



Special Commission of Inquiry into LGBTIQ hate crimes

13 April 2023

Dr Linda Iles
Victorian Institute of Forensic Medicine
65 Kavanagh Street
SOUTHBANK VIC 2006

By email: [REDACTED]

Dear Dr Iles,

Special Commission of Inquiry into LGBTIQ hate crimes: Expert report on decompositional processes of a human body in seawater

As you are aware, I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”). Christine Melis, of counsel, and Elizabeth Blomfield, Senior Solicitor, are assisting his Honour in his consideration of the disappearance and death of Ross Warren. Ms Melis and Emily Burston, Senior Solicitor, are assisting his Honour in his consideration of the disappearance and death of Gilles Mattaini.

Thank you for your willingness to provide an expert report to the Inquiry from the perspective of a forensic pathologist.

The Inquiry

By way of background, on 13 April 2022 the Governor of NSW, by Letters Patent, issued a commission to his Honour to inquire into and report on historical LGBTIQ hate crimes. Specifically, the Letters Patent require his Honour to inquire into and report to the Governor and Premier on the following matters by 30 June 2023:

- A. The manner and cause of death in all cases that remain unsolved from the 88 deaths or suspected deaths of men potentially motivated by gay hate bias that were considered by Strike Force Parrabell; and
- B. The manner and cause of death in all unsolved suspected hate crime deaths in New South Wales that occurred between 1970 and 2010 where:
 - i. The victim was a member of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community; and
 - ii. The death was the subject of a previous investigation by the NSW Police Force.

The disappearances and deaths of Mr Warren and Mr Mattaini are two of the unsolved deaths into which his Honour is inquiring pursuant to item A of the Letters Patent.

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Request for expert opinion

Mr Warren (aged 25) was last seen around 2:00am on 22 July 1989, driving his vehicle on Oxford Street, Sydney in an easterly direction. On 23 July 1989, Mr Warren's vehicle was located in Kenneth Street, near Marks Park, Tamarama. His keys were subsequently located on 24 July 1989, in a rock 'pocket' below the cliff near the water's edge. Mr Warren's body has never been found and the exact circumstances of his disappearance remain unknown.

Mr Mattaini (aged 27) was a French national, residing in Bondi at the time of his disappearance. He was last seen walking in the Bondi area on or around 15 September 1985, by an unknown witness. On the evening of 16 September 1985, Mr Mattaini failed to attend his rostered shift at the Menzies Hotel in Wynyard. Searches were undertaken by Mr Mattaini's friends; however, he could not be located. There is very limited evidence as to Mr Mattaini's movements prior to his disappearance, although it appears he took items and clothing suitable for a walk. Mr Mattaini's body has never been found and the exact circumstances of his disappearance remain unknown.

By this letter, you are briefed to prepare a written report in relation to the decompositional processes of a human body in seawater. It is requested that you provide your report by no later than **18 May 2023**. In the event that you require further time to prepare your report, please advise Ms Blomfield as soon as possible.

Background

To assist you with the preparation of your report, you are provided with the following background information in relation to Mr Warren and Mr Mattaini. This information is provided by way of summary only, and should not be treated as a comprehensive record or a substitute for your own review of the materials.

Ross Warren

1. At the time of his disappearance, Ross Warren (DOB: 26/10/1964) was a 25-year-old newsreader living in Wollongong. Mr Warren identified as gay. He was 175cm tall and of medium build.
2. On the evening of Friday 21 July 1989, Mr Warren left his workplace at WIN4, Wollongong after reading the weather at the conclusion of the 6pm news. He drove to Sydney and arrived some time between 8pm and 9pm at the Redfern home of his friend Craig Ellis, with whom he intended to stay whilst in Sydney.
3. Mr Warren left Mr Ellis' home at about 10:30pm and drove to Oxford Street in Darlinghurst where he met with a WIN4 colleague, Phillip Rossini. Together they visited several bars and nightclubs along the Oxford Street strip up until around 2am on Saturday 22 July 1989. At that time Mr Rossini saw Mr Warren driving his vehicle on Oxford Street in an easterly direction towards Paddington. This was the last known sighting of Mr Warren. He was wearing black shoes, blue faded jeans, a white turtleneck shirt, and a black sports coat.
4. On the morning of 22 July 1989, Craig Ellis woke to discover that Mr Warren had not returned home. Mr Ellis and his then partner, Mr Paul Saucis, commenced a preliminary search for Mr Warren, with no success.
5. On the evening of Sunday 23 July 1989, Mr Ellis and Mr Saucis attended Paddington Police Station to report Mr Warren missing. Following this report, the pair attended Marks Park and Mackenzies Point, where they located Mr Warren's vehicle in Kenneth Street, Tamarama. Their concerns grew and they returned to Paddington Police Station to apprise police of their discovery.
6. The following morning, on 24 July 1989, Mr Ellis located Mr Warren's keys at the base of the cliffs on the southern side of Mackenzies Point.

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7. Mr Warren's disappearance was originally investigated by Detective Sergeant Kenneth Bowditch of Paddington Detectives. DS Bowditch surmised that Mr Warren had slipped off the rocks at Mackenzies Point, fell into the water and drowned. He could not offer any explanation as to how Mr Warren would have fallen into the water, observing only that:
 - a. There was a treacherous rock formation in the area near where Mr Warren's keys were discovered;
 - b. That rock formation was particularly slippery due to seeping water and moss which had been caused by recent rains; and
 - c. There was a full moon, the tide was high, and the night was overcast which would have affected visibility.
8. In 2001, Operation Taradale was established to investigate the disappearance of Mr Warren, as well as Messrs Gilles Mattaini and John Russell. The investigation identified that Marks Park was known as a 'gay beat', and was frequented by men engaging in anonymous sexual encounters with other men. It was further discovered that numerous assaults and robberies occurred there and, on one instance, a murder in 1990.
9. On 9 March 2005, during the inquest into Mr Warren's death, the NSW Senior Deputy State Coroner Milledge found Mr Warren "died in Sydney on or about 22 July 1989. Whilst the cause and manner of death are unknown, I am satisfied that the deceased was a victim of homicide perpetrated by person or persons unknown."

Gilles Mattaini

10. Gilles Mattaini (DOB: 25/10/1958) was 27 years old at the time of his disappearance. He was a French national living in an apartment in Bondi with his long-term partner Jacques Musy. He worked on a casual basis at the Menzies Hotel in Wynyard.
11. At the time of Mr Mattaini's disappearance Mr Musy was in France, where he had travelled for a brief holiday. Mr Mattaini's visitor visa expired in September 1985, and he was experiencing some distress at the prospect of returning to France.
12. Mr Mattaini habitually took long walks from home during daylight hours wearing his headphones and listening to music, including the walk from Bondi to Mackenzies Point.
13. On a day before Mr Mattaini's disappearance (possibly on 14 September 1985), Mr Mattaini asked Marc Hubert, his friend and supervisor at the Menzies Hotel, if he could finish his shift early, saying that he was feeling very stressed.
14. At some point on 15 September 1985, Mr Mattaini had a telephone call with his friend Antony Wyszynski, who was planning a visit to Sydney from France. Mr Mattaini said he had purchased furnishings for the apartment, and Mr Wyszynski noted that Mr Mattaini appeared to be in good spirits.
15. Mr Mattaini was last seen walking in Bondi on 15 September 1985 by an unknown neighbour. He was described by that neighbour as "aloof".
16. After Mr Mattaini did not turn up to his 3pm rostered shift at the Menzies Hotel on or around 16 September 1985, Mr Hubert became concerned and contacted another friend Mr Ottaviani. Sometime between then and 17 September 1985, Mr Ottaviani visited Mr Mattaini's apartment, but there was no answer from Mr Mattaini. Mr Ottaviani contacted Mr Musy, and made enquiries with the police and hospitals as to Mr Mattaini's whereabouts.

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17. On 24 September 1985, Mr Musy arrived back in Australia. He noticed that Mr Mattaini's Walkman, yellow spray jacket and keys were missing from the apartment. Mr Musy believed (erroneously) that Mr Ottaviani and Mr Hubert had reported the disappearance to police whilst Mr Musy was still in France. Mr Musy was unable to assist in the search for Mr Mattaini beyond their apartment block due to being treated with Valium for stress.
18. Mr Wyszynski arrived in Australia on 2 October 1985 and assisted Mr Ottaviani in searching for Mr Mattaini, albeit without success.
19. There was no contemporaneous police investigation into Mr Mattaini's death. It was first investigated as part of Operation Taradale. However, that operation was unable to identify any additional contemporary witnesses other than Mr Mattaini's friends who had been involved in the original search.
20. On 9 March 2005, Deputy State Coroner Milledge found that Mr Mattaini "died on or about the 15 September 1985 in Sydney. The cause and manner of his death remain undetermined as the evidence before me does not enable me to say".
21. In the course of her reasoning, the Deputy State Coroner further noted: "... I cannot make a finding that Mr Mantainni [sic] met his death at the hands of another person or persons. The persons of interest that may have been responsible for the deaths of Mr Warren and Mr Russell would have been far too young at the time of Mr Mattaini's disappearance in August 1985. I can however bring in a finding of 'death' for Mr Mattaini, but where and how he died remains unknown although there is a strong possibility that he died in similar circumstances to the other men."

Materials with which you are briefed

For the purpose of preparing your report, you are briefed with the materials in the **enclosed** index. The material contained in the index has been extracted from the relevant court files from the Coroners Court of NSW, files from NSW Health Pathology – Forensic Medicine, and media articles.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact Ms Blomfield and this material will be provided to you (if available).

Matters to be addressed in your report

I would be grateful if you could address the following matters in your report, having regard to the material with which you are briefed and to the extent that they are matters which fall within your expertise:

1. Your view on the following matters:
 - a. The rate of decomposition of a human body in seawater;
 - b. The average period of time between the initial submergence of a human body in seawater and its resurfacing (absent attack by a predator); and
 - c. The length of time before gasses are released.
2. Please provide any other comment, within your expertise, which you consider to be relevant to the decomposition of a human body in seawater.

The above questions are not intended to be exhaustive. Accordingly, if there is any matter arising from the circumstances of Mr Warren and Mr Mattaini's deaths within your area of expertise on which you wish to express an opinion and which will be of assistance to the Commissioner, please do so.

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Expert Code of Conduct

I **enclose** a copy of the Expert Code of Conduct and ask that you read it carefully. In the report you should acknowledge that you have read the Code and agree to be bound by it. I suggest the following form of words be included in the body of your report:

“I, Dr Linda Iles, acknowledge for the purpose of Rule 31.23 of the Uniform Civil Procedure Rules 2005 that I have read the Expert Witness Code of Conduct in Schedule 7 to the said rules and agree to be bound by it.”

Please do not hesitate to contact Ms Blomfield on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Elizabeth Blomfield
Senior Solicitor
For Solicitor Assisting the Inquiry

Encl. (2)