and the list of allegations increased to 28 allegations against seven individuals.⁶²¹ This process appears to have been undertaken in a conventional manner and to a thorough standard. s. 9(2)(h)

⁶²³ On 11 April 2018, the lead investigator, NZDF MP 1, and NZDF MP 2 (A/CO), presented these details to DCOMJ and J3. s. 6(c)

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⁶¹² Witness 16 A110-114; Exhibits: 8B, 12B, 11U(17)

⁶¹³ Witnesses: 12 A32-33; 16 A52; 24 A12

⁶¹⁴ Witnesses: 11 A55; 12A28; 16 A57-59

⁶¹⁵ Witnesses: 12 A55-56; 16 A91-96; 48 A51

⁶¹⁶ Witnesses: 9 A92; 11 A56; 17 A55, 73; 19 A9; 22 A7; 24 A11, 39; 32 A9; 48 A37, 51;

⁶¹⁷ Witnesses: 19 A7; 22 A6, 31; 24 A12, 35-37; 32 A9; 48 A49

⁶¹⁸ Witness 48 A51

⁶¹⁹ Witnesses: 11 A76-77; 19 A9, 11; 22 A4-6

⁶²⁰ Witnesses: 9 A63; 19 A11; 22 A23-24; 48 A51-52

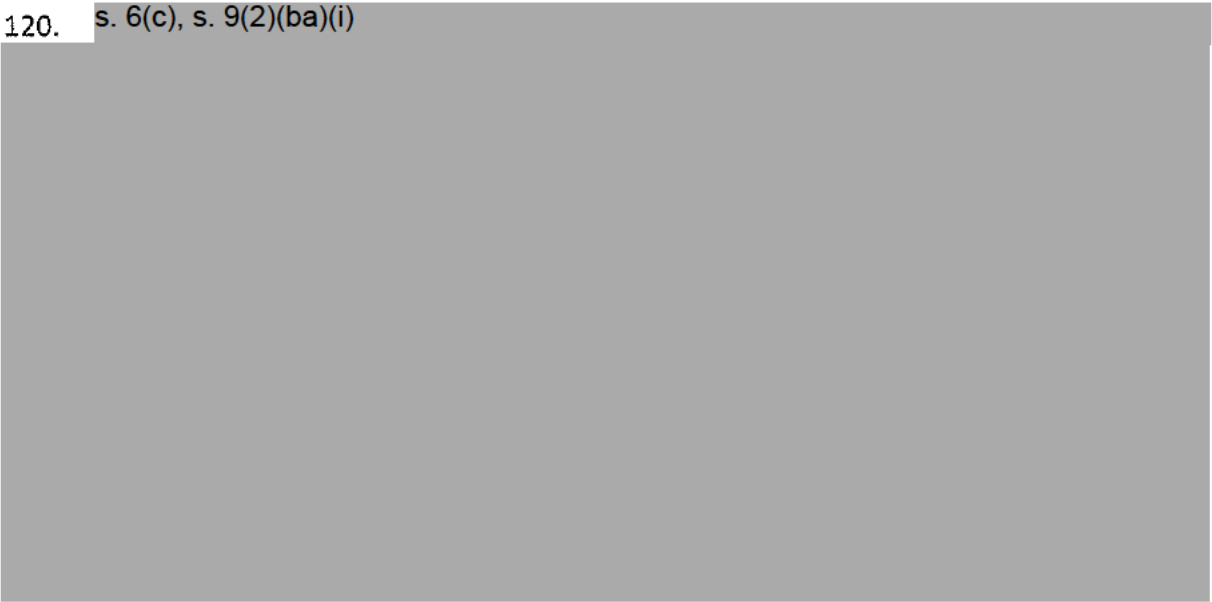
⁶²¹ Witness 8 A31-34; Exhibits: 8E, 11U(18), 12C

⁶²² Witnesses: 11 A55; 12 A121-123; 16 A92; 22 A23; Exhibits 12M(1), 24C(1-2), D


⁶²³ Witnesses: 11 A78-82; 12 A56-62; Exhibits: 11K, L(4), U(14), 12E(2)-G

⁶²⁴ Witnesses: 8 A42; 12 A33

120. s. 6(c), s. 9(2)(ba)(i)



121. s. 6(c), s. 9(2)(ba)(i)



⁶²⁵ Witness 19 A18

⁶²⁶ Witnesses: 11 A56-58, 59; 48 A51-52, 56, 106

⁶²⁷ Witnesses: 11 A93; 24 A15, 37; 48 A56

⁶²⁸ Witnesses: 11 A56-59; 22 A27, 30, 33

⁶²⁹ Witness 24 A42-43

⁶³⁰ Exhibit 11I

⁶³¹ Witness 22 A27-28; Exhibit 22A

⁶³² Witness 11 A82-83

⁶³³ Witnesses: 12 A53-54; 13 A41-44; 17 A57, 74; 24 A21; Exhibits 8E, 11U(18), 12C

⁶³⁴ Witnesses: 11 A88, 94, 158; 13 A42-45; 17 A58, 64-65; 48 A109; Exhibits: 11L(1-8)

⁶³⁵ Witnesses: 12 A63; 16 A50-51; 17 A87-88, 95-96

⁶³⁶ Witnesses: 8 A48; 12 A82, 108

⁶³⁷ Witnesses: 8 A57; 11 A92; 12 A35-36; 16 A114

⁶³⁸ Witness 12 A119, 126-128

⁶³⁹ Witnesses: 8 A58, 79-80; 11 A85; 16 A50, 130; 24 A40-41

⁶⁴⁰ Witnesses: 8 A41, 43; 16 A50, 54

⁶⁴¹ Witnesses: 8 A24; 12 A83-86; Exhibit 24C(1-2), D

⁶⁴² Witness 12 A67-71

s. 6(c), s. 9(2)(ba)(i)

.⁶⁴⁴ Following LCC XO's letter denying the request to deploy into theatre, and with plenty of conflicting priorities for an under-staffed investigative capability, the NZDF MP then ceased to accord the investigations of the FARAD 01/17 allegations any further priority.⁶⁴⁵

122. As described in paragraph 75, this meant that a collated range of 32 potential offences against up to nine individuals ceased to be investigated.⁶⁴⁶ Some of these allegations disclosed matters of concern, but did not disclose an offence, and these will be discussed later. However, whilst the NZDF MP contend there was no evidence to support charges being recommended in relation to the remaining disciplinary matters, there is evidence that this was at least in part because they stopped looking for it. As then outlined in paragraphs 63-66 the evidence of an inappropriate relationship between LTCOL Putze and CAPT Read was so compelling that it became the new focus of s. 6(c).⁶⁴⁷

Command Interference

123. The allegation of a 'Prima facie case of command interference',⁶⁴⁸ is serious. The NZDF MP advanced several reasons for their belief that this was occurring:

- a. s. 9(2)(ba)(i)
- b.
- c.
- d.

These opinions were sufficiently strongly held that had HQ JFNZ directed the investigation cease, representations regarding command interference would have been made to the Provost Marshal.⁶⁵³

⁶⁴³ Exhibits: 11R, 17B

⁶⁴⁴ Witness 8 A24, 36, 87; Exhibit 11H(1), 12M(1)

⁶⁴⁵ ToR 10; Witnesses: 8 A12, 73-75, 80-81; 12 A48-51, 77, 83-85, 108, 142; 16 A53, 71-75, 105; 24 A11, 40; Exhibits: 8D, 11Q, 12T; 24C(1-2), 24D

⁶⁴⁶ Witness 13 A47-48; 71-73; 92-93; 110-111; Exhibit 13G

⁶⁴⁷ Witness 16 A56

⁶⁴⁸ Witnesses: 8 A12, 73-75, 80-81; 12 A83-85; 16 A53, 105; 24 A11, 40; Exhibits: 24C(1-2), D

⁶⁴⁹ Witnesses: 8 A58; 12 A83; 16 A130

⁶⁵⁰ Witnesses: 8 A58, 75; 12 A83; 17 A20-21, 55, 59-62

⁶⁵¹ Witness 12 A 85

⁶⁵² Witnesses: 16 A53-55; 17 A95-96

⁶⁵³ Witness 12 A90-91

124. s. 9(2)(ba)(i)

⁶⁵⁵ Rather than MAJGEN Gall being the personal sponsor of LTCOL Putze, he had not wanted him deployed in the SNO role.⁶⁵⁶ Further, he had asked to be allowed to remove LTCOL Putze. But he had been directed not to remove LTCOL Putze by LTGEN Keating (CDF) s. 6(a) whilst the NZDF was seeking to make changes to its MFO contribution.⁶⁵⁷ MAJGEN Gall was also reminded by CDF about the issues that had arisen following his previous decision to remove NZ Serviceperson 12 from Iraq.⁶⁵⁸ MAJGEN Gall admitted that he had sought to shelter s.9(2)(a) s.9(2)(a) but this was only from a normal concern for her welfare as a subordinate and to make sure that she was firewalled from any involvement in the ongoing investigations.⁶⁵⁹ To that end he had ensured, to the extent possible, that s.9(2)(a) was not aware of the specific detail of the investigations.⁶⁶⁰ Whilst she may have approached him direct, to discuss her situation with LTCOL Putze,⁶⁶¹ he only provided personal support to her appropriate to that of a commander to a key subordinate.⁶⁶² All of these observations were corroborated by witness testimony from DCOMJ (NZ Officer 12),⁶⁶³ LCC (BRIG Boswell),⁶⁶⁴ the J3s (NZ Officer 6 and NZ Officer 8),⁶⁶⁵ and the legal staff officers (NZDF Lawyer 2 and NZ Lawyer 3 NZ Lawyer 3).⁶⁶⁶ In addition, no interference was identified by the DMP following the referral of the case for Court Martial.⁶⁶⁷

125. The reason for transferring the oversight of the investigation within HQ JFNZ from DCOMJ and J3 to the LCC in June 2018 was perceived as structurally appropriate at the time.⁶⁶⁸ It could not go up the MP's chain of command as this was to the JSCC, s.9(2)(a) ⁶⁶⁹ As nearly all the personnel implicated in s. 6(c) were Army, LCC was the next logical choice within HQ JFNZ.⁶⁷⁰ LCC XO sought throughout to isolate BRIG Boswell from direct involvement with LTCOL Putze both for these reasons,⁶⁷¹ and because it was already evident LTCOL Putze had lied to the LCC, which would form another element of the charges against him.⁶⁷² LCC XO has refuted any allegation he was either deliberately delaying the

⁶⁵⁴ Witness 48 A107-108; Exhibit 11H(1)

⁶⁵⁵ Witness 48 A37, 49, 51

⁶⁵⁶ Witness 48 A10

⁶⁵⁷ Witness 48 A11, 29, 85; Exhibit 11H(1)

⁶⁵⁸ Witness 48 A11, 111

⁶⁵⁹ Witnesses: 19 A14-15; 22 A9; 24 A56; 48 A21, 64-65; Exhibits: 11H(1), R

⁶⁶⁰ Witness 11 A102-104; 19 A15, 17, 29-30; 24 A30-32; 48 A60-62, 64; Exhibit 11H(1)

⁶⁶¹ Witness 11 A104

⁶⁶² Witness 48 A21-24, 65-67

⁶⁶³ Witness 22 A9, 23

⁶⁶⁴ Witness 32 A10, 15-16, 20

⁶⁶⁵ Witnesses: 9 A41-43; 24 A13-15, 22, 38-39, 56-58

⁶⁶⁶ Witnesses: 11 A35-37, 99-106, 108, 126-127, 161, 163; 19 A7, 12-16, 20, 24-25, 46;

⁶⁶⁷ Witness 13 A39

⁶⁶⁸ Witnesses: 11 A102; 24 A11, 20; 48 A59, 100-103, 106; Exhibit 11U(10)

⁶⁶⁹ Witnesses: 11 A150; 12 A130-131; 24 A39

⁶⁷⁰ Witness 48 A59

⁶⁷¹ Witness 17 A27-28

⁶⁷² Witness 17 A107; Exhibits: 11T, 13B-C, F, 17D

investigation,⁶⁷³ sheltering LTCOL Putze himself,⁶⁷⁴ or COMJ,⁶⁷⁵ and the description of his actions and their motivations is corroborated by NZDF Lawyer 2, who he consulted throughout.⁶⁷⁶ The impact of these decisions did not clarify the issues. It clouded who was the actual CO for discipline, given that the J3 had been appointed at the outset of s. 6(c). The MPs perceived that the previously cooperative NZ Officer 8 was being deliberately replaced by the LCC XO for the wrong reasons. The move to LCC was itself questionable, given BRIG Boswell himself had now become a conflicted party in relation to LTCOL Putze.

126. **Deductions – Command Interference.**⁶⁷⁷ Overall the MP perception that their investigation was not receiving wholehearted support from HQ JFNZ appears to be sustained. In part this derived from the diplomatic considerations they were aware of, but also a lack of mutual understanding between themselves and HQ JFNZ. s. 6(c), s. 9(2)(ba)(i)

Overall neither HQ JFNZ or the NZDF MPs were proactive in understanding each other's positions, but in terms of the witnesses heard, this was not deliberate 'command interference'.

127. **Future Staff Considerations.** The compartmentalised attitudes displayed between HQ JFNZ and the NZDF MP during s. 6(c) inhibited an effective and prompt investigation from being achieved. HQ JFNZ currently has no integral NZDF MP staff advice function, either for operational or investigative matters, or to facilitate effective liaison with the NZDF MP.⁶⁸² HQ JFNZ should consider how NZDF MP staff advice should be integrated within the HQ,⁶⁸³ so that its considerations and directions for inquiry may be improved.

Non-Disciplinary Matters

128. A key feature of the MP investigation is that it focused on identifying disciplinary offences. The NZDF MP role is to gather evidence to allow the commanding officer to make a decision in accordance with s 102 AFDA. Many of the issues witnesses had raised were not disciplinary offences, and consequently not further investigated by NZDF MPs. Examples of

⁶⁷³ Witness 17 A63, 71

⁶⁷⁴ Witnesses: 12 A85; 17 A37, 66-70, 79

⁶⁷⁵ Witnesses: 8 A75, 11 A167; 17 A41-42

⁶⁷⁶ Witness 11 A144-153; 17 A50-51, 54; Exhibits: 11R, 17B

⁶⁷⁷ ToR 10

⁶⁷⁸ Exhibits: 9C, 11J, L(6), M-O, U(10), 12I(2), 24H,

⁶⁷⁹ Exhibit 11H(1), 12T, 24C(2), D

⁶⁸⁰ Witness 8 A73, 80-81

⁶⁸¹ Witness 48 A51-52

⁶⁸² Witness 19 A42-43, 45

⁶⁸³ Witnesses: 11 A91-92, 163; 12 A140

issues from the concerns described in paragraph 108 that were therefore outside the NZDF MP remit to investigate are:

- a. Issues of bullying within rank;⁶⁸⁴
- b. The exercise of double standards in behaviour;
- c. Unfair or biased reporting;
- d. Charges of excessive drinking which could not be pursued because there was no definite evidence to support the allegations;⁶⁸⁵
- e. LTCOL Putze pressuring the MFO to award achievement certificates to the 01/17 Driver Section and NZ Serviceperson 14,⁶⁸⁶ and
- f. Instances of command failure by either LTCOL Putze or members of the NZCON 01/17 leadership group.

129. This highlights a core issue at the heart of the consideration of this COI. Given that the NZDF MPs do not investigate non-disciplinary matters or command failure, who should?⁶⁸⁷ The compartmentalised nature of how the concerns and allegations were raised has already been discussed, and the linking factor is that the original recipients were HQ JFNZ, and therefore COMJ. As NZ 2IC-A report dealt specifically with a disciplinary matter, the assault on NZ Serviceperson 14 by NZ Serviceperson 7, it was sent to the NZDF MP for investigation. NZ 2IC-A report also commented on the drinking culture within the contingent. This, together with the points made to the psychologists s. 6(a) disclosed issues of command rather than discipline, which required further investigation.⁶⁸⁸ However on the face of the report it was apparent that the conduct and character of LTCOL Putze, and potentially other personnel, was likely to be questioned. Consequently IAW DM69 Vol 1 para 11.3.6 any Command Investigation would have to cease as soon as such allegations were made, leaving either the potential for a COI or a Preliminary Inquiry.

130. However by directing an NZDF MP investigation, all non-disciplinary matters effectively went into a self-fulfilling logic loop. The NZDF MP Investigation could not deal with any non-disciplinary matters, as has been demonstrated through the outcome of s. 6(c). But there were no other alternatives or mechanisms specified in the initial direction by J3 HQ JFNZ through which to investigate and resolve such command issues.⁶⁸⁹ Therefore as non-disciplinary matters were identified by the NZDF MP that they could not investigate further themselves, they had not been told where, or who, to refer them. The logic loop was then compounded at HQ JFNZ. Because the MP did not inform them that there were allegations made, but which were not being specifically investigated by them, HQ JFNZ appears to have assumed that all matters were actually being investigated.

⁶⁸⁴ Witness 16 A36-37, 81-83

⁶⁸⁵ Witness 13 A35-36

⁶⁸⁶ Witnesses: 16 A62; 28 A113-114

⁶⁸⁷ Witness 17 A19; Exhibit 55A

⁶⁸⁸ Witness 22 A37-38

⁶⁸⁹ Witness 17 A19-20

Threshold for Prosecution

131. Once an NZDF MP investigation is complete, where offences are disclosed and the MP believe there is evidence, they provide a Caption and Summary (CAPSUM) which identifies potential charges to the appropriate commander.⁶⁹⁰ Command is then responsible for considering the NZDF MP recommendations and determining if they are well-founded IAW s102 AFDA. If so the allegation is recorded in the form of a charge, if appropriate.⁶⁹¹

132. Where a Court Martial is the probable outcome, command should seek legal advice. If a charge is referred to the Director of Military Prosecutions (DMP)⁶⁹² the Solicitor-General's Prosecution Guidelines are considered.⁶⁹³ Prosecutions ought to be initiated or continued only where the prosecutor is satisfied that the Test for Prosecution is met. The Test for Prosecution includes the Evidential Test and the Public Interest Test.⁶⁹⁴ Through the process of consideration further offences may come to light. Equally, some charges may be discontinued if the evidence related to them does not satisfy one or both of the tests.⁶⁹⁵ It is explicit from the Evidential Test that to continue to prosecution allegations need to meet an evidentiary threshold.⁶⁹⁶ Allegations of other misconduct might sometimes be used to support a case or establish the command culture. The objective is to present the strongest possible case for prosecution, focussing on the most important charges, without encumbering it with peripheral or marginal accusations which on their own might not have been brought to Court.⁶⁹⁷

133. It is the nature of an evolving disciplinary investigation through to eventual prosecution that it will inevitably involve a degree of ebb and flow with respect to possible offences and those which can be successfully prosecuted. In this case the disciplinary offences that did reach prosecution only related to the inappropriate relationship between LTCOL Putze and CAPT Read during OP FARAD 02/17.

Potential to Investigate Unresolved Allegations⁶⁹⁸

134. As a result of these processes, it is apparent that a significant number of the original allegations from NZCON 01/17 were not investigated and considered to a point of conclusion. In addition, one further allegation of sexual assault has been revealed. In the case of potential offences by NZDF personnel, s 20 of the AFDA requires that such matters are dealt with summarily, or referred to the Director of Military Prosecutions, within 3 years after the alleged commission of the offence. That 3 year period expired in November 2020 for NZCON 01/17, and consequently no further investigation could result in charges being

⁶⁹⁰ Witness 13 A16; Exhibit 11T

⁶⁹¹ Witness 13 A16; Exhibit 13C

⁶⁹² Exhibit 13B

⁶⁹³ Witness 11 A115-117; 13 A20, 62; Exhibit 13E Solicitor-Generals Guidelines

⁶⁹⁴ Witness 13 A65; Exhibit 13E para 5.4 Evidential Test, 5.5 Public Interest Test

⁶⁹⁵ Witnesses: 13 A27; 19 A37; Exhibits: 13B-C

⁶⁹⁶ Witness 13 A35-36

⁶⁹⁷ Witness 13 A62-63

⁶⁹⁸ ToR 8

usefully bought against any individual. In the case of the additional allegation of sexual assault, the victim does not wish to pursue the matter.⁶⁹⁹

Deductions: Adequacy of the Investigation⁷⁰⁰

135. The s. 6(c) investigation initiated by HQ JFNZ following the receipt of NZ 2IC-A Preliminary Inquiry Report, appears to have been the appropriate process for commencing the addressing of the initial allegations. However at no stage in the initial direction, or at any point subsequently, did HQ JFNZ specify to the NZDF MP how allegations which disclosed matters of Command or Administrative concern were to be notified and then be further investigated. Additionally, because of the lack of mutual cooperation and understanding between HQ JFNZ and the NZDF MP, it cannot be concluded that all the allegations from NZCON 01/17 personnel which may have disclosed a disciplinary offence were expeditiously and effectively investigated to the extent required to obtain a conviction. Because 3 years have now elapsed since the original events or alleged offences, there is a significantly reduced possibility of successfully bringing charges against any individual under the AFDA.

136. The lack of vigour demonstrated by the NZDF MP derived from the perception that they were being frustrated in their investigative processes by HQ JFNZ, to the extent of alleging command interference. There is no evidence to support the allegation that there was any such command interference in the investigation, for any reason, by any individuals alleged to have done so. However, whilst HQ JFNZ might not have interfered in the investigation they did little to expeditiously assist or invigorate the process of investigation, and this is to blame for the NZDF MP perceptions of their actions and motives.

137. The delay in hearing NZ Serviceperson 7's case, which was the starting basis of s. 6(c), was not the direct result of any problems in the investigative process. s. 9(2)(h) .⁷⁰¹ After it was sent to his unit, the subsequent delays appear to have derived from the way it was handled by the appointed Presenting Officer. Overall the 299 days it did take before the charge was dealt with was unsatisfactory.

NOTIFICATION OF WITNESSES⁷⁰²

138. As discussed previously, several witnesses expressed concerns that they were not kept informed, through any means, of what was happening in relation to the concerns they had raised.⁷⁰³ This stems back to the issues of compartmentalisation discussed earlier, and also to the narrowing of the prosecution considerations and processes described above, which NZ 2IC-B has explained to some of the NZCON 02/17 personnel who have asked

⁶⁹⁹ Witness 26 A90-103, 150-151

⁷⁰⁰ ToR 5, 6, 8

⁷⁰¹ Exhibit 11U(2), 49A

⁷⁰² ToR 4

⁷⁰³ Witnesses: 33 A137-138; 34 A140: Exhibit 50A

him about it.⁷⁰⁴ If the individuals concerned had raised a specific complaint through the Complaints Procedure, then they would have been given mandatory updates concerning the state of their complaint. However, within criminal or disciplinary investigations and prosecutions, there is no mandated requirement to regularly update witnesses, unless they are victims of certain types of offending.

139. **NZDF MP Investigation.** In terms of an NZDF MP investigation, the only mandated feedback is to the authority or individual which instigated the investigation, though the officer in charge of the investigation is responsible for maintaining contact with any witness, suspect or victim.⁷⁰⁵ Keeping all witnesses in a general investigation, from whom statements have been taken, informed of the investigation's progress does impose a huge administrative burden. However it is good practice to maintain some form of communication in order to provide updates as it reduces the pressure created by 'excluded' witnesses, as demonstrated by this case. In this instance the J3 HQ JFNZ directed the inquiry on behalf of the HQ, and therefore HQ JFNZ was the entity to whom the NZDF MPs reported their progress. In this instance, as they had not instigated anything themselves, the witnesses were treated as such, rather than individual complainants in their own right.

140. **HQ JFNZ.** At the next level, it was not HQ JFNZ's responsibility to keep witnesses informed as the NZDF MP were carrying out the investigation.

141. **Prosecution Process.** The prosecution process in then simply follows the same logic as described above. Initially they have no relationship to the witnesses who formed part of the investigation directed by HQ JFNZ and undertaken by the NZDF MP. Simplistically, once the investigation is referred to the DMP, they are assessing what charges have been recommended, and whether they can successfully be prosecuted.⁷⁰⁶ These deliberations are communicated back to the command authority (HQ JFNZ in this instance) and then a prosecution is brought. During the preparation of LTCOL Putze's prosecution, some of the witnesses who had previously given statements to the NZDF MP were questioned again. The prosecution lawyer then decided which witnesses would be called, and those individuals who gave evidence did feel they had full feedback.⁷⁰⁷ However some personnel gave statements which subsequently were not required by the Prosecution,⁷⁰⁸ and have raised the criticism that they were never informed why. Simple courtesy would indicate that as the Prosecution had established a relationship with them, they should have explained at some stage why the matters they had been interviewed about were not to be presented in Court.

142. **Deductions: Notification of those Raising Concerns.**⁷⁰⁹ In essence therefore, the fact the personnel concerned were not kept individually informed is because they had not lodged complaints or made individual allegations against another individual. The allegations, complaints and concerns they had raised had followed a variety of paths. Those made to the

⁷⁰⁴ Witness 2-2 A42-42

⁷⁰⁵ Witness 12 A89

⁷⁰⁶ Witness 13 A20

⁷⁰⁷ Witness 6 A22

⁷⁰⁸ Witness 13 A37-38

⁷⁰⁹ ToR 4, 7

psychologists remained in confidence and could only be highlighted generically within wider themes and statistics. Those made to the investigation, which was effectively as witnesses after the instigation of the investigation, rather than as individual complainants to HQ JFNZ. Had those individuals made their allegations directly to HQ JFNZ, or made a Serviceperson's Complaint, then they would have had a mandated right to feedback on the on the progress and outcome of the investigation or their complaint.

LTCOL PUTZE'S INFLUENCE AND BEHAVIOUR

143. As an individual LTCOL Putze did not have a good reputation for alcohol or impulse control before he deployed.⁷¹⁰ He had even discussed these issues with **NZ Serviceperson 5**, based on their previous deployment together in East Timor.⁷¹¹ On his assumption of command, LTCOL Putze had inherited a relatively controlled situation. There had not been any alcohol related offences with FARAD 02/16 and neither **NZ SNO-A** nor **NZ RSM-A** were frequent drinkers or socialisers. Once in the Sinai LTCOL Putze does not seem to have been able to regulate himself. However, **NZ 2IC-A** and several witnesses believe the situation evolved from having from one that would not have caused concern, to the one at the end of deployment characterised by regular and extended drinking in the Woolshed.⁷¹²

144. LTCOL Putze had a stated intention of being less aloof as a commander, seeking to achieve a flat management style characterised by informality and approachability, though one witness commented he was 'chirpier' around female JRs.⁷¹³ Numerous witnesses stated that LTCOL Putze set the tone for socialisation and alcohol use.⁷¹⁴ During the twelve months of OP FARAD 17 LTCOL Putze was observed by several witnesses to be intoxicated.⁷¹⁵ There were also numerous examples cited of LTCOL Putze behaving inappropriately, or encouraging subordinates to do so as a result of alcoholic consumption:

- a. At his first Thursday night he ostentatiously drained a beer,⁷¹⁶ drawing direct comment from **NZ RSM-A**.⁷¹⁷
- b. During 01/17 the alcohol fuelled behaviour is alleged to have;
 - i. led to an inappropriately close relationship between the SNO and the JRs,⁷¹⁸ particularly the females,⁷¹⁹

⁷¹⁰ Witnesses: 1 A99; 9 A40; 17 A79-80

⁷¹¹ Witness 41 A75-76

⁷¹² Witnesses: 1 A23, 43-46; 18 A27-29

⁷¹³ Witnesses: 4 A61-62; 18 A12, 21-22, 69, 71-72; 21 A40-41, 86; 23 A24-27; 25 A7, 107; 27 A63; 29 A29; 30 A58-59; 33 A132; 35 A21; 36 A6-8, 166; 42 A25-26; 43 A23; 44 A39-40; 50 A231-233

⁷¹⁴ Witnesses: 15 A144, 218-219; 18 A26, 87; 21 A105; 23 A200; 25 A15-16, 33-34; 26 A49, 130-134; 28 A41, 96-98, 136-145; 29 A83; 30 A26; 33 A30-31, 132; 34 A35, 65, 120; 35 A48; 39 A80, 110-113; 40 A75; 41 A35-37; 42 A26, 28, 153-154; 43 A109-110, 112; 44 A142; 45 A148; 50 A90, 106; 54 A151-152

⁷¹⁵ Witnesses: 1 A119-122; 2-1 A4, 20; 14 A138; 15 A169-172; 18 A78; 21 A36-38, 40; 23 A52-57; 26 A43, 137; 29 A52; 35 A93-94; 36 A131-132; 38 A75

⁷¹⁶ Witness 35 22-23

⁷¹⁷ Witness 10 A18

⁷¹⁸ Witness 30 A59, 65

⁷¹⁹ Witnesses: 28 A16, 72, 74, 106; 30 A59

- ii. been a leading factor in the development of sexualised banter,⁷²⁰ and
- iii. resulted in inappropriately childish behaviours and touching that LTCOL Putze either participated in, or encouraged.⁷²¹
- c. During the period of 02/17 the perception was that he missed some duties and fell asleep in briefs due to hangovers.⁷²²
- d. He was seen to encourage several instances of excessive or inappropriate behaviour around alcohol, including;
 - i. the strip club in Israel,
 - ii. an exaltation to NZCON 02/17 as they arrived that he '...hoped they were thirsty.'⁷²³
 - iii. the parties at Beach Ibeza were a repeated activity across both contingents, including where NZDF personnel skinny dipped,⁷²⁴ and
 - iv. an occasion where he was stopped by local police attempting to illegally smuggle alcohol onto an Egyptian water cruise boat.⁷²⁵
- e. During the 01/02 NZCON 17 changeover NZ 2IC-B found LTCOL Putze, together with s. 6(a) officers and three NZDF female JRs, conducting a noisy private party at the Woolshed.⁷²⁶
- f. LTCOL Putze is alleged to have helped members of other nation's contingents circumvent their bans on the purchase of alcohol from the FX, by buying it for them and keeping it in his fridge.⁷²⁷
- g. When hosting parties at his hooch;
 - i. he purchased a large amount of spirits to entertain the NZCON 01/17 JRs,⁷²⁸
 - ii. s. 6(a)
 - iii. he triggered a South Camp security event by the inappropriate use of a laser torch.⁷³⁰

145. The only known instances of LTCOL Putze specifically attempting to control alcohol consumption do not reflect well on him. In the first instance there was his direction that the spirits being drunk in the Woolshed should not be apparent during COMJ and HQ JFNZ WO's visit – effectively acknowledging there, that this was something that would not be approved of by senior command.⁷³¹ During NZCON 02/17 he and CAPT Read seemed to erratically

⁷²⁰ Witnesses: 1 A25, 35, 77; 23 A23-24; 26 A115; 30 A54; 36 A103, 107-109; 42 A126-127

⁷²¹ Witnesses: 1 A29, 35; 32 A51

⁷²² Witness 2-1 A18-19

⁷²³ Witness 33 A81-83

⁷²⁴ Witnesses: 35 A23-26; 44 A142; Exhibits: 2F, 11F(2)

⁷²⁵ Witness 1 A37, 102

⁷²⁶ Witnesses: 1 A36; 2-1 A4

⁷²⁷ Witnesses: 1 A101; 2-1 A8, 106-107,

⁷²⁸ Witness 50 A108-110

⁷²⁹ Witnesses: 2-1 A4-7; 44 A76

⁷³⁰ Witness 1 A122

⁷³¹ Witnesses: 1 A20-22, 81;

impose periods of dryness, apparently decided that they should dry out themselves, then at the end to ensure there were no incidents during the RiP.⁷³² But these could change again equally as rapidly including when they were both observed drinking at other contingents or functions, whilst the remainder of NZCON were supposedly still banned from doing so.⁷³³

146. Together with some of his leadership group in NZCON 01/17, LTCOL Putze in effect gradually normalised an atmosphere of extended drinking, both within the Woolshed and generally.⁷³⁴ His actions generated a perception that such rules and parameters as might exist within the contingent SOPs concerning alcohol and bar hours, would not be rigorously enforced. Incidences where senior contingent members directed the duty NCO not to close the bar, were one of the issues that undermined the position and confidence of the SNCO group when dealing with the JRs. Following his example, the JRs in the Woolshed were also alleged to have purchased and stored alcohol for members of other nation's contingents whose regulations prevented them from doing so themselves.⁷³⁵

Impact on Individuals.

147. One very concerning aspect in all of this was the impact LTCOL Putze's actions and leadership had upon others. The perceived impacts of his negative attitudes to certain individuals who did not conform to his command approach and join in, together with the resultant impacts of the reports they were given for the deployment, have already been addressed. In addition, several officers and NCOs expressed guilt that they did not do more to stop or curb LTCOL Putze's behaviours.⁷³⁶ Other witnesses have blamed themselves for occurrences or events that they didn't prevent or deal with that were in fact beyond their control and were LTCOL Putze's responsibility.⁷³⁷ There was also the frustration that they either had no one to go to about these issues or were ignored when they did.⁷³⁸ Both NZ 2IC-B and NZ 2IC-A noted how wearing they found dealing with LTCOL Putze's behaviours and their outcomes.⁷³⁹ NZ 2IC-B felt ostracised at HQ JFNZ on his RTNZ.⁷⁴⁰

148. Another aspect of LTCOL Putze's negative impact is how he corrupted the normal perceptions and behaviours of his subordinate officers, WOs and SNCOs. Several described the gradual normalisation of behaviours at the time, that with hindsight they recognised were inappropriate or below NZDF expectations of their responsibilities.⁷⁴¹ Indicative of this outcome is that those officers reporting on the behaviour of the NZCON 01/17 SNCOs

⁷³² Witness 35 A26, 55

⁷³³ Witnesses: 7 A14; 35 A55-57, 95-97

⁷³⁴ Witnesses: 1 A20, 68; 15 A157; 18 A27-29; 25 A71; 26 A112; 34 A54, 112; 42 A28, 173; 46 A86-87; 50 A90-91; 54 A227

⁷³⁵ Witness 2-1 A94-95

⁷³⁶ Witnesses: 1 A83

⁷³⁷ Witnesses: 1 A90; 21 A95-96; 34 A95; 36 A43; 41 A66, 74; 54 A76

⁷³⁸ Witnesses: 1 A115, 131

⁷³⁹ Witnesses: 1 A131; 2-1 A4, 79

⁷⁴⁰ Witness 2-1 A125

⁷⁴¹ Witnesses: 18 A29, 41-42, 51-52, 84-88, 110-111; 23 A69, 91; 25 A30-32, 36-37, 69, 71; 26 A112, 136; 36 A118; 38 A46-49, 97; 41 A66-67, 116; 54 A225

believed they did good jobs at work,⁷⁴² and the negative aspects of their reports related to their failure to integrate within the contingent,⁷⁴³ without themselves questioning what that command environment had become.⁷⁴⁴

149. In terms of discipline, **NZ Serviceperson 9**'s defending officer, **NZ Officer 3**, was apparently surprised by the reduction in rank imposed given the leniency of the punishments from the Bedouin Dinner of the previous contingent.⁷⁴⁵ **NZ Serviceperson 9** also perceives in retrospect, that he was dealt with in the way he was in order to conceal some of LTCOL Putze's own behaviour.⁷⁴⁶

150. Some witnesses characterised members of the NZCON 01/17 leadership group as enabling LTCOL Putze's behaviours.⁷⁴⁷ But in most instances that would presume that they deliberately wanted to behave that way themselves. With the probable exception of CAPT Read in her personal relationship with LTCOL Putze, the officers and WOs of both contingents actually appear to have acted as they did out of a misplaced sense of loyalty to the SNO based on his rank and appointment,⁷⁴⁸ or to have drifted into these behaviours through inexperience, naiveté and desire to be included.⁷⁴⁹ Many witnesses, both those openly critical of LTCOL Putze, and those who served with him during OP FARAD 17, acknowledge that he has charm and charisma and is an engaging leader and personality.⁷⁵⁰

151. **NZ Serviceperson 14**. There was a strong perception by some SNCOs that LTCOL Putze had a relationship of some sort with **NZ Serviceperson 14**.⁷⁵¹ However, there is little or no other evidence to support this allegation.⁷⁵² LTCOL Putze and **NZ Serviceperson 14** worked together in the same office and established a close working relationship as they were some of the only Kiwis in that office.⁷⁵³ He, along with several other senior members of NZCON 01/17,⁷⁵⁴ certainly held **NZ Serviceperson 14** in high regard for the good work that she produced in her role, especially given she was holding acting rank. Following from their close working relationship **NZ Serviceperson 14** and LTCOL Putze were both smokers, so they were frequently in each other's company both at work and in the Woolshed.⁷⁵⁵ It was largely agreed that LTCOL Putze did admire her and gave her public praise and attention frequently.⁷⁵⁶ Those behaviours are the

⁷⁴² Witnesses: 23 A117; 36 A138-140, 143-14; 54 A82

⁷⁴³ Witnesses: 18 A44-46, 54-56; 42 A194-197

⁷⁴⁴ Witnesses: 18 A58-63; 54 A77

⁷⁴⁵ Witness 44 A151-157

⁷⁴⁶ Witness 44 A167-171

⁷⁴⁷ Witnesses: 2-1 A132, 134; 15 A145, 147-161; 34 A68-69

⁷⁴⁸ Witnesses: 36 A43; 41 A103; 54 A239

⁷⁴⁹ Witnesses: 18 A42-43; 23 A106-110; 25 A32, 37

⁷⁵⁰ Witnesses: 18 A39; 20 A74; 23 A9, 27-29, 53, 136-137, 200-202; 25 A106; 29 A29; 40 A39; 43 A81-83; 44 A41-43; 45 A28-29; 46 A69; 48 A89; 50 A229

⁷⁵¹ Witnesses: 30 52-53, 129-130; 33 A58; 39 A29; 45 A59, 134-135; 54 A82-83

⁷⁵² Witnesses: 30 A55; 34 A50, 52; 36 A101-104, 106

⁷⁵³ Witnesses: 36 A78; 42 A176; 45 A132-133; 50 A16, 219; 54 A93

⁷⁵⁴ Witnesses: 41 A138; 46 A59-60; 54 A

⁷⁵⁵ Witnesses: 36 A105; 40 A45

⁷⁵⁶ Witnesses: 30 A55-57; 33 A58; 36 A107; 39 A30-32; 40 A44; 54 A95-96

basis of the allegations, but are supported by no other evidence.⁷⁵⁷ Conversely a number of other contingent members, together with **NZ Serviceperson 14** herself, said there was nothing more than an overly familiar friendship and some were surprised by the allegation.⁷⁵⁸ There is no evidence in this Court of Inquiry that a relationship of a sexual nature existed between LTCOL Putze and **NZ Serviceperson 14**. However it is apparent that the familiarity and friendship with her, did have impacts for the larger contingent and for **NZ Serviceperson 14** herself. She was ostracized by the SNCOs based on these perceptions and was at times the subject of joking comments by others about favouritism.⁷⁵⁹ The impacts of this deployment on **NZ Serviceperson 14** are significant s. 9(2)(a) **NZ Serviceperson 14**. The recently released media article brought some of the impacts back to the surface.

152. **Awards.** Another impact of LTCOL Putze's behaviour that affected several people was his attitude to awards **NZ Officer 2** has indicated that the MFO awards were not highly scrutinised at Force HQ.⁷⁶⁰ But the administration of them did concern a number of NZCON personnel.⁷⁶¹ **NZ Officer 2** and **NZ Officer 3** received NZDF awards.⁷⁶² But though LTCOL Putze commented on them,⁷⁶³ these were based on MFO initiated recommendations. MFO awards, initiated by their departments were made to **NZ 2IC-A** and **NZ Serviceperson 21**.⁷⁶⁴ However both these individuals felt these were diminished as **NZ Serviceperson 14** and the members of the Driver Section also received awards after considerable agitation by LTCOL Putze that their disciplinary lapse should be overlooked.⁷⁶⁵ Similarly, NZCON 02/17 personnel were not happy at the prominence accorded to CAPT Read's efforts with her MFO award.⁷⁶⁶ In those instances the evidence would suggest that LTCOL Putze favoured his group of closer associates, or that he tried to get awards in order to reflect better on himself.⁷⁶⁷ Overall, any recommendations for further NZDF awards or commendations to any individual, deriving from a specific recommendation by LTCOL Putze during this period, should be subject to closer scrutiny.

Conclusion – LTCOL Putze's Behaviour

153. LTCOL Putze is acknowledged to be an engaging and charismatic personality. However, witnesses have highlighted incidents where he demonstrated a lack of judgement or awareness of his potential character weaknesses. They have described his impulsiveness, his inappropriate comments at times, public relationships with women across all ranks, and how he was not receptive to criticism if it conflicted with his own perceptions or desires. As a leader, he did cheerfully lead groups in what he enjoyed doing, such as drinking, socialising

⁷⁵⁷ Witnesses: 33 A59; 41 A45

⁷⁵⁸ Witnesses: 28 A127; 36 A108; 38 A39-40; 42 A177-180; 43 A86, 93; 45 A59, 136; 46 A96; 50 A221-224; 54 A95

⁷⁵⁹ Witnesses: 42 A183-184; 50 A20, 22; 54 A96-97

⁷⁶⁰ Witness 25 A97-101

⁷⁶¹ Witness 33 A35-41

⁷⁶² Witness 2-1 A132-133

⁷⁶³ Witness 25 A78-81

⁷⁶⁴ Witness 36 A153

⁷⁶⁵ Witnesses: 33 A41, 80; 36 A153-156

⁷⁶⁶ Witnesses: 2-1 A55; 23 A178; 35 A60, 97

⁷⁶⁷ Witness 35 A97

and competing in physical activities.⁷⁶⁸ He appears to have found it more difficult to achieve the more difficult side of command, which is to maintain a disciplined and cohesive group that has confidence in their commander. His command boundaries were often blurred and inconsistent.⁷⁶⁹ Several witnesses from NZCON 01/17 have also described LTCOL Putze's command as characterised by factionalism and favouritism.⁷⁷⁰ NZCON 02/17 was largely isolated from LTCOL Putze, having been selected and formed by NZ 2IC-B,⁷⁷¹ who then remained alert to the potential problems that such leadership characteristics might cause again. The fact that the only significant event (outside of the NZCON 02/17 extraction s. 6(a)) did indeed occur during and following a beach excursion initiated by LTCOL Putze during NZ 2IC-B absence appears to confirm that such an approach had merit. LTCOL Putze's conviction at Court Martial, for a lack of integrity and inappropriate behaviour, confirmed these perceptions for those witnesses who remained concerned regarding the negative impact his command of OP FARAD 17 had upon them.

ALCOHOL IN OP FARAD

154. The issue of alcohol consumption by NZDF personnel deployed on OP FARAD is a perennial problem.⁷⁷² Alcohol availability has been a feature of the MFO mission since its inception.⁷⁷³ Because of the nature of the MFO's constitution and governance structures the NZDF has had to accept that the MFO will probably be a 'wet mission', unless some future security or political imperatives dictate otherwise.

155. For some periods various Force Comds have attempted to curtail the prevalence of the partying culture of the MFO, or it has been driven by the security situation.⁷⁷⁴ At the time of the OP FARAD 01/17's deployment one such Force driven contraction was in fact taking place, with the relocation from North Camp and heightened security situation having driven a reduction in the number of approved bars and venues at South Camp.⁷⁷⁵

156. However, whilst the MFO has reduced the number of approved outlets and does not encourage contingent bars, nor drinking or storing alcohol in accommodation,⁷⁷⁶ Force Comds allow individual contingents to set their own rules around individuals under their command in terms of access to alcohol. Therefore a key determinant is contingent leadership. Where policy is firmly set and abided by, with a consistent example and enforcement from the contingent leadership team, alcohol issues are minimised.⁷⁷⁷ In terms of policy settings both MFO and NZCON directives stated that public drunkenness was

⁷⁶⁸ Witness 18 A47

⁷⁶⁹ Witnesses: 3 A12; 7 A13-14

⁷⁷⁰ Witnesses: 3 A12; 30 A127; 33 A8; 54 A235237

⁷⁷¹ Witness 6 A66-67

⁷⁷² Witnesses: 3 A46; 9 A96; 42 A20; 48 A8,11

⁷⁷³ Witnesses: 9 A40; 15 A32; 48 A8, 117; 54 A148

⁷⁷⁴ Witnesses: 27 A51-52; 48 A8

⁷⁷⁵ Witnesses: 1 A4; 4 A63; 27 A20; 48 A8

⁷⁷⁶ Witness 2-1 A105

⁷⁷⁷ Witness 32 A24, 28

prohibited, and that individuals must be capable of conducting tasks as directed at all times.⁷⁷⁸

New Zealand's Position

157. For the vast majority of the NZDF's involvement in the MFO, alcohol has been a feature. The issue of a NZCON bar facility is therefore complex. On the one side is the argument that if there is one, it needs to be subject to full controls and proper supervision.⁷⁷⁹ This was the approach **NZ 2IC-B** took. However he knew it was still not an MFO authorised bar, and its primary function was to raise contingent funds.⁷⁸⁰

158. Conversely there does not appear to be any reason why NZCONs in OP FARAD actually require a specific bar facility of their own.⁷⁸¹ The majority of NZDF deployments other than OP FARAD are now dry, and therefore don't have one. Potentially the NZCON meetings could be held at another location, such as a classroom, within the camp where alcohol does not need to be a feature of these meetings. If the Woolshed is to continue to be utilised in the dual roles as an informal bar and meeting place, then alcohol should be restricted in much the way **NZ RSM-A** did so, by providing a finite supply when required. If a beer fridge, for the use of residents only, is to be accommodated within the Woolshed recreation area, it should be lockable if required by operational needs. The consumption, or storage, of alcohol in individual's rooms under such a regime would not be tolerated. NZCON functions and hosting can be arranged at the MFO sanctioned venues, such as the RSO or Italian Bar.

159. A compounding issue is that whilst the NZCON's constitution has varied over the years, a permanent feature has been the Driver Section. Many of the young drivers perceive a deployment to the MFO as a 'Rite of Passage' within the driver trade. The lore surrounding this perception also includes the consumption of alcohol – work hard, play hard.⁷⁸² As a core element of each OP FARAD contingent, the Driver Section, together with the members of the Training Team who have completed previous OP FARAD deployments, are influential in setting the contingent tone,⁷⁸³ and particularly in relation to a drinking culture.

160. Both NZCON SOPs and MFO regulations specifically prohibit intoxication,⁷⁸⁴ however numerous witnesses indicated there was a drinking culture in OP FARAD 17. Witnesses described how they saw, or understood, NZCON personnel to be intoxicated or unable to

⁷⁷⁸ Witness 1 A4-8; Exhibits: 1A, 2A, 47D

⁷⁷⁹ Witness 2-1 A95-99

⁷⁸⁰ Witness 2-1 A99-101

⁷⁸¹ Witnesses: 2-1 A110-111; 36 A162; 48 A95, 117; 51 A53

⁷⁸² Witnesses: 9 A40; 21 A33; 26 A33; 27 A20, 43, 50, 72; 27 A32-36; 29 A39-40, 115, 121-122; 30 A11-14, 23, 27-30; 31 A17-19; 34 A113-114; 35 A10; 37 A25-29; 38 A10-14; 39 A19; 40 A14, 52; 42 A8; 43 A25, 162; 44 A28; 45 A20, 124; 46 A14-15; 48 A7; 51 A53

⁷⁸³ Witnesses 25 A9; 27 A71-76; 29 A39-40, 123; 48 A8

⁷⁸⁴ Witnesses: 27 A42; 47 A5; 48 A118; Exhibits: 1A, 47A, D

safely do their jobs.⁷⁸⁵ Those described as intoxicated included many of the senior leadership group in NZCON 01/17,⁷⁸⁶ and specifically the SNO across the period of OP FARAD 17.⁷⁸⁷ At the same time many of those witnesses admitted that, on occasion, they too were drunk.⁷⁸⁸ Yet in the entire period of OP FARAD 17 only one SNCO (NZ Serviceperson 7) and two JRs (NZ Serviceperson 9, NZ Serviceperson 17) were charged or convicted for drunkenness, and then as secondary offences in relation to assaults.⁷⁸⁹

161. Several witnesses admitted that whilst they had enjoyed the advantages of the very relaxed regulation of alcohol use within the NZCONs under LTCOL Putze's command, they did not think the situation was tenable and that it had caused problems.⁷⁹⁰ Some personnel admitted they had existing bad drinking habits, and that their deployment on OP FARAD either continued those behaviours or made them worse.⁷⁹¹ Others, as already discussed, highlighted how many of the personal and disciplinary issues that did occur were as a result of excessive alcohol consumption. There was a near general agreement that better controls on alcohol consumption were required.⁷⁹²

Controls

162. The general consensus was that integrated mechanisms and measures are required within OP FARAD to ensure that alcohol does not cause problems within the deployment. Most are aware that the availability of alcohol at MFO approved venues and the FX make a blanket ban impractical, and would only lead to disciplinary problems where individuals try to circumvent such a prohibition.⁷⁹³ However many felt that more regulation, based on limited availability and an enforced intolerance of any visible levels of intoxication, would be more effective than what had been enforced during their deployments.⁷⁹⁴ Several pointed to the policies of either the Americans or Australians as a model, where they regulate the number of occasions on which alcohol is allowed to be consumed, and also the amount of

⁷⁸⁵ Witnesses: 1 A24, 36, 61; 21 A92; 23 A50-51, 63-66; 26 A40-42, 106, 110, 139, 141; 27 A42, 44-445; 28 A27, 53, 60; 29 A31-32, 58, 72-73, 83; 31 A14, 30, 40, 61, 72-73; 33 A12, 14, 30; 34 A55-57, 66, 134-136; 35 A52, 92; 36 A33, 42, 119; 37 A49; 38 A76-79; 39 A64, 79; 40 A32; 42 A25, 99; 44 A122; 45 A98, 100-102; 46 A24-25, 64, 91-92, 94, 140; 50 A80-83, 94, 118, 130; 51 A28; 54 A84-85; Exhibit 1B para 14

⁷⁸⁶ Witnesses: 14 A52; 15 A33-34; 18 A77; 21 A47-48; 26 A44-48, 50-51, 127-129; 28 A31; 38 A85; 39 A64; 40 A79; 42 A100; 45 A45; 50 A92; 54 A117, 173, 178

⁷⁸⁷ Witnesses: 14 A138; 15 A169-172; 18 A78; 21 A36-38, 40; 23 A52-57; 26 A43, 137; 29 A52; 31 A73; 34 A67, 107; 35 A93, 97; 38 A75; 40 A76-78, 81-82; 42 A99-100; 44 A123; 45 A45; 50 A92, 94; 54 A118-119, 144

⁷⁸⁸ Witnesses; 22 A21 A37; 26 A45; 29 A47, 56; 30 A44-45; 34 A56; 42 A128; 44 A95; 46 A79; 50 A140, 151; 54 A117

⁷⁸⁹ Exhibits: 47A, 53H(1), I(1)

⁷⁹⁰ Witnesses: 26 A111; 28 A53; 29 A80-88; 39 A71; 40 A68-69; 42 A25

⁷⁹¹ Witnesses: 34 A131-133; 40 A95-96, 42 A102-105; 43 A99; 44 A183-191, 193; Exhibits: 3A, 5A

⁷⁹² Witnesses: 14 A159; 26 A111-113; 28 A59, 123-125; 29 A80-82, 85, 114,126; 30 A122-123; 31 A29, 100; 37 A176-177; 38 A112; 39 A109; 40 A69; 41 A55, 60-62; 43 A96; 44 A194-195; 46 A111, 166

⁷⁹³ Witnesses: 25 A107-108; 28 A58; 29 A84; 32 A28; 34 A126; 35 A92; 36 A38, 161; 38 A112; 40 A70-71; 42 A164 (advocates a dry mission); 43 A96; 44 A196; 45 A105; 50 252; 54 A148, 264-265

⁷⁹⁴ Witnesses: 26 A111-113; 28 A59, 123-125; 29 A80-82, 85, 114,126; 30 A122-123; 31 A29, 100; 37 A176-177; 38 A112; 39 A109; 40 A69; 41 A55, 60-62; 43 A96; 44 A194-195; 46 A111; 50 A102-104, 259-260

alcohol an individual may consume on those occasions.⁷⁹⁵ They admitted this does not completely solve the problem in the cases of individuals who are determined to break the rules or get carried away, but it does make such behaviour easier to detect and therefore to deal with it when it does arise.⁷⁹⁶ Chief of Army pointed out that most of this is essentially already in place, and simply needs to be enforced.⁷⁹⁷

Deductions: Alcohol in OP FARAD

163. The inescapable conclusion from the witness evidence is that alcohol was a significant catalyst for the issues and incidents that occurred during OP FARAD 17. The fact that alcohol is available within the MFO mission derives from the multi-national construct of the mission, and is not within the control of the NZDF. It is possible that HQ JFNZ could direct that personnel deployed to OP FARAD abstain for the duration of their deployment. But the experience of other nations who adopt this approach is that this simply creates disciplinary issues where individuals attempt to circumvent such regulations in an environment where others are seen to be freely indulging and where alcohol is readily available. Declaring OP FARAD dry is therefore impractical.

164. The issue then becomes the extent to which alcohol is regulated within OP FARAD directions and SOPs. It is apparent that MFO regulations were substantively ignored by the NZDF OP FARAD 17 contingents. LTCOL Putze effectively encouraged the establishment of a contingent bar. He also kept and consumed alcohol in his accommodation and allowed contingent personnel to do the same. Finally he enabled personnel from other nation's contingents to obtain alcohol through him or the Woolshed bar. The NZDF should prevent such flouting of the rules and conform to MFO regulations.

165. Being able to participate in a 'wet mission' is now an anomaly within the scope of those deployments under the supervision of HQ JFNZ. However the availability of alcohol within the mission is adequately catered for through the MFO authorised bars. Given the problems it has demonstrably caused, there is no reason to maintain a NZCON bar facility, or even a beer fridge. Equally there is no reason vigorous enforcement of both MFO and OP FARAD policies on drunkenness and intoxication should not be applied. Purchases of alcohol from the FX would require to be placed in the contingent store until removed for consumption outside South Camp, or export from theatre, thus enforcing the ban on all alcohol from all accommodation areas. Together these actions should establish an atmosphere of more ready compliance to the intent of the alcohol policy, and easier identification of instances of disobedience. The overall objective being that alcohol related incidents cease or are significantly reduced.

⁷⁹⁵ Witnesses: 25 A22; 27 53; 33 A96-97, 155; 34 A96; 35 A92; 36 A162-163; 38 A113-117; 40 A70-71; 43 A97; 46 A111, 115, 166-168; 50 A102, 51 A55; 54 A268-269

⁷⁹⁶ Witnesses: 34 A126; 40 A72, 108-111; 41 A63-64; 45 A106

⁷⁹⁷ Witness 32 A53; Exhibit 47D

OP FARAD – OTHER ISSUES

Contingent Selection

166. Given the MFO will probably remain a 'wet mission', a key selection criteria for any candidate for command of OP FARAD would be their known behaviour in relation to alcohol.⁷⁹⁸ This selection process is a command responsibility,⁷⁹⁹ and is critical as it is apparent from the witness statements that the contingent leadership team do set the tone in terms of individual and group behaviour with alcohol within OP FARAD.

167. From the outset MAJGEN Gall had a significant concern that Army felt LTCOL Putze was suitable to be the SNO of an NZDF contingent in an operational mission which was wet.⁸⁰⁰ COMJ was advised at the time that command of OP FARAD was in lieu of LTCOL Putze being given a unit command in New Zealand, which in turn reflected that he was not regarded as a prime candidate for command. LTCOL Putze did have a reputation for alcohol influenced immature behaviour when in social environments, which was why COMJ didn't want to appoint him as SNO OP FARAD,⁸⁰¹ and would have replaced him if he had been allowed when issues started to surface. However, given he was known to be a potentially risky appointment, no additional measures were put in place to ensure that he was surrounded by a team who could place a check on him. Indeed COMJ also had concerns about the RSM appointed to the command team.⁸⁰²

168. The selection of the remainder of the contingent is thus also important. NZ 2IC-B attributes much of his success in holding NZCON 02/17 together, without as many problems as NZCON 01/17 had, to his ability to select the majority of key SNCOs and some of the JRs.⁸⁰³ This was fortuitous, based on his posting within Linton, rather than a deliberate response to anything happening in FARAD 01/17.⁸⁰⁴ However, the presence of a steady group of SNCOs,⁸⁰⁵ under consistent leadership and example proved able to at least ensure that most of the time LTCOL Putze's behaviours only really affected himself, and later CAPT Read. NZ 2IC-B experience seems to confirm that command teams can be structured to achieve success, or at least minimise the risk of failure.

169. s. 9(2)(ba)(i)

⁸⁰⁶ But had he been supported in NZCON 01/17 by a strong 2IC and RSM who were less susceptible to a charismatic influence, then the outcome may have been different. When it was put to the psychologists that they could assist in shaping command teams, the reply was that this is a command responsibility which should

⁷⁹⁸ Witnesses: 1 A115; 9 A79

⁷⁹⁹ Witness 32 A27, 52, 60

⁸⁰⁰ Witness 48 A10

⁸⁰¹ Witness 48 A10

⁸⁰² Witness 48 A10, 12-15

⁸⁰³ Witness 2-1 A91-93

⁸⁰⁴ Witness 2-1 A120-123

⁸⁰⁵ Witnesses: 9 A74; 54 A221

⁸⁰⁶ Witness 48 A121

not be delegated to them.⁸⁰⁷ The psychologists also believe that a potential SNO's behaviour in relation to alcohol should be an obvious selection consideration for a wet mission.⁸⁰⁸ In providing a single nominee for OP FARAD, CA (MAJGEN Kelly) bears some responsibility,⁸⁰⁹ as does COMJ for not having rejected the nomination if his reservations were that strong, and also CDF (LTGEN Keating) for not allowing LTCOL Putze to be recalled.⁸¹⁰ However potential command teams could be assessed for compatibility and complementarity through psychological screening.⁸¹¹ Together with this the HQ JFNZ board system for considering selections on a 'whole of staff basis', as implemented by MAJGEN Gall,⁸¹² appears a sensible place to integrate such measures.

170. **Support to Members of Leadership Team.** The issue of ongoing support to command teams also needs to be considered. Neither NZCON 2IC expressed confidence in any potential support they might have received from HQ JFNZ if they had raised any issues formally. **NZ RSM-B** also felt he was on his own and had no feedback mechanism.⁸¹³ LTCOL Putze, as SNO, did have access to COMJ.⁸¹⁴ But after the exchanges around November 2017 LTCOL Putze perceived these would be critical rather than supportive. **NZDF Psych 2** was sufficiently concerned at that time, that on 21 February 2018 she phoned him direct as a wellbeing check.⁸¹⁵ The psych debriefs for the leadership team were at the end of their respective deployments, and provided no mechanism to assist these personnel during their time on deployment. It is suggested that HQ JFNZ could systematise a more proactive outreach to some of these personnel. As well as COMJ and the J3 periodically speaking to the SNO, the WO JFNZ could phone the Contingent RSM⁸¹⁶, and an appropriate officer could contact the 2IC. By regularising this semi-formal contact for personnel other than the SNO, these individuals would feel more specifically supported, but also they would hopefully establish a rapport with those contacting them. This in turn might help highlight concerns before they progress to a level where HQ JFNZ is required to intervene formally, or investigate retrospectively to some adverse outcome.

171. Another aspect of OP FARAD contingent selection also relates to the mission's history and the place of alcohol and the party culture. As previously presented, this lore is predominantly the preserve of the Driver trade within the RNZALR. These personnel undertake their first missions in the Driver Section, and then return subsequently in either the Section Commander, or one of the instructor roles. However they bring with them the history of those previous deployments, together with an expectation that they will be able to live up to them and emulate those behaviours.

⁸⁰⁷ Witnesses: 3 A50, 52-53

⁸⁰⁸ Witness 3 A53

⁸⁰⁹ Witness 48 A121

⁸¹⁰ Witness 48 A11, 29, 85

⁸¹¹ Witness 10 A60-63

⁸¹² Witness 48 A119

⁸¹³ Witness 54 A242, 245-254

⁸¹⁴ Witnesses: 48 A9; 54 A244-245

⁸¹⁵ Witness 5 A34, 37, 87; Exhibit 5C

⁸¹⁶ Exhibit 54A

172. History and tradition are an important part of military service, so long as they usefully contribute to operational outputs and successfully achieving the mission. Where those traditions have developed to a point where they are detrimental to operational effectiveness, then they need to be removed. In this context it is now probably appropriate to objectively assess if the RNZALR Driver trade should retain the lockhold it currently has upon the OP FARAD deployment. The task is to provide a Driver Section, and this could be achieved using drivers from other Corps, or the other two Services, so long as they are suitably skilled. These personnel will not have been imbued with the legends of a different past in North Camp, and would provide greater Joint input across the contingent.

The Woolshed

173. The Woolshed's primary function is to be the NZCON JR's quarters.⁸¹⁷ Given these JRs will be mixed gender, it is essential that it is a safe environment for them to live in. The provision of a recreation area for the Woolshed residents is appropriate. By instigating a contingent bar, either officially or unofficially, the JRs in OP FARAD 17 effectively had their access to their recreation area usurped as well as encouraging drinking.⁸¹⁸ s. 6(a) [REDACTED]⁸¹⁹ This also meant that they were exposed to senior personnel, including from other nations, whose behaviour under the influence of alcohol was not above reproach. The entire effect was to undermine normal NZDF rank relationships and distinctions, and demonstrably resulted in an unsafe environment.

174. As well as providing individual accommodation and a communal recreation area, the Woolshed also includes ablutions.⁸²⁰ The Woolshed ablutions facilities described during this COI were a risk factor. The presence of the bar, and its frequent use by non-Woolshed residents, meant that far too many other personnel were using facilities that were structured only for eight resident personnel.⁸²¹ This also placed a cleanliness and hygiene load on the resident JRs. Witnesses also described facilities that were inadequately constructed in terms of unisex utilisation. They had shower curtains, rather than secure privacy doors. The toilets were relatively open. Overall the facility described had cramped access, but then made the entire Woolshed insecure. Having left the recreation area, via the ablutions, non-contingent personnel then had ready access to the remainder of the building.⁸²²

175. Two female witnesses cited specific instances where they felt unsafe within the Woolshed as a result of the actions of the resident males within the Woolshed.⁸²³ A third was allegedly indecently assaulted by a s. 6(a) officer. If the measures cited regarding

⁸¹⁷ Witnesses: 36 A129; 38 A24; 44 A84

⁸¹⁸ Witnesses: 28 A47-51; 29 A36-37; 41, 46, 77-78; 30 A105-107; 31 A24, 30-35; 33 A65-66; 34 A60-61; 35 A90; 39 A68-71; 40 A24; 41 A46; 42 A21-23, 164; 43 A167-170; 45 A162-163; 46 A21-28, 139-142; 54 A121, 125

⁸¹⁹ Witness 46 A148

⁸²⁰ Witnesses: 31 A30-31; 54 A204, 263

⁸²¹ Witnesses: 38 A25-26; 40 A45-50; 42 A32-33

⁸²² Witnesses: 33 A65; 35 A91; 40 A45; 42 A32-33; 54 A204

⁸²³ Witnesses: 26 A90-97; 31 A57-64; 33 A 14, 65, 67-69

alcohol are implemented but unsuccessful in preventing reoccurrences of such incidents, then the provision of completely separate accommodation lines will be required. Female NZDF personnel should not be expected to accept any measure of personal threat from male Service members housed in the same lines, or modify their behaviours and to conform to a male dominated norm.

176. Overall the Woolshed as described requires remediation. In the first instance, the JR's recreation area should not be employed at any time as a contingent bar or function area. If the recreation area is to continue to be a contingent bar, then separate and specific toilet facilities need to be constructed. Regardless of this, the ablutions within the accommodation area should be upgraded to an acceptable NZDF standard with unisex facilities. Alternatively, the provision of separate male and female ablutions should be considered. Furthermore, consideration could be given to the creation of separate gender based accommodation by rank across nationalities.⁸²⁴ Another suggestion was that the bar be linked closer to the SNCOs, in order to provide more immediate senior supervision.⁸²⁵

Gender Considerations

177. Female service personnel represented 20% of each OP FARAD 17 contingent, however they were over-represented in those adversely affected as a result of the deployment. Four of the six female members of NZCON 01/17 have either now reported an incident or feel themselves to have been adversely affected. Within NZCON 02/17 only one female JR reported being subjected to assault, but it is also the contention of the Court that CAPT Read was also negatively impacted by inappropriate behaviour. Therefore, the Court believes the gender implications of the events of OP FARAD 17 need to be considered. Both contingents included female officers within the leadership group, but this did not prevent, or mitigate, the problems arising. There are four main themes that have come out of this inquiry which have had an adverse impact on women, being: culture; alcohol, accommodation; and women supporting women.

178. **Culture:** The culture within the contingent evolved over time to one that readily accepted highly sexualised banter and inappropriate comments. The SNO himself was a culprit both in initiating and by responding in exchanges of sexualised banter.⁸²⁶ A culture of sexualised banter is not acceptable for any workplace and it made it uncomfortable for many in the contingent – predominantly the women. There also continued to be an unhealthy interest in the sexual or perceived sexual relationships of women. This had an impact on a majority of the women in the contingent (and continues to affect their reputation through media coverage) whereby rumours based on their associations or friendships with men, have then been talked about freely and have made them question the way they interact with others. This almost always negatively impacts the woman. This is

⁸²⁴ Witness 48 A131-132

⁸²⁵ Witness 38 A97, 112

⁸²⁶ Witnesses: 1 A25, 35, 77; 11 A13; 15 A80; 23 A23-24; 26 A76, 115; 30 A54; 36 A103, 107-109; 42 A126-127; 50 A16, 122-125

seen in the perceived relationship between NZ Serviceperson 2 and Foreign Officer 1,⁸²⁷ NZ Serviceperson 14 with NZ Serviceperson 7 and the SNO,⁸²⁸ NZ Serviceperson 21 and NZ Serviceperson 15⁸²⁹ and NZ 2IC-A with LTCOL Putze.⁸³⁰ All of these women have had at some point to defend themselves and their relationships. It is something that they have mentioned in interviews that specifically wore them down during the deployment, as they tried to manage their respective jobs with the ongoing weight of perceptions and rumour. All of this might have been mitigated if there had been a meaningful and tailored module in relation to ethics and respectful behaviour and relationships specifically on deployment which was delivered during PDT.⁸³¹

179. **Alcohol:** The witness evidence indicates that of the 11 female personnel deployed on OP FARAD 17 three were the victims of assaults where alcohol was a factor. NZ Serviceperson 7 (assault on NZ Serviceperson 14),⁸³² and NZ Serviceperson 9 (assault on NZ Serviceperson 17),⁸³³ were both also convicted of drunkenness. The alleged assault on NZ Serviceperson 2 by Foreign Officer 3 also involved alcohol.⁸³⁴ In addition NZ Serviceperson 21 complained of unwanted 'door knocking' after NZ Serviceperson 15 had been drinking.⁸³⁵ By comparison, there was only one assault on a male of the 45 deployed during this period, which again involved alcohol.⁸³⁶ This demonstrates that for the same set of circumstances, female personnel are at greater risk of assault, or sexual harassment. All of the reported incidents occurred after alcohol was consumed, and the rumours of overly close or inappropriate relations between the SNO and NZ Serviceperson 14 also had their genesis in the alcohol fuelled social atmosphere established at the Woolshed.

180. **Accommodation:** This dovetails into the issues around the inappropriate composition of the accommodation and the availability of alcohol in close proximity to shared Woolshed accommodation. This together with loose supervision and the above leadership example, all led to several situations where junior NZDF female personnel were subjected to unacceptable behaviours. The one alleged sexual assault,⁸³⁷ one assault,⁸³⁸ and the concern regarding harassment,⁸³⁹ all occurred within the Woolshed. There are also no private or secure toileting or showering facilities for either men or women. The ablutions were open to the bar and would often have men using the toilet while women were showering behind a flimsy curtain. This is not only men from the contingent, but men from other nations.⁸⁴⁰ As mentioned, the accommodation is also attached to the contingent bar. This led to multiple instances of men knocking on women's doors after drinking, and in the

⁸²⁷ Witnesses: 1 A36; 15 A184; 26 A86-89; 36 A158-160; 45 A112; 54 A141

⁸²⁸ Witnesses: 1 A4, 9, 77-78; 14 A108-117; 15 A79-81, 183; 33 A58; 50 A212-215, 217, 237, 250, 273; Exhibit 50A

⁸²⁹ Witnesses: 26 A 120; 28 A108; 33 A14-15, 67-69, 78; 39 A87; 50 A174-183

⁸³⁰ Witness 1 A102

⁸³¹ Witness 50 A256-258

⁸³² Witnesses: 42 A36; 47 A7, 39; Exhibit 47A

⁸³³ Witnesses: 2-1 A41, 43; 44 A117-119; Exhibits: 53H (1, 3, 4)

⁸³⁴ Witness 26 A90-103

⁸³⁵ Witness 33 A14-15, 67-69, 78

⁸³⁶ Witness 16 A120

⁸³⁷ Witness 26 A90-103

⁸³⁸ Witnesses: 2-1 A41, 43; 44 A117-119; Exhibits: 53H (1, 3, 4)

⁸³⁹ Witness 33 A14-15, 67-69, 78

⁸⁴⁰ Witnesses: 33 A65; 35 A91; 40 A45; 42 A32-33; 54 A204

most severe instance a female soldier waking up with a drunk JNCO in her bed.⁸⁴¹ If alcohol is to remain in the Woolshed and be a place for people to drink to inebriation, it is unsafe for women to remain in the accommodation. The prevalence of harassment, assault and inappropriate commentary towards and about women in their own home will continue if this is not addressed.

181. **Women supporting women:** It is widely understood that there is a gender based difference to the respective experiences of personnel on deployments. At no time in PDT were these differences highlighted or addressed with the NZCON as a group. Neither was there any opportunity taken or created for the women to come together as a cohort to discuss the particular issues that they might face or how they might support each other while in the mission. As the senior women in the NZCON, neither NZ 2IC-A nor NZ Serviceperson 12 established much rapport with the junior ranking women or provided any mentoring or guidance to them.⁸⁴² NZ Serviceperson 12 and NZ Serviceperson 14 perpetrated the rumours surrounding the SNO and NZ Serviceperson 14, through their efforts to highlight them. Whilst NZ 2IC-A acknowledged that NZ Serviceperson 14 was 'broken' by the end of the deployment,⁸⁴³ she had not recognised or intervened earlier to prevent this from happening.

182. NZ 2IC-A, as she understood herself to be, was somewhat regarded as the 'fun police' and consequently, perhaps slightly unfairly, was not perceived as particularly sympathetic or approachable, specifically by NZ Serviceperson 14.⁸⁴⁴ Therefore, as a female leader within NZCON 01/17 she was not approached over the situations or events that evolved for a majority of the deployment, which may have been a missed opportunity in respect of developing trusted pathways for reporting in the NZCON. She had one interview with NZ Serviceperson 21, which did not go well in NZ Serviceperson 21's opinion, so she did not approach her again.⁸⁴⁵ The issues facing NZ Serviceperson 21 then further led to the apparent alienation from the remainder of the Woolshed. She raised this to NZ Serviceperson 12, who became her confidante, but who also did not raise these issues with NZ 2IC-A or any other member of the leadership team.⁸⁴⁶ NZ Serviceperson 21's mistrust of Army leadership was compounded s. 6(a), when she attempted to complain about the behaviour of some OP MANAWA soldiers transiting for RTNZ at the same time as herself. The hearing she was given and attitude she perceived to be coming from the female officer concerned actually compounded the trauma of both the specific incident and of her deployment.⁸⁴⁷

183. By comparison NZCON 02/17 were better established for dealing with matters that had distinct gender based origins or impacts. In the first instance NZ 2IC-B had established greater control over alcohol within the Woolshed, and reduced the access of senior personnel from other contingents. Second NZ Serviceperson 22 integrated strongly within the Woolshed residents, and was diligent in ensuring the safety of fellow JRs. This was

⁸⁴¹ Witnesses: 2-1 A41, 43; 44 A117-119; Exhibits: 53H (1, 3, 4)

⁸⁴² Witness 26 A109-110; 41 A63; 50 A132-134; 54 A156

⁸⁴³ Witness 1 A78

⁸⁴⁴ Witness 50 A254-256

⁸⁴⁵ Witness 33 A5-6, 11,13,21, 27-28, 53-54;

⁸⁴⁶ Witness 15 A136-139; 33A13, 25-27; 42 A9

⁸⁴⁷ Witness 33 A108-109

evident in the effect the assault on **NZ Serviceperson 17** had on **NZ Serviceperson 22**, with her taking the responsibility and experiencing guilt in relation to not locking the door of her friend, which permitted the offender access to the room. Third it appears that both **NZ Officer 4** and Read were perceived as being strong advocates in respect of gender based issues.

184. **Deductions: Gender issues.** Overall the NZDF female personnel deployed on OP FARAD 17 were subjected to a disproportionately high number of adverse incidents. The leadership example and alcohol behaviours, compounded by the proximity of the Woolshed's unisex accommodation and ablutions to a bar area, drove many of these adverse outcomes. Each of these incidents is contrary to NZDF ethos and values and to the cultural expectations outlined and supported through OP RESPECT. Therefore the gender lens needs to be applied when planning and deploying all NZDF contingents, and provision made for appropriate measures to be included within respective PDT.

Treatment as Adults

185. Several witnesses emphasised the importance of treating personnel as adults.⁸⁴⁸ Those officers, WOs and SNCOs who mentioned this did so in terms of how the JRs should be dealt with and the freedoms they should have.⁸⁴⁹ The JRs themselves emphasised the same point from the perspective of them being allowed to make decisions for themselves in theatre, which would allow them to behave much as they would during off-duty times in NZ.⁸⁵⁰

186. However both perspectives overlook that they are not at home in NZ and they are under a heightened security threat. The command group are responsible for all contingent personnel's welfare and safety. The JR's decisions not only affect themselves, but the whole group and therefore inherently carry a greater degree of communal risk. Inappropriate actions, or excursions, can risk the reputation of the NZDF, such as the attendance at the strip club in Tel Aviv or the skinny dipping at Beach Ibeza. Had something gone wrong during the Bedouin Dinner, then others would have had to find out where the missing personnel had actually gone before any assistance could be rendered. They would then also have placed themselves at potentially similar risk to attempt to extract them. It is therefore not appropriate to allow personnel complete freedoms in theatre.

187. As military personnel, representing the NZDF and New Zealand in an operational theatre under a hostile security threat, higher standards of discipline and general behaviour should actually be expected. There is no place for the 'work hard, play hard',⁸⁵¹ partying attitudes inherited from a past based on different circumstances, even if they are in the same region and under the same mission and operational title. They are inescapably NZDF military personnel and should primarily treat others in accordance with the authorities and

⁸⁴⁸ Witness 36 A174

⁸⁴⁹ Witnesses: 51 A53

⁸⁵⁰ Witness 43 A27

⁸⁵¹ Witness 41 A97; 51 A55

responsibilities inherent in their respective ranks and appointments in order to achieve the NZDF operational mission that has been assigned to them.

To Be Heard and to Heal

188. Overall this was a complex investigation. With several moving parts and efforts at cross purposes, many of the personnel involved had only partial insight into what was going on at the time. They assigned differing motivations to the actions of others – sometimes dark. In terms of the OP FARAD 17 personnel who provided testimony, the Court found a similar divergence to that encountered in the psychological debriefs.⁸⁵² There were those that stated, and maintained, that it had been a good deployment, well led, and there was nothing that needs changing. A middle group, mostly WOs and NCOs but some JRs, had felt that way but now recognise, on the basis of LTCOL Putze's Court Martial conviction, that there were in fact problems.⁸⁵³ The third group, by no means from a single perspective, are those who have always had concerns and in many cases have required follow up counselling.

189. This third group have two main concerns. The first, as already described, are concerned that LTCOL Putze tarnished their reputations in order to conceal, or deflect attention from his own unsatisfactory conduct or leadership. They believe that the investigation process could not have been thorough or complete, because they were not questioned or followed up about concerns they raised. For them the confirmation of these perceptions is that their concerns did not constitute part of the case against LTCOL Putze at Court Martial.⁸⁵⁴ Therefore they had neither had an avenue to be heard or to clear their reputations. For this group the conduct of this COI has provided them a mechanism where they felt they were being heard by the NZDF,⁸⁵⁵ even though it was stressed to them that there is no disciplinary or punishment within the Court's powers. Several thanked the Court simply for hearing them.⁸⁵⁶ One did say he would appreciate a public acknowledgement that the leadership of OP FARAD 17 had failed.⁸⁵⁷

190. The extent to which this may help heal the individuals affected is unknowable. The Court can only recommend further action that may or may not lead to concrete and visible outcomes in terms of punishments or censures. But without that some may revert to their perception that nothing has been achieved.⁸⁵⁸ Those who still have issues deal with them in various ways. NZ Serviceperson 12 and NZ Serviceperson 4 have relied on the support of family only.⁸⁵⁹ NZ Serviceperson 7 believes counselling does no good.⁸⁶⁰ It is a concern that these three all still have

⁸⁵² Exhibits: 3A, 33C, D

⁸⁵³ Witnesses: 14 A142-143; 23 A69

⁸⁵⁴ Exhibit 50A

⁸⁵⁵ Witness 2-2 A43

⁸⁵⁶ Witness 42 A208-209

⁸⁵⁷ Witness 14 A138-140

⁸⁵⁸ Witness 2-2 A43

⁸⁵⁹ Witnesses: 15 A285; 34 A74, 131

⁸⁶⁰ Witness 42 A201

issues to be resolved and that a significant number of the remaining witnesses from the third group have needed to access follow on counselling:

- a. NZ 2IC-B [redacted],⁸⁶¹
- b. NZ Serviceperson 10,⁸⁶²
- c. NZ Serviceperson 21,⁸⁶³
- d. NZ Serviceperson 17, and
- e. NZ Serviceperson 14,⁸⁶⁴

Potential Resolution

191. The resolution of the complaints and concerns at the root of this COI is complex. In the first instance, the witnesses who have such concerns have been provided with the opportunity to state them in a manner which will ensure they are brought to the attention of the NZDF's leadership. However as previously stated, and advised to all witnesses in the President's preamble to their cautions and interviews, the evidence gathered by a COI cannot be used in any subsequent disciplinary proceedings. Whilst a Command censure for LTCOL Putze was apparently being considered in some quarters at the time of his Court Martial, it was not issued.⁸⁶⁵ Therefore the only formal punishment LTCOL Putze will ever receive in relation to his performance on OP FARAD 17 remains that imposed by the sentence of his Court Martial.⁸⁶⁶

192. CN and CA have indicated they would be willing to participate in a public process of apology.⁸⁶⁷ However, the varied nature of the complaints and concerns, and those who have raised them, also indicates that a blanket apology is also probably inappropriate. To some extent, and at varying degrees, several of the complainants and witnesses do hold responsibility themselves for how OP FARAD 17 developed. The leadership team of NZCON 01/17 was mostly ineffective, overlooked LTCOL Putze's behaviours, and either recognised this late in the deployment, or retrospectively. At the same time several members of the NZCON 01/17 leadership group could potentially be characterised as having enabling LTCOL Putze's unacceptable actions and behaviours, rather than bringing him back into line. The SNCOs within NZCON 01/17 should not be condemned as 'toxic' for identifying issues and then standing by those judgements. However, their subsequent behaviours and withdrawal from involvement with the contingent, including problem drinking, played into LTCOL Putze's hands when he characterised them as such. NZ Serviceperson 14 has valid complaints regarding her alleged relationship with LTCOL Putze. But there is ample testimony from many witnesses that she did exploit the unusual regard that he held her in. There is also credible testimony that NZ Serviceperson 14 did have a relationship with S. 6(a) [redacted]. Similarly the JRs in the driving team took their example from LTCOL Putze. But they also exploited

⁸⁶¹ Witness 2-2 A33, 39

⁸⁶² Witness 14 A90, 93

⁸⁶³ Witness 33 A119-121

⁸⁶⁴ Witness 50 A246

⁸⁶⁵ Witness 13 A27, 49-56, 61, 74-77

⁸⁶⁶ Exhibit 13D

⁸⁶⁷ Witness 22 A45; 32 A56-57

this to stretch the boundaries of acceptable behaviour. **NZ Serviceperson 21** complained about **NZ Serviceperson 15** **NZ Soldier 15**'s attentions, but still encouraged him in order to get information.⁸⁶⁸ Therefore an outright and blanket apology to this entire group would be to condone instances of their own culpability.

193. The one clear example of standing up for the NZDF values within NZCON 01/17 was **NZ 2IC-A**. Though she came to a late realisation that the behaviours within the contingent had deteriorated to a parlous state, she attempted to deal with it. At first she pushed back and then she formally reported it. **NZ 2IC-A** made her report despite her belief it would draw adverse reactions upon herself. The subordinate leadership group of NZCON 02/17, with the exception of CAPT Read, conducted themselves in line with the expectations and values of the NZDF. **NZ 2IC-B** did provide a check on LTCOL Putze's behaviours and thereby prevented a direct carry forward of the problems that had affected NZCON 01/17.⁸⁶⁹ Indeed, his effectiveness in balancing and checking LTCOL Putze provide an example of how leadership teams need to be structured, ie that pragmatic personalities are deliberately placed alongside more flamboyant and charismatic leaders in those instances where they are appointed. Similarly **NZ Officer 4** behaved well throughout the deployment and conducted herself with dignity when confronted with a difficult situation **s. 6(a)** and afterwards. **NZ Serviceperson 22** also behaved as a good comrade and NCO around the events of Ibeza Beach. Her subsequent actions **s. 6(a)** were similarly exemplary in a difficult situation. All three took action in instances where it would have been easy to look the other way. A clear commendation of these individuals would be appropriate.

194. The Driver Section who went skinny dipping at Beach Ibeza, and **NZ Serviceperson 9**'s behaviour afterwards, constitute the only disciplinary aberration, apart from LTCOL Putze and CAPT Read, derived from NZCON 02/17. They are all individually culpable for that, even though LTCOL Putze had contributed to their state of inebriation. **NZ Serviceperson 9**'s subsequent behaviour in particular cannot be condoned, even though then and now he characterises himself more as a victim than the culprit. Given the skinny dipping was not investigated or dealt with, no apology is due to the wider group. But it is considered that **NZ Serviceperson 17** was unreasonably singled out and charged for drunkenness, when she is more apparently simply the victim of an assault.

195. Therefore, it would be best to deal with each case identified on an individual basis, providing specific resolutions and communications. Commendations could be made to the four individuals identified. This would in effect publicly signal, without directing administrative or disciplinary action directly at LTCOL Putze, that his command and behaviours of OP FARAD 17 are condemned by the NZDF. With respect to the group that were adversely affected, but not deemed culpable, consideration should be given to the generation of an apology that addresses the issues specific to each individual. Further, if adverse reporting has occurred with respect to these individuals, it is recommended the administrative action is considered to mitigate or manage the 'harm' created by this.⁸⁷⁰

⁸⁶⁸ Witness 33 A70-71

⁸⁶⁹ Witness 11 A177

⁸⁷⁰ Witness 22 A45

CONCLUSIONS

196. The discussion of the issues surrounding this COI has been constructed around the four key purposes of: establishing what allegations, concerns and complaints were actually raised by the personnel of OP FARAD contingents 01/17 and 02/17; whether the standard of investigations undertaken was adequate; where investigations were not completed, why not; and to disclose any unknown issues that have neither been previously identified nor investigated. These matters have been dealt with in the narrative and discussion sections and do not require repetition. Its other primary objective was to ensure that the NZDF personnel from OP FARAD 17 who had any concerns, whether they had voiced them before or not, were heard now. In the opinion of the Court this has been achieved. This leaves the issues of what lessons may be learned from this process and the structures and measures required to prevent their repetition.

HANDLING OF CONCERNS AND ALLEGATIONS

197. The requirement for this COI in itself indicates that the concerns and allegations were not well handled by HQ JFNZ. Some of this derives from the mechanisms through which various individuals raised their initial concerns. It also relates to how those concerns and allegations were then investigated, and that for those who had raised them, the perceived lack of transparency of those subsequent processes.

198. As the basis for the allegations and concerns eventually reported developed gradually, it also took time for many personnel to recognise that they existed. Once they identified they had a concern, many personnel lacked the confidence to report these as there were no established procedures for doing so outside their immediate chain of command. Additionally some witnesses were concerned that had they done so, they might be subjected to adverse impacts themselves, and that what they reported would not have been objectively considered at HQ JFNZ.

199. Of the NZCON 01/17 members, only NZ 2IC-A raised issues in a report. Remaining personnel with concerns either mentioned them during their psychological debriefs s. 6(a) or to the NZDF MPs once s. 6(c) had commenced. Many then assumed that this meant command in the wider sense had been fully notified and would respond appropriately. An appropriate reporting mechanism through which these concerns could have been directly notified to command was not available at the time. It would therefore be appropriate to ensure that such a mechanism is established, potentially as a projection of the recently announced NZDF 0800 Serious Reporting hotline.⁸⁷¹ A more systemic process of semi-formal contacts between HQ JFNZ and mission personnel, an appropriate officer to the 2IC and WO JFNZ to the RSM, would also be beneficial.

Adequacy of Investigation.⁸⁷²

200. Once s. 6(c) had commenced, many allegations or concerns were collated, but none of these formed an element of LTCOL Putze's eventual prosecution and conviction at

⁸⁷¹ Tor 12. c

⁸⁷² ToR 2, 3, 4, 6, 8

Court Martial. To those, particularly from NZCON 01/17 personnel who felt themselves to have been most negatively affected by LTCOL Putze's handling of his command, his conviction confirmed they had been correct to doubt him. However, it had not provided them a mechanism to directly address the negative impacts upon their individual reputations that they perceived derived from LTCOL Putze's characterisation of their performance. This is the basis of their perception that they have either been ignored, or that their allegations were not fully investigated.

201. The s. 6(c) investigation initiated by HQ JFNZ was an appropriate process for commencing to address the first allegations made by NZCON 01/17 personnel. However HQ JFNZ did not specify to the NZDF MP how allegations which disclosed matters of Command or Administrative concern were to be notified and then investigated. Further, the relationship between HQ JFNZ and the NZDF MP was not cooperative and characterised by mutual misconceptions. Consequently it is apparent that not all the allegations from NZCON 01/17 personnel were expeditiously and effectively investigated to the extent required to obtain a conviction. Overall therefore it is not surprising that those NZCON 01/17 personnel whose concerns and allegations were the basis of s. 6(c) perceive that these have neither been adequately investigated nor resolved, because in effect they are correct.

202. From a systemic perspective the NZDF as a whole needs to clarify how commanders can effectively investigate and deal with subordinates in a timely manner for matters which do not reach a disciplinary threshold, but where their character and conduct is obviously called into question. Command Investigations cannot be employed in such instances. Courts of Inquiry are laborious; are focussed on preventing future repetitions; and provide no immediate solutions or resolutions. Therefore, a properly directed Preliminary Inquiry (per DM 69 Vol 1, para 11.3.8 c) needs to be established, but in a manner that will allow the timely consideration of both command issues and disciplinary matters. This means the investigations of disciplinary offences and their subsequent administration needs to be completed sufficiently quickly that subsequent command or administrative action can be taken in regard to non-disciplinary issues in a timely manner. If this is not possible, because of the length and complexity of the investigation of the disciplinary issues, then some process to permit the concurrent consideration of the potential command and administrative matters needs to be available.

203. Establishing an MP staff advice function within HQ JFNZ would potentially address the problems that mutual misperceptions created in this instance. However, as 3 years have now elapsed since NZCON 01/17 RTNZ, under s20 of the AFDA no disciplinary charges could now be preferred, so the utility of further disciplinary investigations is highly questionable.

204. Charges against NZ Serviceperson 7.⁸⁷³ The overall process and handling of the charges against NZ Serviceperson 7 was poorly handled. s. 9(2)(h) . The perception that it was a sexually related assault was allowed to persist for too long. Overall it took 299 days from the commencement of the Preliminary Investigation to the summary hearing of the charges. To

⁸⁷³ ToR 2

address this consideration could be given to what constitutes an 'unacceptable delay' in the context of summary justice, and the potential establishment of a bright line.

205. **Feedback.**⁸⁷⁴ As discussed, specific feedback to the NZCON 01/17 personnel who raised concerns was not provided. A primary reason was because the allegation had not been investigated to a point where a command conclusion had been made in relation to them. However technically no such communication was required, because at no point did any of the individuals concerned establish themselves in relation to any matter in a way that such feedback was mandated. Whilst this has had the effect of compounding the perception in the minds of several individuals that they have been ignored, this was not the result of any inappropriate acts, omissions or decisions.

FUTURE NZDF MISSION CONSIDERATIONS

Wet Missions⁸⁷⁵

206. Alcohol was a significant catalyst for all the issues and incidents deriving from OP FARAD NZCON 01/17. It was also the major contributing factor within NZCON 02/17's only adverse and disciplinary events, deriving from the excursion to Beach Ibeza. OP FARAD has a long established reputation as a deployment where individuals work hard, but play hard. Within that context the command and leadership example is important as it sets the tone for the behaviour of the entire contingent. It is apparent that LTCOL Putze and his leadership team within NZCON 01/17 established a relaxed command environment, which encouraged socialisation and allowed higher levels of alcohol intake to the extent that witnesses reported, and in several cases acknowledged, intoxication. This indicates that during OP FARAD 17 both MFO regulations and NZCON SOPs, regarding alcohol and intoxicated behaviour, were substantially ignored. Again, this situation developed gradually in the wider sense, but the impact on contingent discipline and cohesion was negative.

207. None of the alcohol driven incidents within either of the OP FARAD 17 contingents can be characterised as acceptable, and the desire to treat people as adults cannot be justified as an excuse for allowing these significant lapses. As military personnel, representing the NZDF and New Zealand in an operational theatre under a hostile security threat, higher standards of discipline and general behaviour should actually be expected. The essential requirement is that contingent personnel all deal with each other in accordance with the authorities and responsibilities inherent in their respective ranks and appointments, in order to achieve the NZDF operational mission that has been assigned to them. Individually each contingent member must conduct themselves in accordance with the Ethos and Values of their respective Services and the NZDF, and to behave like adults.

208. Therefore, whilst the availability of alcohol within the MFO mission is outside NZDF control, HQ JFNZ can direct how NZDF personnel deployed to OP FARAD may access and consume it. COMJ may therefore wish to consider a number of measures to establish firm parameters for alcohol consumption by NZDF personnel deployed on OP FARAD;

⁸⁷⁴ ToR 4, 7

⁸⁷⁵ ToR 3

- a. Alcohol in any form could be banned from all NZDF accommodation areas and rooms;
- b. Alcohol consumption could be restricted to MFO approved bars, including for scheduled contingent social events;
- c. The existing policies on individual drunkenness and intoxication could henceforth be vigorously enforced to ensure that all NZDF personnel are capable, at any time, of completing their assigned military duty; and
- d. Those individuals, regardless of rank or appointment, who are not capable of the self-discipline and adult judgement necessary to adhere to such regulations could be dealt with accordingly.

Contingent Selection and Ongoing Support.

209. LTCOL Putze's strengths, as an engaging and charismatic personality and leader, appear to be undermined by a lack of judgement on some issues, exacerbated by the presence of alcohol. With NZCON 01/17 he did not manage to maintain a disciplined and cohesive group who retained a collective confidence in their commander, particularly regarding the consistency and impartiality of his judgement. NZCON 02/17 were predominantly shaped and led by NZ 2IC-B, so that the only significant series of negative events which did occur, happened during his absence, but did involve both LTCOL Putze and alcohol.

210. Overall, the impact of LTCOL Putze's behaviours, together with some members of his NZCON 01/17 leadership team and a significant number of contingent personnel highlights the issue of alcohol consumption by NZDF personnel deployed on OP FARAD, as already discussed, but also issues around personnel selection. Given that alcohol will remain a feature of the MFO, a key selection criteria selection for command responsibility within OP FARAD needs to be the absence of any reputation or concerns regarding the candidate's behaviour with alcohol. As the command team set the tone, then this is even more important in relation to their selection.

211. It is therefore a significant concern that LTCOL Putze was appointed to this command, despite the reputation he had and the reservations of COMJ in particular. Even then, no measures were put in place to ensure that he was surrounded by a team who could act as a check on him, or balance any perceived deficiencies. Had he been supported in NZCON 01/17 by a more experienced 2IC and a less subordinated RSM who did not drink, or were less susceptible to a charismatic influence, then the outcome may have been different. It is acknowledged that contingent selection, and the appointment of its commander and their leadership team, are a command responsibility, but all available tools should be employed to ensure they get this right. Therefore, whilst the NZDF psychologists should not be made responsible for this aspect of team screening and selection, they could be used to support the process. Command teams could be psychologically screened, to at least confirm that they do not have shared weaknesses.

212. Once deployed, the other key members of the contingent leadership team, such as the 2IC and RSM, should also have access to a process of informal contact and support from HQ JFNZ. This would be similar to the access that the SNO has to COMJ and the J3. It would allow these individuals to establish a rapport with a contact within HQ JFNZ, such as the Mission Desk Officer or RSM HQ JFNZ.

213. Another aspect of OP FARAD contingent selection also relates to the mission's history and the place of alcohol and the party culture. This lore is predominantly the preserve of the Driver trade within the RNZALR and it is evident that they are now a counterproductive influence. Assuming the MFO wishes the NZDF to continue to provide a Driver Section, serious consideration should be given to the provision of such a capability from the driver trades across the Services and Army Corps other than the RNZALR, in order to break any counterproductive cultural attitudes and to ensure a more diverse JR group within the contingent.

The Woolshed.

214. The re-aligned purposing of the Woolshed since it was re-establishment in South Camp, with the establishment of a contingent bar in its recreation area, has detracted from its primary function as the OP FARAD JR's quarters. This has had the effect of placing a small group of people in close proximity, around alcohol, and contributed to over familiarity between ranks, and a general breakdown in discipline and cohesion, whilst reinforcing a drinking culture. Consequently these developments actually made the Woolshed a less safe environment for the NZCON JRs during off duty periods.

215. The removal of a contingent bar, together with enforcing an alcohol ban in accommodation areas, should improve this situation. It would remove both the proximity and potential for most alcohol fuelled behaviour from impacting immediately on the Woolshed's residents. However some structural work also needs to be completed (if it has not already been). The ablutions need to be upgraded to a reasonable unisex standard, or fully separate facilities for the sexes to be provided. Further study then needs to be undertaken to confirm that all personnel are safely housed within the Woolshed, and if not, then mechanisms to provide fully separated accommodation need to be available.

Psychological Debrief and Follow Up

216. The current process of psychological debriefing of personnel returning from operational deployments is effectively focussed on the individual, as an NZDF Duty of Care.⁸⁷⁶ Whilst issues are collated and themes reported, the specific concerns, complaints or allegations individuals raise are only communicated to command in a general sense. On balance, to retain the in-confidence nature of the relationship between the psychologist and the interviewee, this situation will probably have to persist. However, some adjustments to the overall process can be made.

⁸⁷⁶ Exhibit 5I

217. In the first instance, command can give more weight to the collated assessments of a contingent debrief. If such a report appears to corroborate existing concerns, or other allegations, then the appropriate level of investigation can be initiated by HQ JFNZ.

218. With regards to the individual contingent members, more effort is probably required for those who do in fact raise specific issues. Such personnel need to be informed by the interviewing psychologist at the time that if they do wish command to follow up on their concerns, that the psychologist cannot initiate this and that the individual themselves will need to raise a specific complaint or report. Also, where the psychologist identifies an individual of concern, this person should have their follow up interview with the same psychologist, rather than being undertaken as a matter of general review at the home location.

Gender Considerations

219. A tighter policy regarding alcohol and structural initiatives within the Woolshed will not resolve issues that have a gender based impact within OP FARAD, and the following considerations have a wider operational context for the NZDF, as aspired to within OP RESPECT. The example of OP FARAD 17, where a disproportionate number of female service personnel were adversely affected as a result of the deployment is pertinent. In such instances the affected personnel require a supportive environment and hearing for their concerns. In dealing with male superiors, many females felt they either need to conform to the male norm, or that their perspective is not really comprehended.

220. OP FARAD 17 demonstrated that where the female members of the deployment came together as a cohort, as with NZCON 02/17, then the gender based concerns for women were less. Within NZCON 01/17 the senior female members of the contingent were perceived as less inclusive. A gender lens and safety for female personnel needs to remain a consideration in planning and conducting operations. Within that framework there needs to be an acknowledgement that this is a command responsibility, not a "women's problem". Commanders should take the time to understand the different impacts on operations for different genders. It is suggested that women members of future contingents should come together on PDT to establish a cohort. This may go some way to providing a framework of guidance and support to each other so that if they are confronting elements of sexism or inappropriate behaviour, they do indeed feel empowered to elevate those concerns formally.

RESOLUTION

221. For those witnesses who had concerns derived from OP FARAD 17, the provision of an opportunity to speak to the Court has provided a degree of closure. It has been stressed at various times to each of the witnesses that the COI process cannot punish, or even censure. It remains possible therefore that some may still perceive that a lack of some concrete action against LTCOL Putze specifically, but also some other members of the NZCON 01/17 command team, that they have not yet in fact received the level of justice they desire. Achieving a complete resolution of all these individual's complaints and concerns, to the full satisfaction of each of them, therefore probably remains unachievable.

222. A blanket apology to all NZCON 01/17 personnel is not appropriate. To some degree several of the complainants and witnesses hold varying levels of responsibility for what happened to them in OP FARAD 17, and an outright apology to this entire group would be to sanction the culpability of several of the other individuals involved. In the case of NZCON 02/17 the number of concerned individuals is much smaller, and each requires a different approach. Therefore, the suggested line of approach is that all witnesses receive a general statement of the wider initiatives HQ JFNZ is taking to address systemic issues within OP FARAD and NZDF deployment as a whole. With respect to the group that were adversely affected, but not deemed culpable, consideration should be given to the generation a statement that addresses the issues specific to each individual. Further, if adverse reporting has occurred with respect to these individuals, it is recommended that administrative action is considered to mitigate or manage the 'harm' created by this.

223. However, the COI believes it has identified individuals whose behaviour was commendable. NZ 2IC-A came to the realisation late that there were problems in NZCON 01/17, but she then took what actions she could. NZ 2IC-B in NZCON 02/17 provided both a check on LTCOL Putze's behaviours and leadership to the contingent. NZ Officer 4 and NZ Serviceperson 22, both confronted difficult circumstances but acted with resolution to do the right thing. All four took action in instances where it would have been easy to look the other way, and commendations for this would constitute a positive signal to the wider NZDF.

RECOMMENDATIONS⁸⁷⁷

224. This Court of Inquiry has several generic sets of recommendations which derive from our considerations of the occurrences surrounding OP FARAD 17. These relate to:

- a. Establishing a reporting mechanism through which to receive individual allegations, complaints or concerns from NZDF personnel deployed on operations under HQ JFNZ command;
- b. Enabling the existing NZDF investigations processes to ensure the timely examination of an individual's command conduct and behaviours, in conjunction with potential disciplinary matters;
- c. Clarifying the requirement for what constitutes 'unacceptable delay' in dealing with disciplinary matters;
- d. The policies on alcohol consumption whilst NZDF personnel are deployed within theatres of operation;
- e. Adjustments required to the Woolshed for OP FARAD JR accommodation;
- f. The selection of NZDF command teams for operational deployments;
- g. Gender considerations; and
- h. Individual resolution of the allegations and concerns raised by personnel deployed on OP FARAD 17.

⁸⁷⁷ Tor 14

HQ JFNZ Reporting Mechanism for Deployed Personnel⁸⁷⁸

225. It is recommended that HQ JFNZ:
- a. Ensure the provision of a mechanism to allow deployed personnel to access the NZDF 0800 system for reporting serious wrongdoing.
 - b. Establish further tiers of regular contact between HQ JFNZ and key personnel within deployed contingents, in addition to the SNO.

NZDF Investigation Process Involving Conduct or Character⁸⁷⁹

226. It is recommended that COMJ:
- a. Suggest to CDF that an examination of the investigative processes dictated under DM 69 Vol 1 para 11.3.1 et seq be undertaken, with a view to clarifying processes for the timely investigation of non-disciplinary matters by commanders at any level in the NZDF related to the performance or conduct of their subordinate commanders, or any allegations or concerns which they might receive in respect of those subordinates or the handling of their commands, so that;
 - i. Consideration of acts or conduct which do not reach a disciplinary threshold, but do include allegations or concerns regarding the conduct or character of individuals, may be considered and acted upon in a timely fashion, in conjunction with the investigation of any disciplinary matters,
 - ii. Acts or conduct which do not reach a disciplinary threshold but which are disclosed during a NZDF MP disciplinary investigation are referred to command for continued investigation and potential resolution, and
 - iii. Appropriate Administrative or Command action can be taken against subordinate commanders identified by such investigations as having failed to meet adequate standards of performance, conduct or behaviour, but which have not reached a threshold required for disciplinary prosecution.
 - b. Note that the investigation of non-disciplinary matters needs to be resourced and treated with equal priority as the disciplinary investigations within any Preliminary Inquiry.⁸⁸⁰

Disciplinary Investigation of Charges.⁸⁸¹

227. In order to ensure that disciplinary charges against individuals under investigation are followed through and completed expeditiously, it is recommended that COMJ advise CDF of this concern, so that DLS and JAG may consider what constitutes an 'unacceptable delay' in the context of summary justice, with a view to the provision of future guidelines.

⁸⁷⁸ ToR 12.c

⁸⁷⁹ ToR 2

⁸⁸⁰ ToR 12.d

⁸⁸¹ ToR 12.d

NZDF Alcohol Policy on Operations.⁸⁸²

228. It is recommended that COMJ remove any local command discretion and standardise regulations for all NZDF personnel on deployment within operational theatres under its command where the consumption of alcohol may be permitted. Therefore within OP FARAD, or any other 'wet mission', the following parameters are suggested:

- a. Regardless of local permissions, no NZDF contingent bar, in any form, should be allowed to be established;
- b. Alcohol in any form should be banned from all NZDF accommodation areas, NZDF personnel's rooms/ hooches, and recreation areas;
- c. Alcohol consumption should be restricted only to mission approved bars, including for scheduled contingent social events;
- d. NZDF personnel should only be permitted to consume the equivalent of two standard alcoholic drinks within any 24 hour period; and
- e. The policies on individual drunkenness and intoxication should be vigorously enforced to ensure that all NZDF personnel are capable, at any time whilst within their designated operational theatre, of completing their assigned military duty.

The Woolshed⁸⁸³

229. To make the Woolshed a safe place for all NZDF JRs deployed on OP FARAD it is recommended that:

- a. The Woolshed recreation area is solely for the use of those personnel resident in the Woolshed and may not be employed as an NZCON communal space;
- b. In accordance with previous recommendations, no alcohol may be stored or consumed anywhere within the Woolshed;
- c. That the ablutions be upgraded;
 - i. to the standards required of a Unisex ablutions facility within NZDF accommodation in New Zealand, or
 - ii. by the provision of separate ablutions for male and female Service-persons.
- d. That the overall suitability of the Woolshed accommodation be assessed in terms of its ability to provide safe facilities for deployed female NZDF personnel,

⁸⁸² ToR 14

⁸⁸³ ToR 14

and if the current facility proves unsuitable, then separate gender based accommodation arrangements should be established.

Contingent Selection⁸⁸⁴

230. In respect of the selection of command teams for those NZDF operational deployments based on assembled contingents, it is recommended HQ JFNZ examine the possibility, in conjunction with the NZDF College Centre for Leadership Development and NZDF Psychologists, of developing a screening process in order to highlight any potential confluence of weaknesses or behaviours within the proposed command group which may subsequently adversely affect the mission's achievement.

231. In respect of the OP FARAD Driver Section and Force Training Team, it is recommended that emphasis be given to selecting drivers and driving instructors from the other Services or from Army Corps other than the RNZALR.

Gender Considerations⁸⁸⁵

232. To ensure the safety for all NZDF personnel, in accordance with the principles and ambitions of OP RESPECT, but also in light of the practical issues highlighted by this COI, it is recommended that HQ JFNZ:

- a. Ensure gender issues remain a consideration in planning and conducting operations, including provision for the deliberate appointment of senior female officers or SNCOs on any mission where female JRs form an element of the contingent;
- b. Acknowledge that whilst the safety of all personnel is a command responsibility;
 - i. that female personnel within leadership groups need to be supportive of junior personnel confronting elements of sexism or inappropriate behaviour, and
 - ii. specific provision needs to be included during PDT for female members of the contingent to establish a dialogue between themselves, and clarify all the support and reporting mechanisms available to them.

Resolutions and Commendations⁸⁸⁶

233. A measure of resolution regarding many of the issues investigated by this COI will be apparent to the wider NZDF simply through the adoption of the recommendations above. It is recommended that:

⁸⁸⁴ ToR 12.a

⁸⁸⁵ ToR 14

⁸⁸⁶ ToR 13

- a. Each member of OP FARAD 17 interviewed by this COI receive a summary and generic description of the recommendations COMJ has accepted for implementation, and
- b. Commendations be considered for **NZ 2IC-A** **NZ 2IC-B**, **NZ Officer 4** and **NZ Serviceperson 22** for their behaviour and adherence to NZDF values.

Other Recommendations

234. **Follow Up Psychological Debriefs.**⁸⁸⁷ It is recommended that where the initial psychological debrief of an individual returning from an operational deployment has identified ongoing issues of concern, that their follow-up interview is conducted by the same psychologist who conducted that initial interview.

235. **MP Representation at HQ JFNZ.**⁸⁸⁸ It is recommended that COMJ supports the expeditious establishment of the MP staff advisor position in HQJFNZ under the Military Police Remediation Project.

236. **Honours and Awards.**⁸⁸⁹ It is considered that any further recommendations for honours, awards or NZDF commendations based predominantly on recommendations from, or dependent upon the support of, LTCOL Putze should be closely scrutinised. If such recommendations still exist, it is recommended that they should be assessed solely upon their specific merits, based upon the act or performance of duty described and from where the initial citation originated.

s.9(2)(k)
[Redacted]

s.9(2)(a)
[Redacted]

President: COI OP FARAD 17

15 April 2021

s.9(2)(k)
[Redacted]

s.9(2)(a)
[Redacted]

Member: COI OP FARAD 17

15 April 2021

s.9(2)(k)
[Redacted]

s.9(2)(a)
[Redacted]

Member: COI OP FARAD 17

15 April 2021

s.9(2)(k)
[Redacted]

s.9(2)(a)
[Redacted]

Member: COI OP FARAD 17

14 April 2021

⁸⁸⁷ ToR 14

⁸⁸⁸ ToR 14

⁸⁸⁹ ToR 13

COURT OF INQUIRY

WHETHER ALLEGATIONS, COMPLAINTS OR CONCERNS OF INAPPROPRIATE BEHAVIOUR RAISED BY MEMBERS OF THE NZDF DEPLOYED ON OPERATION FARAD 01/17 AND 02/17 WERE ADEQUATELY INVESTIGATED AND RESOLVED

COMMENTS BY THE ASSEMBLING AUTHORITY

1. I concur with the findings of the Court of Inquiry (COI) and note the legal review. I acknowledge the COI findings that the perception by those New Zealand Contingent (NZCON) 01/17 personnel who continue to have concerns regarding their treatment during their deployment, and that their allegations and concerns have not been properly investigated, are correct. The overall conduct of s. 6(c) (an investigation by the NZDF MP Serious Investigation Branch, initiated by HQJFNZ, into allegations made against the SNO Op FARAD) was not pursued to the extent necessary to achieve successful disciplinary convictions in relation to the allegations presented at the time.

2. I acknowledge the thoroughness of the Court of Inquiry undertaken by s. 9(2)(a)

. In particular I acknowledge the professional delivery of the COI noting the time that had elapsed before the commencement of the COI, and the complexity of the allegations, complaints and concerns that had been made.

Recommendations

3. The COI was completed on 10 Aug 21. I, as the Assembling Authority, reviewed the COI recommendations on 30 Nov 21.

4. It is noted as a consequence of the time that has elapsed since the COI was commenced, progress has already been made in respect to a number of the recommendations. The assignment of the remaining recommendations for action will be directed in a separate document.

5. With respect to the recommendations of the COI Report (paras 225-236) the following are endorsed:

HQ JFNZ Reporting Mechanism for Deployed Personnel

a. Para 225 - It is recommended that HQ JFNZ:

- (1) Ensure the provision of a mechanism to allow deployed personnel to access the NZDF 0800 system for reporting serious wrongdoing.
- (2) Establish further tiers of regular contact between HQ JFNZ and key personnel within deployed contingents, in addition to the SNO.

Disciplinary Investigation of Charges.

- b. Para 227 - In order to ensure that disciplinary charges against individuals under investigation are followed through and completed expeditiously, it is recommended that COMJ advise CDF of this concern, so that DLS and JAG may consider what constitutes an 'unacceptable delay' in the context of summary justice, with a view to the provision of future guidelines.
 - (1) **Assembling Authority comments: Recommendation Accepted but wording to be amended to:** *'In order to ensure that sensitive or serious disciplinary charges against individuals under investigation are followed through and completed expeditiously, it is recommended that COMJ advise CDF of this concern and recommends a priority for the investigations of allegations is struck by CDF's office which defines what offences carry the priority in the conduct of investigations. This could include a category which is investigated immediately'.*

NZDF Alcohol Policy on Operations.

- c. Para 228 - It is recommended that COMJ remove any local command discretion and standardise regulations for all NZDF personnel on deployment within operational theatres under its command where the consumption of alcohol may be permitted. Therefore within OP FARAD, or any other 'wet mission', the following parameters are suggested:
 - (1) Regardless of local permissions, no NZDF contingent bar, in any form, should be allowed to be established;
 - (a) **Assembling Authority comments:** noting that clubs are permitted under MFO orders
 - (2) Alcohol in any form should be banned from all NZDF accommodation areas, NZDF personnel's rooms/ hooches, and recreation areas;
 - (a) **Assembling Authority comments:** except where authorised via MFO orders (club provision).
 - (3) Alcohol consumption should be restricted only to mission approved bars, including for scheduled contingent social events;
 - (a) **Assembling Authority comments:** except where authorised via MFO orders (club provision).
 - (5) The policies on individual drunkenness and intoxication should be vigorously enforced to ensure that all NZDF personnel are capable, at any time whilst within their designated operational theatre, of completing their assigned military duty.
 - (a) **Assembling Authority comments:** The MFO Standing Orders are clear in relation to intoxication. Operational Documentation also states the requirement to adhere to MFO Standing Orders.

The Woolshed

- d. Para 229 - To make the Woolshed a safe place for all NZDF JRs deployed on OP FARAD it is recommended that:
- (1) The Woolshed recreation area is solely for the use of those personnel resident in the Woolshed and may not be employed as an NZCON communal space;
 - (2) In accordance with previous recommendations, no alcohol may be stored or consumed anywhere within the Woolshed;
 - (3) That the ablutions be upgraded;
 - (a) to the standards required of a Unisex ablutions facility within NZDF accommodation in New Zealand, or
 - (b) by the provision of separate ablutions for male and female Service-persons.
 - (4) That the overall suitability of the Woolshed accommodation be assessed in terms of its ability to provide safe facilities for deployed female NZDF personnel, and if the current facility proves unsuitable, then separate gender based accommodation arrangements should be established.
 - (a) **Assembling Authority comments: Recommendation accepted but to read:** *'Investigate the possibility of upgrading the accommodation for deployed female NZDF personnel to ensure their personal security'*.

Contingent Selection

- e. Para 230 - In respect of the selection of command teams for those NZDF operational deployments based on assembled contingents, it is recommended HQ JFNZ examine the possibility, in conjunction with the NZDF College Centre for Leadership Development and NZDF Psychologists, of developing a screening process in order to highlight any potential confluence of weaknesses or behaviours within the proposed command group which may subsequently adversely affect the mission's achievement.
- (a) **Assembling Authority comments: Recommendation accepted in principle** and this approach will be investigated for practical application considerations.

Gender Considerations

- f. Para 232 – To ensure the safety for all NZDF personnel, in accordance with the principles and ambitions of OP RESPECT, but also in light of the practical issues highlighted by this COI, it is recommended that HQ JFNZ:
- (1) Ensure gender issues remain a consideration in planning and conducting operations, including provision for the deliberate appointment of senior female officers or SNCOs on any mission where female JRs form an element of the contingent;
 - (a) **Assembling Authority comments: Recommendation accepted in principle** and to be followed when possible.

- (2) Acknowledge that whilst the safety of all personnel is a command responsibility;
 - (a) that female personnel within leadership groups need to be supportive of junior personnel confronting elements of sexism or inappropriate behaviour, and
 - (b) specific provision needs to be included during PDT for female members of the contingent to establish a dialogue between themselves, and clarify all the support and reporting mechanisms available to them.
 - (i) **Assembling Authority comments: Recommendation accepted** noting that responsibility to confront inappropriate behaviours falls upon all members of the NZDF.

Resolutions and Commendations

- g. Para 233- A measure of resolution regarding many of the issues investigated by this COI will be apparent to the wider NZDF simply through the adoption of the recommendations above. It is recommended that:
 - (1) Each member of OP FARAD 17 interviewed by this COI receive a summary and generic description of the recommendations COMJ has accepted for implementation, and
 - (2) Commendations be considered for NZ 2IC-A, NZ 2IC-B, NZ Officer 4 and NZ Serviceperson 22 for their behaviour and adherence to NZDF values.

Other Recommendations

- h. Para 234-**Follow Up Psychological Debriefs**. It is recommended that where the initial psychological debrief of an individual returning from an operational deployment has identified ongoing issues of concern, that their follow-up interview is conducted by the same psychologist who conducted that initial interview.
- i. Para 235 - **MP Representation at HQ JFNZ**. It is recommended that COMJ supports the expeditious establishment of the MP staff advisor position in HQJFNZ under the Military Police Remediation Project.
 - (a) **Assembling Authority comments:** It is noted that this recommendation has already been implemented (SAP 111252 JMPLO post established in HQJFNZ in Dec 21)
- j. Para 236 - **Honours and Awards**. It is considered that any further recommendations for honours, awards or NZDF commendations based predominantly on recommendations from, or dependent upon the support of, LTCOL Putze should be closely scrutinised. If such recommendations still exist, it is recommended that they should be assessed solely upon their specific merits, based upon the act or performance of duty described and from where the initial citation originated.

6. With respect to the recommendations of the COI Report (paras 225-236) the following are **not endorsed**:

NZDF Investigation Process Involving Conduct or Character

a. Para 226 - It is recommended that COMJ:

- (1) Suggest to CDF that an examination of the investigative processes dictated under DM 69 Vol 1 para 11.3.1 et seq be undertaken, with a view to clarifying processes for the timely investigation of non-disciplinary matters by commanders at any level in the NZDF related to the performance or conduct of their subordinate commanders, or any allegations or concerns which they might receive in respect of those subordinates or the handling of their commands, so that;
 - (a) Consideration of acts or conduct which do not reach a disciplinary threshold, but do include allegations or concerns regarding the conduct or character of individuals, may be considered and acted upon in a timely fashion, in conjunction with the investigation of any disciplinary matters,
 - (b) Acts or conduct which do not reach a disciplinary threshold but which are disclosed during a NZDF MP disciplinary investigation are referred to command for continued investigation and potential resolution, and
 - (c) Appropriate Administrative or Command action can be taken against subordinate commanders identified by such investigations as having failed to meet adequate standards of performance, conduct or behaviour, but which have not reached a threshold required for disciplinary prosecution.
 - (d) Note that the investigation of non-disciplinary matters needs to be resourced and treated with equal priority as the disciplinary investigations within any Preliminary Inquiry.
 - (i) **Assembling Authority comments:** I acknowledge the intent of the recommendation is to allow the expeditious investigation of behaviours contrary to the NZDF's core values. I am satisfied that the NZDF has the necessary tools available to command to investigate. It is the requirement that such issues be acted upon in a timely fashion and the employment of those tools that should be reiterated. I am concerned though that the pathway through which personnel should be able to report serious wrongdoing (0800 OUR NZDF ILW Para 5.a(1)) is not particularly easy to identify and as such will further recommend that some additional promotion of that service be undertaken.
 - (ii) DM 69 11.3.1 states 'The officer in command of any part of the Armed Forces (**commander**) may order a command investigation into any matter within his or her command. The

commander may conduct the investigation, or may delegate the task to another person under his or her command.' DM 69 11.3.6 states that 'A command investigation is not appropriate to inquire into:

- (A) any matter which is likely to involve complex or serious issues of fact or law or both;
 - (B) any matter where the reputation or character of a person might be affected, or where disciplinary action is contemplated;'
- (iii) In this case, any command investigation would have ceased as the character of a member was in question. It is important that Command Investigations are preserved for the purposes as stated in DM 69 Chapter 11 Section 3.


NZDF Alcohol Policy on Operations.

- b. Para 228 - It is recommended that COMJ remove any local command discretion and standardise regulations for all NZDF personnel on deployment within operational theatres under its command where the consumption of alcohol may be permitted. Therefore within OP FARAD, or any other 'wet mission', the following parameters are suggested:
- (4) NZDF personnel should only be permitted to consume the equivalent of two standard alcoholic drinks within any 24 hour period;
 - (a) **Assembling Authority comments:** Regulations with regard to duty and alcohol are treated within the AFDA and MFO regulations.

Contingent Selection

- c. Para 231 - In respect of the OP FARAD Driver Section and Force Training Team, it is recommended that emphasis be given to selecting drivers and driving instructors from the other Services or from Army Corps other than the RNZALR.
- (a) **Assembling Authority comments:** due to the unique and demanding driving tasks on the Sinai Peninsula the RNZALR represents the largest pool of suitably qualified personnel. Excluding them would be counterproductive and create additional risk within the mission.
7. Assignment of recommendations for action will be directed in a separate document.

s.9(2)(k)



JL GILMOUR
RADM, RNZN
COMJFNZ