

**Senate Foreign Affairs, Defence and Trade
References Committee**

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P9A

Date Received: 19.02.04

Submitter: Ms Satatas

Organisation:

Address:

Phone:

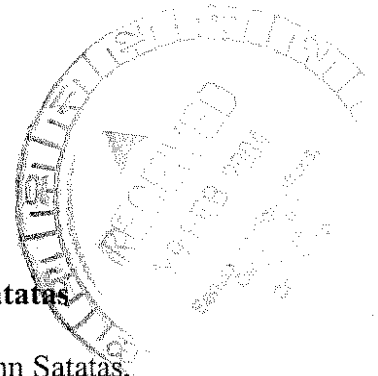
Fax:

Email:

Name/Contact: Ms Rosa Satatas

Date Authorised:

The Secretary
Senate Foreign Affairs, Defence and Trade References Committee
Suite S1.57
Parliament House
CANBERRA ACT 2600



Re: Submission to Senate inquiry to military justice – by Rosa Satatas

For the attention of the Committee, regarding the death of my son, John Satatas, whilst serving member of the Australian Regular Army at Holsworthy Army Barracks on or about 16 April 2003.

On 16 July 2003, the Westmead Coroner's Court advised my former solicitor that the cause of death had been sufficiently disclosed during the course of the NSW Police investigation and that the holding of a formal Inquest could be dispensed with. The autopsy report found that death was caused by hanging and that "[t]here are no features to suggest that this hanging was not self inflicted".

On 15 September 2003, the Defence Force Ombudsman advised that it had exercised its discretion not to investigate the incident at that time on the basis that the Army was conducting its own investigation.

On 15 January 2004, the Westmead Coroner's Court advised my current solicitor that the Coroner was still investigating the circumstances surrounding John's death.

I have read a number of Witness statements provided to the NSW Police Service, and the autopsy report, and have identified numerous concerns:

- Money was stolen from my son the night he went missing.
- No effort was made to locate John, when it was discovered that his identification card was still at the barracks (it is a requirement that ID be carried at all times). John was missing for a number of days. (Major Neville Paine told me the reason they didn't look for John was because they said he was on leave – however later I was informed by John's Commanding Officer that John was asked to stay back to guard the premises.)
- My son was found with the word "SPIROS" written on his forehead, the word "SPIC" written on his right arm, and a beard and moustache drawn on his face. Statements made by people who claimed to have seen these words and markings drawn on my son are contradictory.
- John's feet were still on the ground when he was found hanging.
- There are inconsistencies in the witness statements regarding the clothes that John was wearing when he was found. (The Army told me that John was wearing camouflage uniform when he was found however in the Police report it stated he was wearing a singlet, tracksuit pants and runners.)

- No investigation of the scene was made to determine whether John was assisted in hanging himself.
- The open sores on John's body reported by the police officer attending the scene were not recorded in the autopsy report.

Regarding the effectiveness of the Australian military justice system, I make the following submissions on behalf of my family:


- We are deeply concerned that John suffered discrimination, in particular certain derogatory terms were found scribbled on his body. We are concerned that the Army did not take this matter seriously enough and has not investigated it fully.
- We believe that there are further matters that the Army has not investigated or has not let us know about, specifically in regards to allegations of bullying towards John by some senior members who had returned from overseas duty. We do not think that this issue has been dealt with properly.
- It should be automatic for The Army to have asked our family whether we wanted an Inquiry into John's death. The Army did not do this.
- We wish to be fully informed about all aspects of the Inquiry including reasons for the Inquiry and its progress. The Army did not tell us that an Inquiry would be held and they did not tell us the reason for making the decision to hold an Inquiry.
- For the Inquiry to have any meaning it would have had to be full and comprehensive and certainly should have included consultation with and consideration of matters raised by family members and the circumstances of John's death. We believe that the Army ignored some of our suggestions in regards as to who should be interviewed. We have not been asked our views about what the Inquiry was to include.
- The Army did not offer us any assistance, such as a lawyer, counsellor or translation help after John's death, or relating to the inquiry. Most public services would provide these as a matter of course and in any event should have been available in relation to any Inquiry into the death of our son John given the circumstances of his death.
- We have been given no information in regards to the finalising of the inquiry.

The Army told me that they would pay for my son's funeral, however, we still received a bill for \$1,300. At no time did the Army, or Military Compensation, advise me that my son's estate was entitled to compensation. Richard, my eldest son and executor of John's estate, has recently lodged a claim for compensation on behalf of the estate although no determination of liability has been received to date.

I submit that the handling by the Australian Defence Force of the inquiry into my son's death has been very poor. Although it is nearly 1 year after my son's death, the Army has not provided us with its report, so we are unable to comment on the implementation of the Army's findings.

I would be interested in appearing before the Committee to expand on this submission. I will require an interpreter and if the Committee is unable to provide one, I request permission to bring an interpreter with me to the hearing.

Submission by:

A handwritten signature in black ink, appearing to read 'R. Satatas', with a horizontal line drawn above the name.

Rosa Satatas

- Enclosures:
- 1) Initial Interview with Mr G Satatas and Mrs R Satatas in Melbourne on 09 OCT 03.
 - 2) Statement by Charles Ramos Bodas, regarding circumstances of the death of John Satatas.