



STATE CORONER'S COURT OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and suspected death of Sevak Simonian
Hearing dates:	12-13 February 2019, 10 May 2019
Date of findings:	22 May 2019
Place of findings:	NSW State Coroner's Court, Lidcombe
Findings of:	Magistrate Harriet Grahame, Deputy State Coroner
Catchwords:	CORONIAL LAW – missing person, search in bushland
File numbers:	2016/97718
Representation:	Mr B Hart (Sergeant), advocate assisting the court

Non Publication Orders

I make the following orders pursuant to section 74 of the *Coroners Act* 2009 (NSW)

No publication of paragraph 26 of the statement of Detective Senior Constable Cairnes, dated 18 April 2019, or in relation to any oral evidence concerning those matters.

No publication of evidence which relates to the Geokhjian family.

No publication of the home address of the Simonian family.

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Introduction

1. Sevak Simonian was last seen on 20 October 2014. Sevak was greatly loved and his family suffers the torment of not knowing where he is or what has happened to him since that time. His parents Massis and Rosik have continued to search for answers and their heartbreak is ongoing.
2. Sevak was reported to NSW Police as missing on the evening of 23 October 2014. His parents had held off going to the police for a short time because Sevak was a keen bushwalker and known to go adventuring in the countryside from time to time. The difference on this occasion was that he did not leave a message or any indication of when he would be home. The family supplied police with a photograph and information was scanned onto the NSW Police data base. In the early hours of 24 October 2014 a missing person report was created and initial investigations commenced.
3. It became clear that Sevak was not answering his telephone and that he had not attended his delivery job, as expected on the evening of 21 October 2014. His non-attendance was unexpected and out of character as Sevak was usually reliable in this respect. Police issued an alert for his motor vehicle, but this was unsuccessful in locating his car. At the same time family members were trying to gather information from friends and commencing their own search.
4. Around 6.30pm on 24 October 2014, police were advised that Sevak's father had located his son's vehicle in the carpark at the end of Kanangra Boyd Road within the Kanangra Boyd National Park. The area where Sevak's car was found is about 45 kilometres by road to Jenolan Caves and about 120 kilometres from the township of Katoomba.¹ The bushland is dense and rocky. Sevak's car was about 27 kilometres along a dirt road from the park entrance. The road ends and visitors are presented with a number of walking tracks leading into the valley or along the ridge line. The area is adjacent to the main ridge of Kanangra Walls, considered a major attraction in the region.
5. On the morning of 25 October 2014 an extensive physical search was launched in this area. This full scale coordinated search continued for the next 16 days. Other parallel investigations were also commenced and have been ongoing since that time. However, no credible information has been received indicating any further sightings of Sevak alive.² There has also been no recovery of Sevak's body, despite extensive searching in the area where his car was discovered.
6. Sevak's disappearance and suspected death was formally reported to the Coroner on 31 March 2016.

The role of the coroner and scope of the inquest

¹ Statement of Detective Senior Constable Cairnes (24/1/17) [26]

² The brief contains detail in relation to each of the reported sightings and the follow up investigations which took place. None of the sightings is credible.

7. The role of the coroner in a case such as this is to make findings firstly as to whether the nominated person is actually dead and only if that can be established, to make further findings as to the date and place of death and to the manner and cause of death.³
8. The decision about whether a person is dead is considered a “threshold question” in a missing person case.⁴ Given the seriousness of the finding, it is well established that the court should apply the *Briginshaw* standard⁵. The proof of death must be clear, cogent and exact. At common law, there is a presumption in favour of the continuance of life⁶ however, it is not a rigid presumption and the circumstances of any given case must be carefully examined before a finding of death can be made.
9. In addition to deciding these questions, at the conclusion of proceedings, the coroner may make recommendations in relation to matters arising directly from the evidence if they have the capacity to improve public health and safety in the future.⁷

The evidence

10. The inquest proceeded initially over three days in February 2019 and included a view of the bushland area adjacent to where Sevak’s car was discovered. The matter was then adjourned so that further inquiries could be made and it recommenced on 10 May 2019 for further evidence and submissions.
11. A three volume brief of evidence was tendered, including statements, expert reports, photographs and maps. It comprises records from many, many days of investigative work and analysis. Oral evidence and supplementary statements were also received, including from police involved in the search process. It is impossible to refer to all the material in the scope of these short findings, however, all of the material has now been carefully considered and reviewed.

Sevak’s background

12. Sevak was born in on 5 April 1993 to his parent Massis and Rosik Simonian. He has two brothers Sassoon and Serj Areen. At the time of his disappearance he lived at the family home in Belrose, NSW.
13. Sevak was described as a polite and well-behaved student. He was intelligent and knew a great deal about the natural world. However, he appears to have lost interest in schooling and left formal study at the end of year 11. According to his father, Sevak was a loving and happy boy, who was especially close to his mother. He enjoyed being in nature and the simple things in life. He loved farming and organic food.
14. Sevak’s family and friends told the court that Sevak had a passionate and long standing interest in fish and coral. He loved nature and walking in the bush. He was a role model for

³ Section 81 *Coroners Act* 2009 (NSW).

⁴ Dillon H and Hadley M “The Australasian Coroners’ Manual” Federation Press 205 at page 15.

⁵ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

⁶ *Axon v Axon* (1937) 59 CLR 395.

⁷ Section 82 *Coroners Act* 2009 (NSW).

his brothers and had shown interest in martial arts. He enjoyed movies and relaxing with friends.

15. Sevak had no known health problems and had never been diagnosed with mental illness⁸.
16. Police have only identified one telephone number linked to Sevak. He does not appear to have been active on social media and associated mostly with a small group of friends and workmates. He was well liked by those who knew him and had no apparent enemies or conflicts.

The lead up to Sevak's disappearance

17. Sevak had two jobs at the time of his death. He worked at Bunnings, Narrabeen and also as a delivery driver for an Indian restaurant on Pittwater road, Narrabeen. Police spoke to a number of his colleagues at Bunnings who were aware, to varying degrees, of his interest in nature and bushwalking.
18. The last direct evidence of Sevak comes from CCTV footage taken of him with his friend Zareh Ohanian at Chatswood Bunnings. Police obtained footage of Sevak returning wooden logs and appearing at the checkout just after 8pm on 20 October 2014.
19. His parents are of the view that he is likely to have returned home later that night. Although they did not actually see him, they noticed that his organic eggs had been moved when they entered the kitchen the following morning.
20. On the evening of 21 October 2014, Sevak was rostered to work at the Indian Restaurant, but uncharacteristically he did not attend. His employer tried to contact him by telephone, with no luck.
21. His parents also tried to contact him by telephone and spoke with a number of his friends. Their concerns escalated and despite their inquiries they discovered nothing further. Sevak's parents called NSW police on the evening of 23 October 2014. A missing person report was created.

Sevak's father finds Sevak's car

22. About 6.30pm on 24 October 2014 NSW Police were again contacted and informed that Sevak's father had found his son's car. Massis Simonian had apparently been led to the car by Sevak's friend, Zareh Ohanian. The family had approached Zareh for ideas or information when they became concerned about Sevak's whereabouts and welfare. Sevak's love of the countryside and bushwalking was well-known. At that time his family were researching the Barrington Tops area as one where Sevak may have gone. Sevak's father reports that Zareh dismissed the idea of Barrington Tops and stated that Sevak had been talking recently about the Blue Mountains. Zareh then suggested that they go together to look in that area.

⁸ I note that his mother told the court that Sevak did not believe in medication. He had a quiet and happy nature. She remembered a slight change in his behaviour prior to his disappearance but there was no evidence to establish suicidal thoughts or plans. Transcript 13/2/19 page 16, line 29 onwards.

23. Massis Simonian and his son Sassoon travelled with Zareh to the Blue Mountains to search for Sevak. They contacted the police in that area, visited local tourist spots and offered a reward to local taxi drivers for any information leading to the discovery of Sevak's car. Once in Katoomba Zareh suggested the Kanangra Boyd National Park, an area previously unknown to Massis Simonian. Zareh's focus became narrower and eventually he guided them down the 27 kilometre dirt road where they immediately discovered Sevak's vehicle. Zareh seemed to know "exactly where to go."⁹
24. Although Zareh would not admit to actual knowledge then or indeed later, it is highly implausible that this discovery was some sort of lucky accident. The Blue Mountains covers a wide area. There is strong evidence indicating that Zareh had actual knowledge in relation to where Sevak had gone.
25. Later investigations revealed that Sevak had renewed his National Parks Pass on 16 October 2014¹⁰. Having carefully reviewed the evidence, I am of the view that it is impossible to establish exactly when Sevak's car actually entered the Kanangra Boyd National Park. If one assumes he entered soon after he was last seen, one might expect that he entered the Kanangra Boyd National Park on the morning of 21 October 2014, after having slept at his family home on the night of 20 October 2014.
26. A device called a MetroCount which measures the Park's incoming traffic recorded a vehicle which may (judging by the length of the vehicle) have been Sevak's at 8.06am and later a second vehicle at 10.12am on 21 October 2014.¹¹ Had Sevak been planning a short visit, an early arrival would have given him time to return for work in Sydney that evening, as expected. However, this is entirely speculative. It is also impossible to conclusively state that any particular car enters the park but does not exit, because it is always possible that some other similarly sized car remained in the park over a few days while its occupants went on a longer walk or overnight camping trip.¹²
27. The day after the car was located, with the assistance of Sevak's parents, police were able to open and access the vehicle. The car appeared messy and somewhat disordered.¹³ Among other items, the car contained 23 containers of seaweed fertilizer and ten treated pine palings. Of particular interest was a pair of gum boots that Sevak referred to as his "snake boots." Both family and friends state that Sevak would never go for a lengthy walk in the bush without the protection of his "snake boots". There was also a new Nokia phone, still in its packaging. Sevak's usual phone, described as a "crappy cheap Nokia" with a poor battery was not located.
28. The car was examined by Crime Scene Officers and while forensic tests were carried out, no useful information was revealed.¹⁴
29. Later in the investigation, police discovered searches related to the Kanangra Boyd National park dating back some months on a computer used by Sevak. There were also searches

⁹ Statement of Detective Senior Constable Cairnes (24/1/17) [70] and statement of Massis Simonian

¹⁰ Statement of Detective Senior Constable Cairnes (24/1/17) [40]

¹¹ For explanation of this evidence see evidence of Detective Senior Constable Cairnes, Transcript 12/2/19, page 11, line 35 onwards

¹² See MetroCount records at Exhibit 1, Tab 4

¹³ Statement of Detective Senior Constable Cairnes (24/1/17) [40]

¹⁴ Statement of Detective Senior Constable Cairnes (24/1/17) [119]

which related to other areas Sevak is known to have had a connection with, including Barrington Tops, Wollombi and searches relating to survivalist techniques.

The search commences at Kanangra Boyd National Park

30. Kanangra Boyd National Park is 667 square kilometres of wilderness. The area contains thick scrub, tall sheer cliffs and steep rocky ridgelines and slopes. In the valleys there are creeks and dense vegetation, with thorns and stinging nettles.¹⁵ The environment was described by Sergeant Patton as “very hostile”, not the sort of area where walkers should go solo or without an EPIRB.¹⁶ Some of the tracks are overgrown and seem to disappear into the bush. There is minimal or no phone reception across a very wide area. Sergeant Patton explained that one needs to be very fit, experienced and well-equipped to consider walking in the area.
31. Investigation revealed that the maximum temperature during the 36-48 hour period from 21 October 2014 was 10.6 degrees. There was rain, which although adding to the cold would have provided water if needed.¹⁷ The conditions, while cold and somewhat wet, were not extreme. It is likely a strong young man like Sevak could have survived for some time, if he was uninjured.
32. The co-ordinated search went for seventeen days, initially under the direction of Inspector Spliet. He briefed Senior Constable Owen Peipman, an experienced search and rescue coordinator on 25 October 2014.¹⁸ Senior Constable Peipman immediately organised available resources on that first morning. An urgent response was considered necessary, because on the available evidence, it was clear that Sevak could already have been in bushland for up to four days.¹⁹ The initial response consisted of local police and approximately 35 personnel from the Rural Fire Service and the State Emergency Services. The search was supported by a New South Wales Police Helicopter, Polair 2.
33. As the search continued over the following weeks, police were assisted by numerous others. Sergeant Patton, the other involved search and rescue coordinator explained that most days police were assisted by between 20 and 40 volunteers.²⁰ The weekends in particular brought large numbers of people wanting to help. There was helicopter coverage from the Westpac helicopter, the National Parks and Wildlife helicopter, as well as ongoing support from Polair. Tracks were covered by four wheel drives, and police trailbikes. Police also took cadaver dogs through the area during the search. They were somewhat restricted by the terrain, but in any event found nothing of interest. As the search progressed the police also received assistance from the Volunteer Rescue Association, National Parks and Wildlife Service, Bushwalkers Wilderness Rescue Squad, local bushwalking groups and members of the public.

¹⁵ Statement of Senior Constable Peipman (11 December 2014) [5]

¹⁶ Sergeant Patton, Transcript 12/2/19, page 30 line 2 onwards.

¹⁷ Statement of Detective Senior Constable Cairnes (24/1/17) [30]

¹⁸ I have had the opportunity to review the qualifications of both Sergeant Patton and Senior Constable Peipman and am well satisfied of their competence and skill in this area. During the view I had the opportunity to talk with them in situ and I was greatly impressed with their diligence and their commitment to the very difficult task they undertook.

¹⁹ Statement of Senior Constable Peipman (11 December 2014) [10]

²⁰ Sergeant Patton, Transcript 12/2/19, page 32 line 34 onwards.

34. Sergeant Patton gave evidence to the court in relation to the manner in which the search was conducted. Given Sevak had already been missing for some days at the commencement of the search it was not feasible to contain the search area by estimating how far he could have potentially gone, as one might if the searching had commenced very soon after the initial disappearance. Sergeant Patton explained that for this reason they “started with the probable areas, areas such as water, high points, those sorts of things where if someone is missing, where they’re likely to be if they’re still alive.”²¹ This involved line searching in some areas and more directed searching at identified points. The strategy involved the use of helicopters to drop searchers well into the bush to use available time most effectively, rather than retracing tracks on a daily basis. Police directed searches along the K2K track from Kanangra to Katoomba, also diverting to areas where there appeared to be smaller tracks or animal paths.
35. During the search police maintained contact with Dr Luckin, a well-respected expert in the field of survivability. By 9 November 2014, Dr Luckin was of the view that if Sevak had been alive, uninjured and mobile while the search was going on, he would have been able to walk out or attract the attention of the numerous searchers present in the area. On the other hand if he had been injured or immobile since the time he is thought to have entered Kanangra Boyd National Park then the likelihood that he remained alive was by then, in his view, non-existent.²² Dr Luckin also expressed concern over the ongoing hazards that searchers were exposed to. Various team meetings took place and searching was suspended later that day. Sergeant Patton told the court that he agreed with that decision and believed “every area that could be accessed with safety...whether on rope or on foot, was searched [by that] time...I don’t think there would be any benefit whatsoever to going back to search.”²³
36. Sergeant Patton told the court that during the helicopter searching, police saw packs of wild pigs and other animals throughout the search area. This caused concern that had Sevak tragically perished in an accident of some sort, his remains may have been quickly dispersed and made very difficult to find.
37. The land search was officially suspended 18 days after Sevak’s vehicle had been located. This was 22 days since had last been sighted.²⁴ The search was the largest ever undertaken in the Kanangra Boyd National Park.
38. I have had the opportunity to examine the original maps and tasking sheets that recorded the length and breadth of the search.²⁵ I also had an opportunity to visit the search site with involved police, including Senior Constable Peipman and Sergeant Patton who talked me through the approach and extent of the search. I saw the difficulty of the conditions personally from the air and on land. I do not intend to recount now each individual day of the search and the all efforts undertaken. Suffice to say that I am wholly satisfied that an extensive and well documented search took place.
39. I am aware that since the initial coordinated search was suspended, individual civilians and police have returned to the area on many occasions with no result.

²¹ Sergeant Patton, Transcript 12/2/19, page 29 line 12 onwards.

²² Statement of Senior Constable Peipman (11 December 2014) [81]

²³ Sergeant Patton Transcript 12/2/19, page 36 line 1 onwards

²⁴ Statement of Detective Senior Constable Cairnes (24/1/17) [91]

²⁵ Exhibit 2

What was Sevak doing in the National Park at the time he disappeared?

40. During the investigation it became known that Sevak had experimented with the cultivation of cannabis over a number of years. When his disappearance was initially reported, police found cannabis seeds, cannabis leaf and extractor fans in his bedroom. This appeared consistent with attempts to propagate seeds.
41. There was other evidence that was also consistent with him having been involved in small scale production. A review of his financial affairs suggested he had borrowed money from the bank which may have been used for some kind of enterprise. The court also became aware that on two occasions Sevak had been involved in renting rural properties, firstly in the Colo Heights area and then in Barrington Tops. The Barrington Tops property was near National Park land and was rented on two separate occasions. It is noted that Sevak had a large amount of fertilizer in his car at the time of his disappearance and that he had recently purchased wooden palings that could have been used in creating a garden bed.
42. The court heard evidence from three of Sevak's friends, Artak Arakelian, Christopher Ebrahimisiraki, and Patrick Dilanchian. Each of them had met Sevak through school or the Armenian community. Each confirmed that Sevak was passionate about growing a cannabis crop. Sevak's brother also confirmed that he was aware of Sevak's interest in growing cannabis.
43. Mr Arakelian told the court that he was aware that Sevak grew his own cannabis. Some years ago he had, on one occasion, seen a small "crop" Sevak was tending in the Church Point area.²⁶ Later he became aware that Sevak was growing elsewhere on a larger scale, but he did not know any details about this enterprise. He also told the court that he was aware that Sevak had gone on "Guerrilla Ops". This was the name he gave to missions to find a place to grow cannabis that was rural, but discreet and not easily accessible.²⁷ Mr Arakelian told the court that on one occasion he had obtained an ounce of cannabis from Sevak, this indicated to him that Sevak was growing a larger quantity than before²⁸. However Sevak was reluctant to discuss exactly where this was taking place.²⁹ Mr Arakelian stated that "it was common knowledge" amongst their friendship group that Sevak wanted to cultivate "on a big scale", however he agreed he had personally never seen evidence of this.
44. Mr Ebrahimisiraki said he had heard that Zareh Ohanian and Sevak were growing a crop on their rented property but they had to cut it down because they were concerned it had been spotted by an aeroplane flying overhead. He described both Sevak and Zareh being secretive about their crop.

²⁶ Artak Arakelian. Transcript 12/2/19, page 39, line 6 onwards

²⁷ Artak Arakelian. Transcript 12/2/19, page 41, line 30 onwards

²⁸ Later in his evidence he stated that he had bought "a quarter of a pound"

²⁹ Artak Arakelian. Transcript 12/2/19, page 42, line 40 onwards

45. Patrick Dilanchian also had first-hand knowledge of Sevak growing and selling small amounts of cannabis, both in the field and via a hydroponic system.³⁰ He confirmed that Sevak and Zareh appeared to be partners in this enterprise.
46. The point of delving into Sevak's interest in cannabis was to ascertain if the information could somehow assist in identifying new lines for police investigation into Sevak's tragic disappearance. I am sorry if these inquiries have exacerbated pain felt by the Simonian family or if they are concerned his reputation may suffer as a result. It was important in part to understand if there was any cogent evidence pointing towards a suspicious death. I am now satisfied that after extensive investigation of these issues that there is no evidence to suggest that Sevak had any links to organized criminal activity or large scale drug supply.³¹ He does not appear to have owed money to any individual. He appears to have only owned one working telephone and there is only one message on it which appears to directly relate to the possibility of drug supply.³² Having reviewed the material, I am satisfied that there is no evidence to suggest his disappearance is suspicious or related to failed business or drug transactions.
47. On the other hand it is certainly possible that Sevak could have been in the Kanangra Boyd National Park scoping for a remote area to grow cannabis or indeed to care for a small illegal plantation already established in a remote area. This possibility is consistent with the fact that his apparent partner in cannabis production, Zareh Ohanian was the very person who led the search to Sevak's car. While there is no doubt that Sevak had a genuine interest in bushwalking,³³ the possibility that he went to the Kanangra Boyd National Park in relation to his interest in cannabis cannot be discounted.

The role of Zareh Ohanian

48. Sevak had known Zareh Ohanian for many years through school and the close knit Armenian community. Their relationship had strengthened in the years leading up to Sevak's disappearance. Numerous witnesses attested to their close relationship and likely business partnership. However, when police questioned Zareh, he was somewhat elusive, seeming to downplay his relationship with Sevak. He stated that they shared an interest in fish and coral.
49. At the time of Sevak's disappearance, Zareh told police that he had last seen Sevak when Sevak had assisted him to change the water for a fish tank. This was later shown to be false when CCTV footage was discovered showing the two men together returning wood to Bunnings on the evening of 20 October 2014. Zareh's version of events changed several times. He appeared elusive and unreliable.
50. During the period immediately after Sevak's disappearance, some members of Sevak's family and a number of his friends became convinced that Zareh knew more than he was

³⁰ Patrick Dilanchian. Transcript 13/2/19, page 7, line 25 onwards

³¹ I do not intend to recount the extensive investigations made in this regard, however I am satisfied that Detective Senior Constable Darren Cairnes has undertaken sufficient inquiries in relation to this issue.

³² For discussion of this evidence see Statement of Detective Senior Constable Darren Cairnes 18/4/19 [20] onwards

³³ His interest in bushwalking is described by a number of his friends and associates, including work colleagues from Bunnings.

prepared to divulge. This was clearly indicated by the fact that he had been able to lead Sevak's father to the car. He was also the last known person to have seen Sevak alive.

51. There were numerous attempts to get Zareh to share whatever information he may have. Mr Arakelian described the first time he attended the Ohanian house soon after Sevak's disappearance to confront him. Zareh reportedly said "I've told you guys whatever I know. I've led his father back to the car, and that's about as much as I can tell you guys." When pressed further by Mr Arakelian, he still refused to say anything further. By this time Mr Arakelian and others were convinced that Zareh had been involved in some kind of cultivation project with Sevak and that he knew more than he was prepared to say, but was fearful of getting into trouble. They were suspicious of him and his reluctance to become involved in the search. Zareh said he was not capable of searching as his arm was in a sling.³⁴
52. Mr Ebrahimisiraki described another confrontation which occurred a short time after Sevak's disappearance. Various friends went to the Simonian home for dinner and to question Zareh, but he would not cooperate. Mr Ebrahimisiraki expressed his anger within the group. He said "you could tell he's lying just from the way he's talking...you can tell he's trying to hide something."³⁵ Mr Ebrahimisiraki explained his immense frustration with the situation to the court, "I actually thought he was the only person that would've known [something] cause if he knew where his car was then they must have been talking and they were good friends for the last couple of times."³⁶ Mr Ebrahimisiraki explained how Sevak's old group of friends all felt suspicious of Zareh. They also found it frustrating that Zareh did not contact the family for a number of days, making the initial search less likely to succeed.
53. Mr Dilanchian gave evidence that he had been involved in an earlier attempt with Sevak to grow cannabis. He was able to confirm that it was a small scale enterprise mainly for personal use and for use within a friendship group. It was also supplied to a few people they became acquainted with outside their own social circle. He described Sevak's interest in cannabis as "sort of like a hobby". Later he went with Zareh and Sevak to look at the property they subsequently leased. He did not know much detail about what Sevak and Zareh were doing as they kept that to themselves. However, he was aware that they were experimenting with an indoor hydroponic set-up. He agreed that Zareh appeared paranoid, nervous and uncooperative after Sevak's disappearance.
54. On the day the search was called off, Massis Simonian recalled Zareh attending their home questioning him as to why the search had been suspended. He appeared agitated and apparently told Sevak's father "He is there, he is there."³⁷
55. Police conducted an interview with Zareh Ohanian. They found him elusive and unreliable. It appeared almost certain that he knew more than he was willing to divulge, but he remained unwilling to assist.
56. Mr Ohanian's telephone records show that on the day before Sevak went missing Sevak received 21 attempts to call or message from Zareh's telephone. On 20 October 2014 Sevak

³⁴ Artak Arakelian. Transcript 12/2/19, page 44, line 30 onwards

³⁵ Christopher Ebrahimisiraki Transcript 12/2/19, page 58, line 1 onwards

³⁶ Christopher Ebrahimisiraki Transcript 12/2/19, page 58, line 17 onwards

³⁷ Statement of Detective Senior Constable Cairnes 15/6/18 [36]

received a total of 15 attempts from Zareh. The last call which actually connected to Sevak's telephone was also from Zareh's telephone at 6.23pm and lasted for 43 seconds. At 8.05pm, both men are recorded returning logs at Bunnings. Later that evening there are calls from Zareh's telephone to Sevak's telephone but they do not connect.

57. Police have analysed the call records after this point. It is noteworthy that on 22 October 2014, there are 13 attempts from Zareh's telephone to contact Sevak. These calls appear to originate from a Sydney area adjacent to Zareh's home, indicating he was not in the Blue Mountains. The rate of call attempts suddenly increases and indicates a certain urgency to get in touch. The following day there are a further eight attempts. He appears to make further attempts during the night and early hours of 24 October 2014. Later that day he leads the family to the car in what he puts forward is a lucky coincidence.
58. Suspicions about Zareh's knowledge remained and the investigating officer had planned to re-interview Zareh after the bulk of the police brief had been obtained. However, before this could happen he was informed that Zareh Ohanian had died on 13 November 2016 in Rio de Janeiro, Brazil.
59. Further inquiries revealed that Zareh had become unwell in the foyer of a local hotel and had collapsed. He was taken to a local hospital where he was pronounced dead. During the embalming process 19 capsules of what was believed to be cocaine were found. It is thought that one of these had exploded causing his sudden death.³⁸
60. A statement was provided by Mr Vachik Ohanian, Zareh's father for the purpose of this inquest. Mr Vachik Ohanian stated that he believed his son was growing vegetable such as lettuce, cabbage and carrots during the period he was "farming". He did not know where the farm was located or who owned the farm. He stated that he had no knowledge of what had happened to Sevak and expressed a belief that his son had been "harassed" or ambushed by Sevak's friends and family after the disappearance.³⁹ He stated he did not know what had happened to Sevak.

Inquiries into the possibility that Sevak survived

61. Since Sevak's disappearance police have also undertaken substantial inquiries to ascertain whether Sevak could still be alive somewhere. These inquiries, commonly described by police as "proof of life" checks include:
 - Obtaining information to ascertain whether he has used his Medicare card or other health services
 - Conducting checks on his passport to see whether he is listed as "on shore"
 - Checking any known bank accounts for financial activity
 - Checking RMS records for any activity or contact with police in relation to driving offences or interstate drivers licences
 - Checking other administrative records such as changes on the electoral roll, Centrelink activity, name changes

³⁸ Exhibit 1, volume 3, Tab 43 records in relation to the death of Mr Ohanian

³⁹ See Exhibit 4, statement of Vachik Ohanian

- Checking phone records to ascertain whether there is any activity later than his disappearance
- Checking with Missing Persons Units in NSW and elsewhere for any possible matches with unidentified remains.

62. Detective Senior Constable Cairnes told the court that despite a major and coordinated investigation, there is no evidence of any activity which might positively suggest that Sevak remains alive.⁴⁰

Is Sevak dead?

63. Over the years there has been a substantial media outreach both within the Armenian community and throughout Australia via mainstream and social media in relation to the circumstances of Sevak's disappearance. Various campaigns encouraging further searching have been supported by police and community members. His case has been highlighted on a number of television programs nationwide, where family members have also been featured. In addition his family offered a well-publicised reward for information leading to the discovery of his whereabouts.⁴¹ I note that on my recent view of the Kanangra Boyd National Park, a poster requesting information was still displayed. Sevak's image has been displayed by both Crime Stoppers and in a Missing Persons Campaign supported by McDonalds. Despite these and other efforts, no further useful leads have been obtained.

64. Tragically, the strongest evidence that Sevak is dead is his total lack of contact with his family. In my view the evidence of the Simonian family's close and loving bond suggests that if Sevak remained alive, he would have found a way during the past – almost five years - to contact his family, or to send a message to them. I do not believe that he would allow his family to suffer, if he could avoid it. In my view, Sevak's failure to contact his family is, in itself, extremely strong evidence that he is no longer alive.

65. Having weighed up all the evidence before me I am able to make the formal finding that Sevak Simonian is dead. My task is to make findings "on the balance of probabilities" and I am now satisfied that the evidence in this case reaches that standard.

Is it possible to say when, where or in what circumstances Sevak died?

66. I am able to make a finding, based on all the available evidence, that Sevak is dead. His death is highly likely to have occurred soon after he was last seen or in contact with his family and friends. Other questions are more difficult to answer.

67. While I think it likely that Sevak perished in bushland in the Kanangra Boyd National Park, it has not, in my view, been established to the requisite standard.

⁴⁰ Detective Senior Constable Cairnes, Transcript 12/2/19, page 17, line 16 onwards. See also Statement of Detective Senior Constable Cairnes (24/1/17) [102]

⁴¹ Statement of Detective Senior Constable Cairnes 15/6/18 [6] onwards

68. Tragically it is also impossible to know exactly why or how Sevak died. It is certainly possible that he suffered a terrible accident or sustained a serious injury or medical emergency while walking in the bush, but without having discovered any of his remains or other personal property, it is a possibility that remains somewhat speculative.
69. I note that there is no cogent evidence to support a finding that Sevak took his own life. In fact at the time of his death he was making forward plans.⁴² Equally there is no cogent evidence to suggest that he was a victim of foul play. Police have carefully investigated his telephone and financial records. He had no known enemies or associations with organised crime. Tragically, while his death may have been an accident, the exact cause and circumstances of his death remain uncertain. I return an open finding in these respects.

Findings pursuant to sections 81 *Coroners Act* 2009 (NSW)

70. Sevak Simonian is dead. He died on or about the time of his disappearance on 21 October 2014. Despite extensive police investigations, I am unable to establish with the requisite degree of certainty where, why or how he died.
71. I am hopeful that one day his grieving family will be provided with more information. I note that the police remain ready to recommence their work should any new information or leads become available.

Conclusion

72. Finally, I express my sincere sorrow to the Simonian family. Sevak's sudden disappearance is a terrible tragedy. I am aware that my findings offer his family no solace or comfort. I can only imagine the terrible pain they continue to experience. I thank the Simonian family for attending the inquest in these sad circumstances. I am sorry if airing certain information has caused them even greater suffering, but each investigation has been undertaken in an attempt to find the truth of what has occurred.
73. I thank the officer in charge, Detective Senior Constable Cairnes for his thorough and tireless investigation. I thank all the officers and civilians who participated in the physical search for Sevak, particularly the search and rescue coordinators, Senior Constable Peipman and Sergeant Patton. Their commitment and dedication to the difficult and dangerous task they faced was commendable.
74. I close this inquest.

Magistrate Harriet Grahame
Deputy State Coroner
22 May 2019
NSW State Coroner's Court, Lidcombe

⁴² Detective Senior Constable Cairnes, Transcript 12/2/19, page 26, line 11 onwards