



STATE CORONER'S COURT OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and suspected death of Gunawan Pandisaputra
Hearing dates:	14 October 2016
Date of findings:	5 December 2016
Place of findings:	State Coroners Court, Glebe
Findings of:	Magistrate Harriet Grahame, Deputy State Coroner
Catchwords:	Coronial Law- Missing Person- No jurisdiction
File number:	2015/177261
Representation:	Mr Paul Bush, Sergeant, NSW Police – Advocate assisting.
Findings:	No jurisdiction. On the material before me, I am not satisfied, to the requisite standard, that Gunawan Pandisaputra is dead.

This decision has been prepared without the benefit of a transcript.

IN THE STATE CORONER'S COURT
GLEBE
NSW
SECTION 81 CORONERS ACT 2009

REASONS FOR DECISION

1. This inquest concerns the disappearance and suspected death of Gunawan Pandisaputra.

The role of the Coroner

2. The first task facing a coroner in a case such as this is to determine whether the nominated missing person is actually dead. If that can be safely established the coroner must continue to make further findings as to the date and place of death and in relation to the manner and cause of death, in the usual way.¹
3. Section 81 (1) of the *Coroners Act 2009* (NSW) requires that when an inquest is held, the coroner must record in writing his or her findings. These are my brief findings in relation to the suspected death of Gunawan Pandisaputra.
4. The inquest was held on 14 October 2016. A brief was tendered, including a number of statements and police documents. Detective Sergeant Jason Hogan also gave additional oral evidence. No other witnesses were called.

Introduction

5. On 5 December 1997 Yeni Pandisaputra and her mother Gunawaty Pandisaputra attended the Wollongong Police Station to report that their relative, Gunawan Pandisaputra was missing. At the time Yeni was a finance student at Wollongong University and her mother, Gunawaty, was visiting from Indonesia. Yeni believed that

¹ Section 81 *Coroners Act 2009* (NSW)

her brother Gunawan was living in Australia, although the family had not been in contact with him since 1993.

6. The family told police that Gunawan had arrived at Mascot airport on 25 May 1992 and that he had lived in Sydney for about two months, before moving to Melbourne. It is not now clear what evidence they had to confirm the arrival date they gave. Gunawaty told police that Gunawan had later sent her a letter in West Java which indicated that he was living in Melbourne in March 1993.² It appears that the family had little other information to offer, but apparently told police that they did not have any particular fears for Gunawan, other than that he had not been in touch. The family provided a photograph of Gunawan, which was at that stage at least five years old.
7. Although a missing person report was taken, almost nothing else was done at this time. Comprehensive statements were not taken from the family members and the correspondence referred to was not retained. There is no record that family members were spoken to again in the months after making this initial report. Both Yeni and Gunawaty subsequently returned to Indonesia. Even if further early investigations had taken place, the original file was destroyed in 2003 and cannot now be reviewed.³
8. The photograph of Gunawan was apparently circulated as a missing person in the Police Weekly on 5 December 1997. In 2004 and 2005 the Missing Persons Unit (MPU) emailed Interpol seeking assistance in relation to the investigation and search for Gunawan. Aside from that, basic “signs of life” checks were carried out. These revealed that there were no relevant records relating to Gunawan held by Centrelink. The file also notes that no “immigration movements” were identified which related to the missing person.⁴
9. Clearly the initial investigation was deficient. It is well established that any missing person investigation must attempt to capture all the available information as early and as thoroughly as possible.

² See Missing Persons Report (E 4115466) Annexed to the Statement of Detective Sergeant Jason Hogan, Exhibit 1, paragraph 9

³ Statement of Detective Sergeant Jason Hogan, Exhibit 1, paragraph 18

⁴ Statement of Detective Sergeant Jason Hogan, Exhibit 1, paragraph 11.

Investigations after 2007

10. It is fortunate that Detective Sergeant Jason Hogan located an unallocated missing person case on COPS in May 2007 or the matter may never have been investigated any further. From that time, Detective Sergeant Hogan commenced a number of inquiries including following up an earlier request for Interpol Jakarta to assist in obtaining a DNA sample from the family, now living back in Indonesia.
11. In January 2010, after considerable delay, the Missing Person Unit received a DNA profile from the next of kin in Indonesia, along with a photograph of the missing person. This allowed further investigations to be carried out. The DNA sample obtained was subsequently checked against an unidentified body held by Victorian Police. However, this did not prove to be a match.
12. Having reached another dead end, on 19 May 2011 Detective Sergeant Hogan requested further information from the next of kin, through Interpol. He also requested copies of any relevant correspondence in relation to the missing person that they may have retained. Despite further follow up, there was no response to these inquiries until February 2012 when Detective Sergeant Hogan was told that local police in Indonesia had been unable to locate the address they had been given or indeed even make contact with the family.
13. In November 2014, Detective Sergeant Hogan was able to obtain further documents including a birth certificate, fingerprints, photograph and DNA references from the Missing Persons Unit. Unfortunately the fingerprints were not suitable for comparison to other prints stored on the National Automated Fingerprint Identification System (NAFIS)⁵.
14. A review of the material from the Missing Persons Unit revealed that there may never have been a request to confirm that Gunawan had actually entered the country. This information was requested and no record of Gunawan entering Australia could be located, despite numerous attempts. Detective Sergeant Hogan also made a number of other inquiries through Interpol, but no further information was received.⁶

⁵ Statement of Detective Sergeant Jason Hogan, Exhibit 1, paragraph 27

⁶ Statement of Detective Sergeant Jason Hogan, Exhibit 1, paragraph 33 onwards

15. On 9 June 2015, the matter was finally reported to the Coroner.⁷ Since that time a number of other checks have been carried out, but no useful information has been obtained.

Detective Sergeant Hogan's Evidence

16. Detective Sergeant Hogan is to be commended for his ongoing commitment to investigating this matter. He faced a number of obstacles. Firstly, it was unfortunate that a comprehensive statement had not been taken in the first instance. Had the letter supposedly sent by Gunawan in Australia back in 1993 been retained, there may have been postal marks or further information which could have assisted later inquiries. Detective Sergeant Hogan's inquiries were clearly hampered by the passage of time. He was also thwarted by the difficulties and delays he experienced in dealing with Indonesian police. Nevertheless he showed considerable determination.
17. Towards the end of 2015, Detective Sergeant Hogan managed to make email contact with Gunawan Pandisaputra's sister, Yeni in Indonesia. At first it appeared the family would cooperate with the investigation, however on 22 February 2016, Detective Sergeant Hogan received an email asking him to discontinue the investigation.
18. Yeni wrote,

"Mr Hogan, I have talked to my mother about your request to process the case further. We hereby would like to inform you that my mother wants the investigation to be discontinued and drop the case as it has been very exhausting for my 72 yrs old mom. Dealing with the fact that her eldest son is missing has been very hard for her and she just would like to end it so that she can continue to live her life in peace. We would very much appreciate it if you would grant my mother's wish. Please let us know if there are papers need to be filled or signed to terminate the investigation process. Thank you for your attention n(sic) understanding. Best regards, Yeni"⁸
19. This appears to be the final correspondence from Gunawan's family. No further information about the circumstances of his disappearance is offered. No further

⁷ See P79B form, Exhibit 1

⁸ Email from Yeni Pandisaputra, Exhibit 2

information or investigative support has been received from the Indonesian authorities.

Is there a sufficient connection to NSW?

20. A Coroner only has jurisdiction to hold an inquest if there is a sufficient connection with NSW.⁹ There is only very tenuous evidence to connect Gunawan to NSW. Despite a number of attempts, Detective Sergeant Hogan has not been able to locate an immigration record for someone named Gunawan Pandisaputra entering or leaving Australia. Various spellings have been searched and it should be noted that the records of other family members have been located without difficulty.
21. There is no statement recording any witness account of anyone actually seeing Gunawan in NSW. The best evidence is that in 1997, Gunawan's mother told a police officer in Wollongong that she had received correspondence in Indonesia which stated that Gunawan had lived for a couple of months in Sydney in 1992, before going to Melbourne. She apparently told police that he had arrived at Mascot Airport on 25 May 1992, however police have been unable to find any record of that entry. It appears that Gunawaty Pandisaputra was only visiting Australia briefly and made her original missing person report at Wollongong, NSW, because her daughter was living in the area at the time. No other connection with NSW has been established on the evidence before me. Given that the family are no longer willing to cooperate with the investigation, it is unlikely that further information establishing a jurisdictional connection will be forthcoming.

Is Gunawan dead?

22. Even if the connection to NSW is sufficient to ground jurisdiction, there remains a more significant hurdle. The Court must be satisfied, on the balance of probabilities, that Gunawan Pandisaputra is dead. On reviewing all that is presently available there is insufficient evidence to support this finding.
23. It is clear that at the time of making their report, Gunawan's family believed that he had entered Australia. However, given that we cannot trace any relevant immigration

⁹ Section 18 *Coroners Act 2009* (NSW)

record, it is always possible that he did not in fact arrive here or that he entered this country under another name. The lack of reliable evidence in this regard means that the possibilities are endless and there is no way of knowing if he lived in NSW under another name, left the country or indeed if he ever arrived. For this reason the usual “missing person checks” about whether bank or like records have been activated are in this case useless indicators of whether Gunawan is alive or dead. Given that his family in Indonesia have declined to cooperate further and the police in Indonesia have shown very little interest in the matter, the Court has very limited information on which to rely.

24. At the time Gunawan was reported missing he had already been out of contact with his family for 4 years, and yet the family did not indicate that they had any specific concerns for his welfare. He has not been heard of now for over 20 years. In some circumstances such a complete lack of contact with family members over a long period of time can be compelling evidence which indicates a person has befallen some harm, but without further information from his family, even this inference is weak in the circumstances of the case. There is always the possibility that Gunawan Pandisaputra is alive and well and for reasons of his own, does not wish to have family contact.
25. In many respects this is a frustrating matter. Despite the efforts of Detective Sergeant Hogan, nothing is known about what happened to Gunawan Pandisaputra. Somewhat inexplicably, even his family seem content to let the matter rest.
26. On the material currently before me, I am not satisfied that Gunawan Pandisaputra is dead and thus I have no further jurisdiction in this matter, at this time. I refer the matter back to the Missing Persons Unit of the NSW Police Force to be dealt with according to their protocols and procedures. Mr Gunawan Pandisaputra’s records should be kept on file, in case further evidence comes to light at some future date.
27. I close this inquest

Harriet Grahame

Deputy State Coroner

5 December 2016