



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Khaled Khawaji

Hearing dates: 24 January 2018

Date of findings: 24 January 2018

Place of findings: NSW State Coroner's Court, Glebe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – cause and manner of death, unsolved homicide

File numbers: 2013/81995

Representation: Mr A Creagh, Coronial Advocate Assisting the Coroner

Findings: I find that Khaled Khawaji died on 15 March 2013 at Greenacre, NSW. The cause of Mr Khawaji's death was blood loss due to multiple gunshot wounds. The gunshot wounds were inflicted when Mr Khawaji was shot six times by a person, or persons, unknown.

Recommendations: I recommend that the death of Khaled Khawaji be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation in accordance with the protocols and procedures of the Unit.

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Introduction

1. In the early evening of 15 March 2013 multiple gunshots were fired by a person, or persons, unknown in a residential street in Greenacre. Six of the gunshots struck Mr Khalid Khawaji, a 29 year old man, who subsequently died as a result of his serious injuries. A comprehensive police investigation followed. However, almost 5 years later, the person or persons responsible for Mr Khawaji's death have not been apprehended and brought to justice.

Why was an inquest held?

2. A Coroner's function and the purpose of an inquest are provided for by law as set out in the *Coroners Act 2009* (the Act). One of the primary functions of a Coroner is to investigate the circumstances surrounding a reportable death. This is done so that evidence may be gathered to allow a Coroner to fulfil his or her functions. A Coroner's primary function is to answer questions about the identity of the person who died, when and where they died, and what the cause and the manner of their death was. The manner of a person's death means the circumstances surrounding their death and the events leading up to it.
3. Section 6(1)(a) of the Act defines a reportable death to be one which occurs in circumstances where a person died a violent or unnatural death. As Mr Khawaji died from injuries sustained from a number of gunshot wounds his death is regarded as being both violent and unnatural, making it a reportable death. Further, section 27(1)(a) of the Act provides that an inquest is mandatory if it appears to a coroner that a person died or might have died as a result of homicide. In this case, the evidence establishes that the gunshot wounds were inflicted by another person or persons, meaning that Mr Khawaji died as a result of homicide. It is therefore mandatory to hold an inquest into Mr Khawaji's death.

Mr Khawaji's life

4. Before going on to consider the circumstances surrounding Mr Khawaji's death and what the police investigation revealed about it, it is appropriate at this stage to recognise Mr Khawaji's life and briefly mention a few things about it. However, Mr Khawaji's family were not present at the inquest and, unfortunately, there is only limited information about Mr Khawaji's background.
5. Mr Khawaji was born on 1 May 1983 and was one of five children to his parents, Najwa and Ahmed Khawaji. Mr Khawaji had a difficult childhood after being diagnosed with haemophilia¹ at birth. This condition required constant medical treatment and care during Mr Khawaji's upbringing.
6. Mr Khawaji initially lived in the Lakemba area with his family. They later moved to Lebanon and spent about 2 years there before returning to Australia. After living in Belmore for a short time, the Khawaji family returned to the Lakemba area before later moving to Bankstown and eventually Greenacre.
7. Mr Khawaji attended Belmore Boys High School up until Year 10 or 12. After leaving school Mr Khawaji remained living with his parents and briefly operated a business working as a truck

¹ An inherited genetic disorder that inhibits the body's ability to make blood clots.

driving instructor. However the business closed after about 12 months and it appears that Mr Khawaji did not seek further employment.

8. Mr Khawaji eventually moved out of his parents' house and began living in a unit in Rhodes. Mr Khawaji remained in regular contact with his parents, and would often visit them at home. Mr Khawaji's mother often cooked for him when he visited as she knew that her son loved her cooking.
9. Tragically, between 1997 and 2011 three of Mr Khawaji's brothers passed away. In Mr Khawaji's later life his parents believed that he may have been suffering from undiagnosed depression. Mr Khawaji's father later passed away after his son's death.
10. By all accounts, Mr Khawaji's parents cared deeply for their son, worked hard to provide for him and did their best to ensure that he had a positive upbringing. In such circumstances it is distressing to know that Mr Khawaji's life ended in violence.

What is known about Mr Khawaji's criminal history?

11. Regrettably, Mr Khawaji had a history of unlawful behaviour dating back to about 1997. After some interaction with police when Mr Khawaji was a juvenile he was involved in more serious illegal activity in later life that related to offences of dishonesty, violence and supply of illicit drugs. Mr Khawaji's parents were aware that he had a history of illicit drug use, but were unaware of much of the details of his use, or his unlawful activity.
12. In 2010 Mr Khawaji was arrested and charged in relation to a murder that occurred in Greenacre. Mr Khawaji spent about 10 months in custody on remand until the criminal proceedings were later discontinued. Investigating police hold the general view that Mr Khawaji had associations with organised criminal elements although the precise nature of these suspected associations is unclear on the available evidence.

What happened on 15 March 2013?

13. Mr Khawaji left his home in Rhodes on the morning of 15 March 2013 and made his way to the corner of Crystal and Queen Streets in Petersham. At around 12:30pm a police radio broadcast indicated that Mr Khawaji was allegedly attempting to gain unlawful access to a commercial premises in the area. When police attended the scene Mr Khawaji denied any illegal activity and, after being searched, was given a direction to move on. Mr Khawaji was last seen by police to be in the vicinity of Norton Street, Leichhardt.
14. At about 1:00pm Mr Khawaji caught a taxi from Leichhardt to 18 Wilbur Street, Greenacre. On the way there the taxi driver noted that Mr Khawaji was behaving strangely and talking about a number of unusual topics.² The taxi arrived at 18 Wilbur Street at about 1:43pm. Mr Khawaji told the taxi driver that his uncle, who lived at the address, owed Mr Khawaji some money.
15. Mr Khawaji exited the taxi and was heard by the taxi driver to be knocking on the door of number 18. Mr Khawaji then went to a house across the street before returning to the taxi. Mr Khawaji told the taxi driver that he was going to 18 Wilbur Street again. A short time later the taxi driver heard the sound of window smash, saw Mr Khawaji enter the house, and later saw Mr

² Exhibit 1, page 348.

Khawaji return to the taxi a short time later carrying some electronic and other items. Mr Khawaji told the taxi driver to drive to his mother's house in Rawson Road, Greenacre. After arriving at around 2:00pm Mr Khawaji stayed at his mother's house for about 15 minutes before she drove him to where Mr Khawaji's car, a silver Mazda hatchback, was parked.

16. At about 5:45pm Mr Khawaji was seen by a member of the public on Moxon Road, Petersham in the company of two male persons and apparently involved in some physical altercation. The witness called triple 0 to report the incident and, as this was occurring, saw the three men get into Mr Khawaji's car.
17. What occurred after Mr Khawaji left Moxon Road, Petersham, and what became of the two male persons who got into Mr Khawaji's car, is unclear. Mr Khawaji later drove back to 18 Wilbur Street, Greenacre arriving at around 6:11pm. Almost immediately after arriving outside the house a number of bullets were fired by a person, or persons, unknown at Mr Khawaji whilst he was still seated in the car. It appears that as Mr Khawaji either attempted to get out of the driver's seat, or fell from it, he was struck by two further bullets.
18. A number of witnesses who heard the gunshots, and saw Mr Khawaji lying on the ground, contacted triple 0. Emergency services arrived at the scene a short time later and discovered that Mr Khawaji had suffered a number of gunshot wounds and was already deceased.

What was the cause and manner of Mr Khawaji's death?

19. Mr Khawaji was later taken to the Department of Forensic Medicine in Glebe where an autopsy was performed on 17 March 2013 by Dr Isabella Brouwer, forensic pathologist. Dr Brouwer found that Mr Khawaji had six gunshot wounds tracts to the right buttock, right lower back, left lower chest, left side of the nose, mid part of the right clavicle and on the back outer aspect of the left forearm. Histology examination of skin samples taken from the entrance gunshot wound near the left side of the nose and left forearm showed granular black-brown coloured material suggestive of gunshot residue. Although Dr Brouwer explained that the presence of such material could be accounted for by foreign material being transferred onto the skin as secondary projectiles, the finding was in keeping with a close range gunshot wound.
20. The toxicology results revealed low levels of 3,4-Methylenedioxyamphetamin and the benzodiazepine, Alprazolam. Cannabinoids, indicating previous (but not necessarily recent) cannabis use, were also detected in the blood.
21. Ultimately, Dr Brouwer concluded that Mr Khawaji died from blood loss due to the multiple gunshot wounds he suffered.

What accounts were provided by eyewitnesses?

22. Mr Bilal Chahab, one of the residents of Wilbur Street, Greenacre, was in his lounge room on 15 March 2013 when he heard 4 loud bangs coming from the street at about 6:20pm. He heard a number of loud voices outside his house and looked outside. He saw Bilal Assoum, who he recognised as a resident of Wilbur Street, get in to a silver BMW which was parked outside Mr Assoum's house. Mr Chahab saw the BMW quickly drive away. Mr Chahab also saw a male person, who he recognised as one of the residents of 18 Wilbur Street, getting into the rear of a silver Toyota Corolla hatchback which was parked near Mr Khawaji's car. Mr Chahab saw that

there were at least 2 other male person inside the Corolla, who he also recognised as being residents of 18 Wilbur Street.

23. Ms Lisa Salman was Mr Assoum's former girlfriend. She was at Mr Assoum's house on the evening of 15 March 2013 preparing to take Mr Assoum to Bankstown police station so that he could report in accordance with his bail conditions. Ms Salmon saw Mr Assoum standing on the front lawn of 18 Wilbur Street, talking with 4 male persons, some of whom were residents of 18 Wilbur Street.
24. Shortly after 6:00pm Ms Salmon called out to Mr Assoum that it was time to go. Mr Assoum asked Ms Salmon to retrieve his wallet from inside the house. Ms Salmon did so and as she was walking towards Mr Assoum's car (a silver BMW) which was parked outside Mr Assoum's house she heard 5 or 6 gunshots coming from the direction of 18 Wilbur Street. Ms Salmon crouched down by the side of the BMW and a short time later she saw Mr Assoum open the front passenger door and get in. Mr Assoum told Ms Salmon to drive away and to take him to Bankstown police station so that he could report on bail.
25. Jason Daoud, another resident of Wilbur Street, was inside his house when he heard a number of gunshots. Mr Daoud went outside and saw four or five male persons standing on the road opposite 18 Wilbur Street. After several seconds Mr Daoud saw all of the male persons get into a silver hatchback which then drove away from the scene.
26. Another resident of Wilbur Street, James Chapman, heard loud music from a car driving down Wilbur Street and heard gunshot sounds from the street moments later. Mr Chapman looked outside and saw two male persons running from the front yard of 18 Wilbur Street down the driveway to the house. Mr Chapman recognised one of the males as being a resident of 18 Wilbur Street.

What is known about 18 Wilbur Street, Greenacre?

27. 18 Wilbur Street Greenacre was a Department of Housing single-storey three-bedroom residence with Wafa Hawa listed as the tenant on the lease agreement. Police enquiries indicated that as at 15 March 2013 Ms Hawa, her daughter, and two of her sons, Rami Hawa and Mohammed Hawa lived at the premises. During the investigation, police learned that two of Ms Hawa's other sons, Yousseff Hawa and Billal Hawa, also frequently attended the premises.

What was the result of forensic investigation conducted by the police?

28. When the scene outside 18 Wilbur Street was later examined by police ballistics officers, six fired .38 calibre cartridge cases were located around and on top of Mr Khawaji's car. An impact damaged fire bullet jacket was located near the car. Two further fired cartridge cases were subsequently located. In total 9 fired cartridge cases were found. Examination confirmed that all 9 cartridge cases were fired from the same firearm. Due to the quality of specimens collected it was not possible to definitively match the firearm rounds with the fired cartridge cases. However, the entirety of the physical evidence collected suggests that only one firearm was used in Mr Khawaji's murder.
29. It was noted that the windscreen, rear right corner of the bonnet, and driver's door rear corner of Mr Khawaji's car has sustained bullet damage. Police scientific officers later concluded that

the damage to Mr Khawaji's car was indicative of it having been struck by at least six fired rounds with all six rounds having been discharged in the vicinity of the front of the vehicle at close range. It was noted that the trajectory of the bullet paths were from left to right, indicating that the person or persons discharging the firearm was moving around the front of the vehicle whilst it was stationary.

30. Subsequent examination of Mr Khawaji's clothing tested positive for the presence of nitrates. This indicated that one or more of the gunshot wounds suffered by Mr Khawaji was the result of a firearm being discharged in close proximity to him. Bullet damage observed on Mr Khawaji's clothing and on the road surface indicated that the firearm was discharged when the person discharging the firearm was positioned over Mr Khawaji. These findings, together with the findings of Dr Brouwer, establish that Mr Khawaji was shot four times whilst seated in his car, and shot a further two times at close range, with the person discharging the firearm likely standing over Mr Khawaji, outside his car. The latter two shots resulted in gunshot wounds near the left side of Mr Khawaji's nose and left forearm.
31. The above evidence establishes that in total 9 rounds were fired on 15 March 2013. At least 6 of those rounds struck Mr Khawaji's car, with 4 of those rounds striking Mr Khawaji himself. Mr Khawaji was struck by 2 more rounds at close range with the person discharging the firearm likely standing over Mr Khawaji after he exited, or fell out, of his car.

What were the results of the other investigation conducted by the police?

32. Following the events of the evening of 15 March 2013 a police strike force was assembled to investigate Mr Khawaji's murder. The comprehensive investigation followed a number of different lines of enquiry, collected physical and electronic evidence, and resulted in interviews with both persons of interest and witnesses, all in an attempt to identify the person or persons responsible for the murder and, if possible, identify what may have motivated it. The main findings from the investigation are summarised below:
 - (a) The totality of the evidence indicates that Rami Hawa, Mohammed Hawa, Yousseff Hawa, Billal Hawa and Billal Assoum were all in the vicinity of the front of 18 Wilbur Street on the evening of 15 March 2013. However, as the actual shooting was not witnessed, identification procedures conducted with the residents of Wilbur Street who observed persons leaving the scene have not been able to establish the identity of the person or persons who discharged the firearm used in Mr Khawaji's murder.
 - (b) Three vehicles were identified as leaving the scene moments after the murder: Mr Assoum's BMW, a silver Toyota Corolla registered to Youssef Hawa's wife, and a Hyundai i30 which had been rented by Mrs Hawa's daughter. Although criminal charges were laid against the persons associated with these vehicles, further investigation did not elicit any evidence capable of establishing the identity of any person or persons directly responsible for the murder.
 - (c) CCTV recordings of Wilbur Street captured part of Mr Khawaji's car and Mr Assoum's BMW. The footage depicts blurry images of two persons moving across the front of Mr Khawaji's car and then out of camera range.

- (d) Telephone records establish that there was contact between Mr Khawaji and Billal Hawa and Mohammed Hawa on 14 March 2013. During text messages exchanged between Mr Khawaji and Billal Hawa at around 4:20pm, Mr Khawaji made a demand for “protection money” and followed with a threat of violence if such money was not paid to him. There was also contact between Billal Hawa, Mohammed Hawa and Yousseff Hawa on 15 March 2013, both before and after the shooting. However, as the content of a number of text messages could not be retrieved, this evidence did not assist further in identifying any person or persons directly responsible for the murder.
- (e) During the afternoon 14 March 2013 Mr Khawaji attended Wilbur Street and was involved in an altercation with Billal Hawa and Rami Hawa. This altercation prompted calls being made to triple 0 in which reference was made to a firearm. Prior to the attendance of police Mr Khawaji threatened Ms Salmon, who was also present at the time, not to disclose any information to the police.
- (f) During a search of 18 Wilbur Street, Greenacre on the evening of 15 March 2013 a handgun firearms case was located in a lounge in the living room. The case was later examined for fingerprints with a fingerprint belonging to Mohammed Hawa found on the front of the case. The firearm which belonged in the case has not been located by police.
- (g) In the weeks preceding the murder Mr Khawaji frequently attended 18 Wilbur Street, Greenacre. Police investigators have theorised that these attendances may have been the result of unconfirmed unlawful activity between Mr Khawaji and members of the Hawa family. It is believed that this unlawful activity eventually resulted in Mr Khawaji demanding money and property from members of the Hawa family.

This belief is supported by an account given to police by a resident of Wilbur Street, and friend of Rami Hawa. In that account Mr Khawaji had reportedly been involved in a dispute relating to illicit drug activity with members of the Hawa family leading to demands by Mr Khawaji for “protection money”. Further, another resident of Wilbur Street told police that he had a conversation with Mr Khawaji during the afternoon of 15 March 2013 (probably prior to Mr Khawaji leaving in the taxi). During the conversation Mr Khawaji told the resident that he had bought 18 Wilbur Street and that he “protected” a number of other houses along Wilbur Street.

What conclusions can be reached regarding Mr Khawaji’s death?

- 33. Despite an extensive police investigation, employing a variety of investigative methods, only limited evidence has been uncovered regarding the circumstances surrounding Mr Khawaji’s death. It is plainly evident that Mr Khawaji was shot multiple times moments after arriving at 18 Wilbur Street, Greenacre. However, Mr Khawaji’s reason for returning to that address, approximately 4 hours after he had last visited it, is unclear. The background circumstances which motivated the person, or persons, responsible for Mr Khawaji’s murder is equally unclear.
- 34. However, investigating police have theorised that Mr Khawaji’s return to 18 Wilbur Street on the evening of 15 March 2013 may have been a continuation of his actions earlier that day, and in the days preceding it. That is, Mr Khawaji may have been attempting to extort money from the residents of 18 Wilbur Street, namely members of the Hawa family. Investigating police believe that Mr Khawaji’s return to that address at about 6:00pm may have either been anticipated, or

recognised once the loud music was heard from Mr Khawaji's vehicle as it approached the address. On this basis it is believed that Mr Khawaji's murder was either a pre-emptive strike in response to the threats made by Mr Khawaji the previous day and his repeated demands for money, or retaliatory action against this conduct by Mr Khawaji.

35. Identification of the person or persons responsible for Mr Khawaji's murder has proved difficult. This has been largely due to the absence of any eyewitness, forensic, or circumstantial evidence directly connecting any person of interest with Mr Khawaji's murder. Given Mr Khawaji's reputation for violent threats and demands in the period immediately preceding his murder and his suspected connections with organised criminal elements, it is also believed that there has been a lack of forthcoming witness evidence due to fear of reprisal. To date, no criminal charges have been laid apart from relatively minor charges relating to the failure to disclose information concerning the vehicles seen to depart the scene of the murder.

Should any recommendations be made?

36. Section 82 of the Act allows a Coroner to make recommendations in relation to any matter connected with a person's death may be made if a Coroner considers them to be necessary or desirable. Such recommendations are usually made with view to hopefully improving public health and safety.
37. The discharging of a firearm multiple times in a residential street resulting in the murder of a person is unquestionably a matter of utmost seriousness which impacts upon the safety of members of the community. There is obviously considerable public interest in having the person, or persons, responsible for such a criminal act being brought to justice. I therefore conclude that further investigation of Mr Khawaji's murder is both necessary and desirable, Accordingly, I recommend that the death of Khalid Khawaji be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation in accordance with the protocols and procedures of the Unit.

Findings

38. Before turning to the findings that I am required to make, I would like to thank Mr Alex Creagh, Coronial Advocate, for his assistance before and during the inquest. I also thank Detective Sergeant Luca Altamura, the officer-in-charge of the police investigation, and his team of investigators, for their efforts during the investigation into Mr Khawaji's death.
39. The findings I make under section 81(1) of the Act are:

Identity

The person who died was Khaled Khawaji.

Date of death

Mr Khawaji died on 15 March 2013.

Place of death

Mr Khawaji died at Greenacre NSW 2190.

Cause of death

Mr Khawaji died from blood loss due to multiple gunshot wounds.

Manner of death

The gunshot wounds were inflicted when Mr Khawaji was shot six times by a person, or persons, unknown.

40. I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
24 January 2018
NSW State Coroner's Court, Glebe