

CORONIAL ADVOCATES REVIEW.

FILE NO: - 1075/08

NAME OF MISSING PERSON: - Peter Karl BAUMANN

TIME & DATE LAST SEEN ALIVE: - On or about 26 October 1983

PLACE LAST SEEN ALIVE: - ■■■ Cross Street, Waverley

FAMILY REQUEST INQUEST: - Unknown, but Mandatory

BACKGROUND:-

Peter BAUMANN, date of birth 20 April 1957, was a German national and was 25 years old at the time of his disappearance. Prior to his disappearance, BAUMANN was living at ■■■ Cross Street, Waverley. BAUMANN was reported missing on Tuesday 29 November 1983 by his then landlord, Ruth BINNEY. BAUMANN rented this unit under the name Peter ANN, using this name for all documentation which BINNEY used by and received from him¹. BAUMANN was employed by the Australian Broadcasting Commission (ABC) as a Sound Library Assistant in May 1982. BAUMANN used the surname 'MOLTZAM' in his employment at the ABC².

Sharmalie SENEVIRANTE met BAUMANN in December 1981 in the course of her employment as manageress of the Colonnade Gift Shop at ■■■ Sydney³. At this time, BAUMANN asked SENEVIRANTE on a date which she initially refused. In January 1982, the two began a relationship and about three months later, BAUMANN proposed to her⁴. At this time, SENEVIRANTE was 17 or 18 years old and suspicious he was using the marriage to gain permanent residency⁵. SENEVIRANTE ended the relationship in July 1982 and asked BAUMANN not to contact her for twelve months.

BAUMANN was married to Cherie FOSTER on 12 June 1982 in order to obtain permanent residency in Australia. At this time, FOSTER was working as a prostitute in the Surry Hills area⁶. They filed for divorce in June or July 1983, after being married for twelve months. BAUMANN was granted permanent residency on 29 April 1983. There is evidence to suggest that BAUMANN paid FOSTER an amount of money for this arrangement, the details of which are not clear⁷.

Prior to his disappearance, BAUMANN was in a homosexual relationship with Alan SMYTH. Not long after his marriage to FOSTER, BAUMANN told SMYTH that

¹ BINNEY statement at 1

² FOSTER statement at 5

³ SENEVIRANTE statement dated 26 August 1993 at 1

⁴ Ibid at 2

⁵ Id

⁶ PAUPERIS statement at 1

⁷ FOSTER statement at 2 and 3 - indicate she was paid \$70 per week, the equivalent of the dole. Alternatively, page 1 of SMYTH statement indicates she was paid \$20, 000

CORONIAL ADVOCATES REVIEW.

FILE NO: - 1075/08

NAME OF MISSING PERSON: - Peter Karl BAUMANN

TIME & DATE LAST SEEN ALIVE: - On or about 26 October 1983

PLACE LAST SEEN ALIVE: - ■ Cross Street, Waverley

FAMILY REQUEST INQUEST: - Unknown, but Mandatory

BACKGROUND:-

Peter BAUMANN, date of birth 20 April 1957, was a German national and was 25 years old at the time of his disappearance. Prior to his disappearance, BAUMANN was living at ■ Cross Street, Waverley. BAUMANN was reported missing on Tuesday 29 November 1983 by his then landlord, Ruth BINNEY. BAUMANN rented this unit under the name Peter ANN, using this name for all documentation which BINNEY used by and received from him¹. BAUMANN was employed by the Australian Broadcasting Commission (ABC) as a Sound Library Assistant in May 1982. BAUMANN used the surname 'MOLTZAM' in his employment at the ABC².

Sharmalie SENEVIRANTE met BAUMANN in December 1981 in the course of her employment as manageress of the Colonnade Gift Shop at ■ Sydney³. At this time, BAUMANN asked SENEVIRANTE on a date which she initially refused. In January 1982, the two began a relationship and about three months later, BAUMANN proposed to her⁴. At this time, SENEVIRANTE was 17 or 18 years old and suspicious he was using the marriage to gain permanent residency⁵. SENEVIRANTE ended the relationship in July 1982 and asked BAUMANN not to contact her for twelve months.

BAUMANN was married to Cherie FOSTER on 12 June 1982 in order to obtain permanent residency in Australia. At this time, FOSTER was working as a prostitute in the Surry Hills area⁶. They filed for divorce in June or July 1983, after being married for twelve months. BAUMANN was granted permanent residency on 29 April 1983. There is evidence to suggest that BAUMANN paid FOSTER an amount of money for this arrangement, the details of which are not clear⁷.

Prior to his disappearance, BAUMANN was in a homosexual relationship with Alan SMYTH. Not long after his marriage to FOSTER, BAUMANN told SMYTH that

¹ BINNEY statement at 1

² FOSTER statement at 5

³ SENEVIRANTE statement dated 26 August 1993 at 1

⁴ Ibid at 2

⁵ Id

⁶ PAUPERIS statement at 1

⁷ FOSTER statement at 2 and 3 - indicate she was paid \$70 per week, the equivalent of the dole. Alternatively, page 1 of SMYTH statement indicates she was paid \$20, 000

some people had approached him and asked for another \$30,000. SMYTH got the impression that these people were blackmailing him, but was not aware of any specific threats to BAUMANN⁸. SMYTH was unable to remember specifics in relation to this allegation, but remembers it was FOSTER's "protectors" making the demands⁹. BAUMANN told SMYTH that these unknown persons indicated they knew where BAUMANN lived and worked.

BAUMANN expressed on a number of occasions that he did not wish to return to Germany stating that he wanted to avoid being conscripted for two years¹⁰, and that he would "rather die than go back"¹¹.

CIRCUMSTANCES OF DISAPPEARANCE:-

(i) Information from SENEVIRANTE -

BAUMANN contacted SENEVIRANTE by phone 'one Friday around seven o'clock' (no other indication of a date or time of year is given by SENEVIRANTE) which shocked her due to the lack of contact they had since they ended the relationship¹². This led to a meeting between them in which he was guarded in his conversation and did not tell SENEVIRANTE where he lived. Thinking this was strange SENEVIRANTE found contact details for BAUMANN in the telephone book under the name Peter KJ ANN. BAUMANN provided SENEVIRANTE an audio cassette of his music with this name on it previously¹³.

On the evening of his disappearance, BAUMANN was contacted by SENEVIRANTE by phone. The two had a brief conversation in which they began to argue about their previous relationship. Whilst in the middle of this argument, the phone line cut out on BAUMANN's end. SENEVIRANTE tried calling BAUMANN back several times, however the line was dead¹⁴.

SENEVIRANTE became concerned and went to BAUMANN's address to see if she could speak to him, arriving about 9 or 9.30pm. On her arrival, SENEVIRANTE saw the sliding door to the front of the house was open and the lights were on. She entered the house and saw clothes and personal effects appeared to have been thrown around the room, assuming there had been a struggle¹⁵.

SENEVIRANTE continued through the unit towards the bathroom. She noticed the smell of smoke and saw a small cushion had been burned and was in the shower recess¹⁶. The unit was generally messy and this concerned SENEVIRANTE as he had kept his previous unit at Bondi clean and tidy. She also saw his keyboard still in the unit which was quite valuable. SENEVIRANTE was quite scared and left the house, closing the front door as she did.

⁸ SMYTH statement at 1

⁹ Ibid at 2

¹⁰ Ibid at 1

¹¹ FOSTER statement at 5

¹² SENEVIRANTE statement dated 26 August 1993 at 2

¹³ Ibid at 3

¹⁴ Id

¹⁵ Id

¹⁶ Ibid at 4

SENEVIRANTE returned to the house with her sister the following day and spoke with Hyuma HOSHI, BAUMANN's neighbour who said he didn't know where BAUMANN was and that he heard him arguing on the phone and burnt a cushion¹⁷. SENEVIRANTE left the house and did not report it to police as she was scared of the situation she thought BAUMANN may be involved in, and also that she doubted the police would take it seriously¹⁸.

In 1996, with no further specification of a date, SENEVIRANTE remembers seeing a brown coloured Valiant drive past her house at Reliance Avenue, Yagoona several times. She remembers seeing the driver bear a significant resemblance to BAUMANN¹⁹. SENEVIRANTE did not have any contact with this male and it is unknown if it was in fact BAUMANN²⁰.

Apart from this incident, SENEVIRANTE has not seen or heard from BAUMANN since the phone call on 26 October 1983²¹. SENEVIRANTE reported BAUMANN missing to the Missing Persons Unit of NSW Police Force (Missing Persons Unit) a couple of years later after seeing a Missing Persons show on TV²².

(ii) Information from SMYTH

At an unknown date in the summer of 1983, SMYTH went to BAUMANN's address to see him as he had not had contact with him for a few days, and did not meet him as they had planned²³. At the time, SMYTH saw the front door to the address was open. SMYTH went in to the unit and saw that his bed had not been made and his valuable guitar, along with other property was intact²⁴. SMYTH did not comment as to the unit being in disarray as indicated by SENEVIRANTE. SMYTH spoke with one of BAUMANN's neighbours who said he had not seen BAUMANN for a few days²⁵.

Later that week, SMYTH received a phone call from the ABC asking if he had seen BAUMANN²⁶. SMYTH did not report any of these incidents to police as he "had [his] own problems at that time"²⁷. Prior to police contacting him, SMYTH made no enquiries about BAUMANN.

(iii) Information from BINNEY

After being contacted by SENEVIRANTE, BINNEY went to BAUMANN's unit to see if she could locate him. She saw that an armchair in his bedroom was turned over and it appeared he was packing his clothes into plastic bags²⁸. BINNEY contacted police who attended and took photos of his identity card. A short time after, BINNEY looked further through the unit and saw the word 'AIDS' was written on a mirror²⁹

¹⁷ Ibid at 5

¹⁸ Id

¹⁹ SENEVIRANTE statement dated 27 April 2007 at 1

²⁰ Id

²¹ Ibid at 2

²² Ibid at 1

²³ SMYTH statement at 2

²⁴ Id

²⁵ Id; this neighbour was "an Australian in his fifties"

²⁶ Id

²⁷ Ibid at 3

²⁸ BINNEY statement at 1

²⁹ Ibid at 2

BINNEY took BAUMANN's property to her house in Epping for storage until 1992 at which time they were destroyed as they were rotting³⁰. BINNEY also contacted the German Consulate at the time in regards to his personal papers. Apart from SENEVIRANTE, no one else has contacted BINNEY in relation to BAUMANN³¹.

(iv) Information from FOSTER

Apart from receiving the agreed \$70 per week, FOSTER had little contact with BAUMANN. FOSTER stated that in March 1983, BAUMANN became increasingly aggressive and paranoid, and put notes under her door of her Surry Hills address that were accusing her of conspiring to have him deported³². These notes were out of character for BAUMANN in her opinion.

The last time FOSTER spoke to BAUMANN was in July 1983. In June 1984, she contacted ABC to speak with him, however was informed he failed to turn up for work one day and had not seen him since³³. FOSTER attempted to find BAUMANN in 1986, however was unsuccessful.

FOSTER indicates that she thought BAUMANN was paranoid of being sent back to Germany and bureaucracy in general. He indicated to her that if she let him down or hurt him in any way, he could hurt her³⁴.

(v) Police Investigations

Police have conducted checks through financial institutions (ANZ Bank, Commonwealth Bank of Australia, National Australia Bank, St George Bank, and Westpac Bank), the ABC, the Registry of Births, Deaths and Marriages, and Department of Immigration in relation to any records relating to BAUMANN. No records were found with any of these organisations.

Checks were also conducted on the two other surnames used by BAUMANN which returned a negative result also.

Missing Persons Unit contacted BAUMANN's sister, Anna-Christa BAUMANN-SEER on 21 October 1993. As a result of this conversation, it was revealed that BAUMANN had been rejected for military service on medical grounds and this was rejected prior to his travel to Australia³⁵. The last contact she had with BAUMANN was in September 1983 by phone.

Enquiries were conducted with Medicare to ascertain if any claims were made or received by BAUMANN³⁶. Enquiries were also conducted with Optus, Telstra and Vodafone telephone companies, Centrelink and the NSW Electoral Commission which all proved negative³⁷.

³⁰ Id

³¹ Id

³² FOSTER statement at 3

³³ Ibid at 4

³⁴ Ibid at 5

³⁵ Missing Persons Unit Running Sheet at 3

³⁶ D/Sgt Darren SMITH statement at 4

³⁷ Id

On 22 May 2008, the Missing Persons Unit ran a check of BAUMANN's profile through the database for any unidentified deceased persons that match his description, and this proved negative³⁸.

Due to the late reporting of BAUMANN as missing, little preliminary investigation was conducted. There are no available photographs of BAUMANN's unit at the time of his disappearance, or statements of police in relation to the preliminary investigation. Evidence of all checks conducted as mentioned above are included in the brief. It appears a more comprehensive investigation into BAUMANN's did not commence until 1993.

ISSUES SURROUNDING DEATH: - Nil.

PM & TOX: - Not Applicable

OPINION:-

There does not appear to be any evidence to support SMYTH's evidence that BAUMANN was being blackmailed, or even to suggest why he was being blackmailed by the unknown person/s.

From the provided information, BAUMANN had been using two other identified aliases in his time in Australia, including during his period of employment at ABC. This, coupled with his strong desire not to return to Germany suggests that he may be using or used one or numerous other aliases to avoid detection. It appears that he was unaware of the fact he did not have to partake in the national service and of his permanent citizenship status.

It is my submission that BAUMANN in his desperate desire to avoid returning to Germany has staged a disappearance upon being contacted by SENEVIRANTE. The fact that she was able to easily locate him may have contributed to his taking on another alias and acting in such a manner. All checks through relevant agencies have proved negative with all known aliases used by BAUMANN.

RECOMMENDATION: -

This matter is required to proceed to a mandatory inquest, given it is in relation to a person who has been reported missing for the past 25 years. It is my submission that an OIC only inquest would be appropriate for this matter – the length of time since BAUMANN's disappearance together with the evidence provided by witnesses as contained in the brief would indicate the likelihood of the OIC only being required.

FURTHER ENQUIRIES: - Nil.

NAME OF ADVOCATE: - Greg Robinson

DATE COMPLETED: - 11 December 2008

³⁸ Ibid at 5