

Question on notice no. 1

Portfolio question number: AE24-001

2023-24 Additional estimates

Legal and Constitutional Affairs Committee, Attorney-General's Portfolio

Senator David Shoebridge: asked the Office of the Special Investigator on 12 February 2024—

Senator SHOEBRIDGE: Director-General, last time I was asking you about the rate of action in your office. The Brereton report, of course, found a potential 25 current or former Australian Defence Force personnel involved in war crimes. These were between 2005 and 2016. Nineteen people have been referred to your office for criminal investigation. Is it true that, almost two decades after that 2005 incident—the first incident that was referred to in the Brereton report—only one person has been charged?

Mr Moraitis: We're starting at 2005, are we, and looking at 2024 in our investigations? Yes. We were established three years ago, and we've had the Brereton report, amongst many other sources of information, that obviously generated our existence. But, as I have said many times, this organisation's mandate is much broader. We are, like the Brereton report, looking at the period of 2005 to 2016, and the DPP has charged one Australian soldier for a war crime. I won't go into further details on that, but, yes, there has been one charge of a war crime, the first time that's occurred.

...

Senator SHOEBRIDGE: How many critical witnesses have now died, that you're aware of?

Mr Moraitis: How do you define a critical witnesses?

Senator SHOEBRIDGE: How many material witnesses have died?

Mr Moraitis: I would have to take that on notice, but I don't think it's a large number of witnesses material to our investigations. I'm aware of one matter involving a suicide of an Australian soldier who may have been a material witness. I will leave it at that.

Answer —

Please see the attached answer.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO
ADDITIONAL ESTIMATES 2023-2024

PA-Office of the Special Investigator

AE24-001 - Number of material witnesses who have died

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The response to the senator's question is as follows:

The OSI does not have anything further to add to the evidence provided by the Director-General on 12 February 2024.