



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2004 001804

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

*Section 67 of the **Coroners Act 2008***

INQUEST INTO THE DEATH OF UNKNOWN MALE

Delivered On:	21 August 2026
Delivered At:	Coroners Court of Victoria 65 Kavanagh Street Southbank, Victoria, 3006
Hearing Date:	12 August 2024
Findings of:	Coroner Catherine Fitzgerald
Counsel Assisting the Coroner:	Ms George Carrington Coroner's Solicitor
Keywords	Unidentified remains; reopened investigation; forensic genetic genealogy

Note: Pseudonyms have been used in this Finding to refer to some individuals pursuant to section 55(2)(e) and 73(1) of the *Coroners Act 2008*.

Background

1. On 23 May 2004 at about 9:55 am, Victoria Police were called to an apartment block at 427 Nicholson Street, Carlton North. One of the residents from that apartment block had located a deceased male (**unknown male**), partially clothed, lying amongst rubbish and debris under an alcove at the apartment block.¹ When the death was initially investigated by the coroner, the identity of the unknown male could not be established and there were no further avenues of investigation open at that time which may have assisted in establishing his identity. Findings were made and the case was closed. Due to further investigations that only became possible years later, new evidence has emerged and the unknown male has now been identified as Chemia Kwiat.

Original coronial investigation

2. When the body of the unknown male was discovered, Constable Lee Wolahan from Victoria Police reported the death to the coroner. Const Wolahan prepared a *Police Report of Death for the Coroner (VP Form 83)* and a coronial investigation into the death was commenced.²
3. Police did not find any suspicious circumstances or evidence of third-party involvement in the death. The unknown male did not appear to have any injuries on his body which were relevant to his death. Police searched the unknown male and the area surrounding him but were unable to find any items to assist in identifying him.³
4. The unknown male was known to residents to sleep under an alcove at their apartment block and he was last seen alive on 21 or 22 May 2004 by two witnesses who lived there. He reportedly used to leave the apartment block every morning at about 9:00 am to catch the tram towards the city and he returned at about 6:30 pm at night.⁴ However, none of the residents knew his name or where he was travelling to each day, and no one could assist police with any lines of inquiry to identify him.

¹ Exhibit 1 - Police Report of Death for the Coroner (Form 83), Coronial Brief (**CB**) 131.

² Ibid.

³ Ibid.

⁴ Statement of Ana Traven dated 23 May 2004 (unsigned), CB 30.

5. The unknown male was described by the witnesses who provided statements. One of the witnesses moved into the apartment building in February 2003 and noticed an elderly homeless man living in the alcove. She observed that since that time, the man left in the morning at about 9:00 am and returned at 6:00 pm each day. She saw him many times on the tram travelling into the city. He also cleaned leaves from the driveway and she said “Good morning” to him several times but he didn’t reply. She described him as Caucasian, with a white beard, small in stature, with a bent posture and stooping over. She thought he was 65-70 years old.⁵ Another witness had lived in the apartment block for six months and had also observed an “elderly homeless male” living in the alcove. He described him as being of medium build with white hair.⁶ An attending police officer described the unknown male as elderly, Caucasian, fair complexion, approximately 65-70 years old, with short white hair and a white beard, blue eyes and approximately 160 cm tall with a light build.⁷
6. An autopsy was performed and an Autopsy Report was completed documenting that the body was “believed to be Male UNKNOWN aged 55 years”. The external examination noted that the body was a white male “with features in keeping with stated age”, 160 cm in length, weighing 55 kg and with blue eyes. There were no distinguishing marks or features, but a gold wedding band was present on the fourth left finger.⁸
7. Police conducted a range of inquiries to identify the unknown male but were unable to find any information regarding his identity. He was fingerprinted but that did not produce any result, and no dental identification was possible. A flier with his photograph was forwarded to police departments in the region, but he was not identified and there was no match with missing person reports. A computer-generated image of the male was included in a media release to the public, but no information was forthcoming.⁹ Police also canvassed at local soup kitchens, homeless support groups/agencies, and hospitals but were unsuccessful in obtaining any information regarding the unknown male’s identity.

⁵ Statement of Ana Traven dated 23 May 2004, CB 30-31.

⁶ Statement of Leon Hawker dated 23 May 2024, CB 33.

⁷ Statement of Constable Lee Wolahan dated 6 November 2004, CB 35-36.

⁸ Autopsy Report, CB 2-3.

⁹ Exhibit 2 – Flyer distributed to Victoria Police Members, CB 132; CB 145-146.

Police believed that all avenues of inquiry to identify the unknown male had been exhausted and a coronial brief was submitted to the coroner.

8. The death was investigated by Coroner Frank William Jones (Coroners Court case COR 2004 1804), and an inquest was held on 25 February 2005. A *Record of Investigation into Death (Coroners Regulations 1996 – Form 1)* was published by Coroner Jones in relation to the male, with a finding that the identity was unknown.¹⁰ The cause of death was found to be “1a: Lobar Pneumonia” and was due to natural causes. The date of death was 23 May 2004 at 427 Nicholson Street, Carlton North, Victoria 3054. The coronial investigation was finalised with the delivery of the findings by Coroner Jones.¹¹

Forensic Investigative Genetic Genealogy and the re-opening of the investigation

9. In 2018, efforts recommenced to identify the unknown male when the case was included in a research project being undertaken by the Victorian Institute of Forensic Medicine (VIFM) titled “Genetic genealogy and Victoria’s John and Jane Does” (Project ID: 1113) (**VIFM research project**). The purpose of the project was “to evaluate the use of whole genome array analysis to develop DNA data files from casework samples, for comparison to genealogy databases to see how the quality and quantity of DNA affect the Forensic Investigative Genetic Genealogy (**FIGG**) process and to evaluate if the genealogy component would be suitable for samples from Australia”.¹²
10. According to Dr Dadna Hartman, Chief Molecular Biologist and Manager, Molecular Biology, at VIFM,

Genetic Genealogy is the use of DNA testing in combination with traditional genealogical and historical records. Genetic Genealogy involves the use of genetic analysis together with documentary evidence to infer the relationship between individuals. This approach has been successfully used to identify missing persons/unidentified human remains overseas.¹³

¹⁰ Coroner Jones’ *Record of Investigation into Death*, 25 February 2005, CB 12.

¹¹ Ibid.

¹² Statement of Jodie Leditschke dated 13 October 2023, CB 93.

¹³ Statement of Dr Dadna Hartman dated 5 October 2021, CB 40.

11. In summary, FIGG is an investigative technique utilised in relation to DNA profiles. It enables potential identification of familial relationships using comparison of DNA profiles on publicly available online, direct-to-consumer genealogy databases (**genealogy databases**), in combination with genealogical research. By way of example, in the case of an unidentified deceased person, if a familial relationship can be identified using a genealogy database, this can provide previously unavailable investigative leads for genealogical research that can potentially establish a purported identity of an unidentified deceased person. Where a living relative can be identified and they are of sufficient familial proximity to the deceased, their DNA samples can be analysed, which may confirm the identity of the deceased.
12. A DNA sample for the unknown male was available as it was obtained during the initial coronial investigation. Prior to the VIFM research project, there had already been some further attempts to identify the unknown male by VIFM through conducting additional DNA analysis to improve the quality of the DNA data for comparison purposes. The improved DNA profile was uploaded into the Victorian Missing Persons DNA database but no matches were made. An upload to the National Criminal Investigation DNA Database's missing persons application for matching across Australia also produced a negative result with no matches made.¹⁴
13. There were also other investigations undertaken as part of the VIFM research project which initially produced several leads. However, these were thoroughly investigated and ultimately ruled out.¹⁵
14. It appeared that all avenues of investigation had been exhausted and as a 'last resort', VIFM looked to the FIGG process as a potential means of identifying the unknown male. This investigative tool was not available when the original coronial investigation occurred. Use of the FIGG process necessitated further DNA profiling and generating different DNA data for the unknown male using single nucleotide polymorphism (**SNP**) analysis. The DNA data which was obtained (**SNP profile**) was then uploaded to the GEDmatch

¹⁴ VIFM Identification Report, CB 111.

¹⁵ Direction of Coroner John Olle dated 24 May 2021, CB 16; investigations documented in the VIFM Contact Log, CB 147-162.

and Family Tree DNA online genealogy databases. It was hoped that by uploading the SNP profile of the unknown male, familial relationships would be identified which would open new lines of inquiry for his identification. Fortuitously, this is exactly what occurred and it has ultimately led to the purported identification of the unknown male as Mr Chemia Kwiat.

15. The genealogy databases produced several matches on both websites. As part of the VIFM research project, Dr Colleen Fitzpatrick was engaged as an expert genealogical researcher, to research the familial relationships of the unknown male in consultation with Dr Runa Daniel, (formerly) from Victoria Police Forensic Services, and Dr Hartman from VIFM.¹⁶ Dr Fitzpatrick ultimately produced a report explaining the basis for the purported identification of Chemia Kwiat, which is supplemented by the evidence from Dr Hartman regarding the DNA analysis.¹⁷
16. The surnames of many of the matches indicated that the unknown male was of Jewish ancestry. The closest DNA match was on Family Tree DNA, to a first cousin once removed, or half first cousin, who identified herself on Family Tree DNA as Ms E. The data from the DNA match with Ms E was analysed and compared to the unknown male which established that she was a biological relative of the unknown male,¹⁸ and genealogical research was used to build a family tree for Ms E to identify any potential cousins who were resident in Australia.¹⁹
17. Genealogical research identified Ms E as residing in America. Her maiden name was Ms L and she was born in Poland to a family who emigrated to America. Genealogical research of Ms E's Polish family led to the identification of a living relative on her paternal side. The paternal relative voluntarily submitted his DNA to the AncestryDNA genealogy website and provided the test results to the researchers. However, a comparison with the DNA profile of the unknown male demonstrated that they were not genetically related,

¹⁶ Statement of Dr Dadna Hartman dated 5 October 2021, CB 41.

¹⁷ Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 43-49; statement of Dr Dadna Hartman dated 5 October 2021, CB 39-42; Reports of Dr Dadna Hartman dated 30 July 2009, 5 August 2009, 4 June 2014, and 8 March 2018, CB 101-110.

¹⁸ Statement of Dr Dadna Hartman dated 5 October 2021, CB 41.

¹⁹ Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 43-45.

thus ruling out further investigation of Ms E's paternal line and focusing genealogical research efforts on her mother's family to identify the unknown male.²⁰

18. Ms E and another relative provided further information to the researchers regarding their family and it was discovered that a relative of Ms E on her maternal side named Yitzhak Kwiat was known to have a brother who lived in Australia. Yitzhak had two brothers, Chemia and Izrael, and two sisters. The siblings were all born in Poland to father Yakov Kwiat and mother Jente Pomerancz, who was identified as Ms E's half first cousin once removed. This meant that Yitzhak, Izrael and Chemia and Ms E were first cousins once removed. Dr Fitzpatrick opined that there was a 69% probability that one of the Kwiat brothers was the unknown male. It was discovered that the sisters had died during the Holocaust, Izrael and Yitzhak had migrated to Israel, and Chemia was known to have migrated to Australia.²¹
19. Contact was made with family of Yitzhak in Israel. They provided information that Izrael and Yitzhak had settled in Israel after World War II and both died there. The family members of Yitzhak also provided information that their family had contact with Chemia in Australia up until about 1980, when he stopped replying to family letters. They knew he was married to a woman who was not Jewish and they had one child. Documentary evidence was also obtained which documented that Yitzhak had written to the Hajas Jewish Organisation in Melbourne in 1952 requesting information about his brother Chemia, as he had not had contact with him since Chemia left Italy for Australia in 1948, and he identified that Chemia was born in Poland in 1918. There were also two notices found in Jewish newspapers from 1952 seeking information regarding Chemia.²²
20. Further research regarding Chemia Kwiat uncovered an array of documentary evidence which established the following:

²⁰ Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 43-45.

²¹ CB 45-47; Statement of Dr Dadna Hartman dated 5 October 2021, CB 41.

²² Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 46-47.

- a) Chemia Kwiat arrived in Melbourne by sea on 1 November 1949 from Naples, Italy. He was recorded as having been born on 9 April 1918 in Warsaw, Poland, and being 160 cm tall with blue eyes and brown hair.²³
 - b) Chemia Kwiat applied for naturalisation in 1954 and was at that stage residing at an address in Balaclava. He was naturalised in 1955 and was still residing at the same address. His date of birth was then recorded as being 4 September 1918, which appears to be an inversion of the date and month of his birth recorded on his arrival.²⁴
 - c) Chemia Kwiat (also known as Panayiotis Chemia Kwiat) married CD on 30 August 1959 (her name appearing in documents with various spellings). Together, they shared one child, AB.²⁵
 - d) According to the 1972 and 1977 Australian electoral rolls, Chemia Kwiat and CD were recorded as residing at the same address in Carlton North. In 1980, their adult child AB was also recorded on the Australian electoral roll as residing at the same address.²⁶
 - e) CD passed away on 12 May 2004.²⁷ Following CD's passing, AB's solicitors lodged an originating motion for the grant of probate, noting that no one had made a claim for CD's home in Carlton North, the same address where Chemia Kwiat had resided, and applied for CD's assets to be granted to AB.²⁸
21. Both Dr Fitzpatrick and Dr Hartman provided an opinion that the research supported the proposition that the unknown male was Chemia Kwiat.²⁹ VIFM Human Identification

²³ Certificate of Registration for Mr Chemia Kwiat dated 1 November 1949, CB 51.

²⁴ Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 47-49.

²⁵ Certificate of Marriage dated 30 August 1959, CB 85; Birth Registration details for AB, CB 86; Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 47-48.

²⁶ Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 48.

²⁷ Registration of Death of CD dated 7 June 2004, CB 61-68.

²⁸ Probate documentation for CD, CB 69-84.

²⁹ Statement of Dr Dadna Hartman dated 5 October 2021, CB 41-42; Report of Dr Colleen Fitzpatrick dated 4 October 2021, CB 49.

Services also supported the circumstantial identification of Chemia Kwiat as the unknown male.³⁰

22. It was identified that the child of Chemia Kwiat, AB, was still living and residing in Australia. They were contacted by staff from VIFM and informed of the possible identification of their father as the unknown male. AB was also asked to provide a voluntary DNA sample to confirm whether the FIGG process had successfully identified the unknown male as their father.
23. During several discussions between staff at VIFM and AB, they expressed strongly held concerns about providing a voluntary DNA sample, and about their privacy and any public identification of their link to the case. AB ultimately declined to provide a DNA sample, as was their right. AB also informed staff from VIFM that the information being provided about the possible identification of their father and the request for a DNA sample was overwhelming.³¹
24. AB did not want to provide a formal statement as part of the coronial investigation but wished to remain updated about its progress. During conversations with VIFM staff, AB provided the following relevant information:
 - a) They had not heard from their father for over 25 years and had no idea as to his location.
 - b) They were unaware of any of their father's relatives.
 - c) They appeared to be accepting of the possibility that the deceased was their father, and no information was provided by AB that cast any doubt on the possible identification.
 - d) Their father was estranged from his family as he had married their mother, who was of Greek Orthodox faith.³²

³⁰ VIFM Identification Report, CB 111-112.

³¹ Statement of Dr Jodie Leditschke dated 13 December 2023, CB 94.

³² Statement of Dr Dadna Hartman dated 5 October 2021, CB 41.

25. As a DNA sample was not provided by AB, their genetic familial relationship to the unknown male could not be confirmed by DNA analysis. It was therefore necessary to make further enquiries regarding Chemia Kwiat, and a Victoria Police member was assigned to the investigation.
26. Proof of life checks were conducted by police, which provided no indication that Chemia Kwiat was still living or that he had been alive after the unknown male was found in 2004. There was no record of his death. Once these further investigations were exhausted, Victoria Police submitted a Form 43 application to the Coroners Court pursuant to section 77 of the *Coroners Act 2008 (the Act)*. The application requested that the finding in relation to identity be set aside and the investigation into identification of the unknown male be re-opened on the basis that the identity of the unknown male was believed to be Chemia Kwiat.³³
27. Upon review of the application to set aside the finding, I was satisfied that there were new facts and circumstances regarding the possible identity of the unknown male which were not known to the original coroner. Specifically, there was new information, based on the previously unavailable FIGG technique, which purported to identify the unknown male.
28. I set aside Coroner Jones' previous finding as to identity and re-opened the coronial investigation.³⁴ A summary inquest was held³⁵ and the coronial brief was tendered.
29. This finding draws on the totality of the coronial investigation, including evidence contained in the tendered coronial brief. Whilst I have reviewed all the material, I have only referred to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.³⁶

³³ Exhibit 8 – Application to set side finding (Form 43) by Senior Constable Thomas Read, 21 April 2022, CB 140-144.

³⁴ Order following application to set aside finding, 20 January 2023, CB 17-23.

³⁵ Pursuant to s 52(2)(c) of the Act.

³⁶ Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

Use of the FIGG process

30. The use of DNA as an investigative tool and source of evidence is a routine part of the investigation and prosecution of criminal offences. In the coronial jurisdiction, DNA testing and analysis is also routinely used as a means of identifying deceased persons where visual, fingerprint, dental or other means of identification are not possible. DNA is unique to an individual, and evidence of DNA matches between samples is used to infer, on a probability basis, that a sample is from an individual, or, as often occurs in the coronial jurisdiction, that the deceased has a close genetic relationship with another person (immediate family members), which confirms identity in combination with other evidence.
31. The courts are accustomed to this type of DNA evidence, and its evidentiary value and the rules regarding its admissibility are well established. Whilst the use of DNA has been established as a reliable and useful scientific tool, I am cognisant that it is not infallible, and by way of example, there have been instances of laboratory error which have led to misidentification.³⁷
32. The FIGG process involves DNA analysis by utilising third-party online genealogy databases which are available for public use to search for familial relationships between individuals. They are generally marketed to and used by persons interested in finding relatives or researching family histories through voluntary provision of their DNA samples for matching with other DNA samples which have been submitted to the genealogy database.
33. For several years there has been growing interest in and use of these databases by law enforcement agencies, particularly in the investigation of criminal offences. They have been utilised by law enforcement agencies internationally for the identification of suspects and unidentified human remains. I note that Dr Fitzpatrick, the genealogist engaged to

³⁷ See *R v Jama* (Unreported, Supreme Court of Victoria, Court of Appeal, 7 December 2009) and the related report: Frank Vincent, *Report: Inquiry into the Circumstances that Led to the Conviction of Mr Farah Abdulkadir Jama*,

assist in this case, has been involved in several international investigations which have utilised the FIGG process for successful identification using these genealogy databases.³⁸

34. The genealogy databases are private companies which operate outside of the Australian jurisdiction, and the accuracy of the information which they produce regarding DNA matches cannot be interrogated other than by conducting further investigation of the purported familial relationships identified. There is therefore some inherent uncertainty in the data obtained from such websites. Ordinarily, this is overcome where utilisation of the FIGG process results in the purported identification of a living relative of sufficient closeness who can provide a DNA sample for comparison. Law enforcement, or in this case VIFM, can then compare that sample with another DNA sample using their standard processes to either confirm, or rule out, a genetic link confirming the identity of the person from whom the other sample has originated.
35. In this case, established Australian laboratory methods were used to extract DNA from the sample from the unknown male. Research regarding the SNP analysis of the sample supported the proposition that the unknown male was of Eastern European ancestry with blue eye colour and brown hair.³⁹ I am satisfied that a DNA sample from the unknown male was submitted by VIFM to the genealogy databases. This generated a match with the DNA sample of Ms E as the closest familial match. I note that it is not possible to interrogate the process by which that match occurred, or the veracity of the information obtained, with one exception. The DNA match data regarding Ms E has been the subject of additional DNA analysis, and Dr Hartman has provided an expert opinion that this indicates that Ms E was related to the unknown male on her maternal side.⁴⁰ It was this identified familial relationship which was the subject of genealogical research by Dr Fitzpatrick, and which is outlined in her report which forms part of the coronial brief. I also note that there is no evidence before me which casts doubt that Ms E is the identity of the person who submitted the voluntary DNA sample to Family Tree DNA, which matched with the unknown male. In my view it is significant that Ms E and extended

³⁸ Exhibit 12 - Curriculum Vitae of Dr Colleen Fitzpatrick, CB 163.

³⁹ Report of Research Analysis of Dr Dadna Hartman dated 8 March 2018, CB 108-109.

⁴⁰ Statement of Dr Dadna Hartman dated 5 October 2021, CB 41.

members of her family were contacted and cooperated with the investigation by providing further information for the genealogical research. This provides some further corroboration for the veracity of the matched DNA profile of Ms E and the unknown male.

Analysis regarding purported identity

36. As noted above, AB was unwilling to provide a DNA sample in this case when first requested by staff from VIFM. After the coronial investigation was re-opened, AB was again asked if they were willing to provide a DNA sample, but the request was ultimately declined. After the inquest, a final request was made and AB confirmed they did not wish to provide a sample. I am satisfied that there is no prospect that their position will change and I respect their personal decision.
37. In the absence of any other living relatives available in Australia to provide a sample, it has therefore not been possible to confirm the purported identification of the unknown male as Chemia Kwiat by a DNA comparison of sufficient weight to confirm the identity. If this had occurred and the familial relationship between AB and their father was confirmed, his identity would have been established to a standard beyond reasonable doubt. This would also have overcome any uncertainty about the veracity of the DNA match data obtained from the genealogy website which has led to the purported identification of Chemia Kwiat as the unknown male.
38. The evidence purporting to identify the unknown male as Chemia Kwiat remains circumstantial in nature. As such, it is necessary to assess the weight of all the available evidence from the initial coronial investigation, the FIGG process and subsequent investigations, which supports the identification and to determine, on the balance of probabilities, whether the identity of the unknown male has been established.
39. I have concluded that the totality of the available evidence provides a compelling circumstantial case that the identity of the unknown male is Chemia Kwiat, and I am satisfied on the balance of probabilities that the identity of the unknown male is Chemia Kwiat having regard to the following:

- a) The unknown male was documented in the autopsy report as being Caucasian, 160 cm tall with blue eyes and no distinguishing features. This is identical to the recorded height and eye colour of Mr Kwiat upon his arrival in Australia, which also recorded he had no “notable marks” and was of European ancestry. The unknown male was also found with a gold wedding band on his wedding finger, and Chemia Kwiat was known to have been married.
- b) Mr Kwiat is recorded as having been born in 1918. If that date of birth is correct, he would have been 86 years old when the unknown male was discovered deceased on 23 May 2004. This age is not at all consistent with the description of the unknown male in the Autopsy Report as being 55 years old. However, it is not known why that information was included in the Autopsy Report as his identity was unknown, and there is other evidence which casts serious doubt about the accuracy of that description. I note that the author of the Autopsy Report was a visiting Forensic Pathologist and was not available to provide any further clarification on the basis for the age included in the Autopsy Report. Most significantly, it differs markedly from the descriptions provided by the witnesses in the apartment building who observed the unknown male on many occasions and described him as elderly, with white hair and beard, estimated 65-70 years of age and with a bent over/stooped posture. These descriptions are more in keeping with the appearance of the unknown male having regard to the photographs taken of him at the scene, noting that the unknown male was white haired and elderly in appearance. In my view, the appearance of the unknown male in those photographs and the descriptions by the witnesses are more in keeping with the age of Mr Kwiat, although there is still some discrepancy.
- c) There is a physical resemblance between the photograph of Mr Kwiat on his Certificate of Registration, and the computer-generated image produced by Victoria Police, and the photographs of the unknown male when he was discovered deceased, even accounting for the differences in age between the images.
- d) Mr Kwiat lived with his wife and child in Carlton North, and the unknown male was found in the same suburb.

- e) There is no documented evidence that Mr Kwiat left Australia following his arrival in 1949, and there is no record of his death. His family in Isreal last had contact with him in about 1980, at which stage he was still understood to be living in Australia. Having regard to the fact he would now be 108 years of age, I am satisfied that Mr Kwiat is deceased and likely died in Australia.
 - f) The DNA analysis indicates that Ms E is a genetic relative of the unknown male on her maternal side. Genealogical research has identified that Chemia Kwiat and his two brothers were first cousins once removed of Ms E. Chemia's brothers both moved to Isreal after World War II and passed away in Israel. I am satisfied that Chemia Kwiat was the only brother and first cousin once removed of Ms E on her maternal side to move to Australia.
 - g) The information obtained from AB has provided no indication that Chemia Kwiat was known to be alive after 2004 when the unknown male was found.
 - h) Extensive "proof of life" checks for Mr Kwiat were conducted by Victoria Police and provided no indication that Mr Kwiat was alive after 2004.
40. I am mindful that the variation in evidence regarding the age of the deceased and Mr Kwiat remains unsatisfactory. It must also be acknowledged that the absence of a confirming DNA sample from a living relative of sufficient closeness leaves open the possibility that the unknown male is not Chemia Kwiat. However, despite these deficiencies in the evidence, I am comfortably satisfied on the balance of probabilities that the totality of the available circumstantial evidence outlined above establishes that the unknown male is Chemia Kwiat.

Findings and orders

41. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following finding:
- a) the identity of the deceased was Chemia Kwiat, born 9 April 1918;

42. I note that the earlier findings of Coroner Jones regarding the cause of death, and date and place of death were not set aside. The cause of death remains 1a) lobar pneumonia and the death occurred on 23 May 2004 at 427 Nicholson Street, Carlton North VIC 3054.
43. Pursuant to section 73(1) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.
44. I acknowledge that the contact with AB regarding the FIGG process and the re-opened coronial investigation has caused concern and distress for them. Whilst a DNA sample was requested and ultimately not provided, the provision of a DNA sample in the coronial jurisdiction is entirely voluntary and AB's decision and concerns regarding the coronial investigation are understandable, and not unusual.
45. Coronial investigations are sensitive in nature. By necessity, for a coroner to perform the functions legislated by the Act, private and personal information is obtained pertaining not just to deceased persons but often also to their families and those known to them. The Court does what it can to reduce the distress that this may cause, and to deal sensitively with the information that is obtained during an investigation in accordance with the relevant legal requirements. I note also that the majority of cases investigated by this Court are not the subject of a public inquest hearing and there is therefore no public dissemination of the information gathered as part of the coronial investigation. However, in cases such as this where an inquest has been held, publication of the findings is mandatory unless otherwise ordered by the coroner.
46. The response of family and friends to coronial investigations varies markedly and is rarely predictable. There are those who find any involvement in a coronial investigation to be distressing, whilst others actively seek a large amount of information about the investigation, and may apply for a public hearing and public release of deeply personal and private information pertaining to the deceased and others. It is also not unusual for family and friends to seek limited or no involvement in the coronial investigation, and to express serious concerns about the impact of the investigation on their privacy and wellbeing. This often occurs when an inquest is held, necessitating public exposure of the evidence and the publication of the findings and associated reporting. I have on many

occasions read correspondence and submissions from family members and others who are adversely impacted to a significant extent by the prospect of personal and private information from a coronial investigating being publicly disseminated.

47. I am aware that AB has expressed specific concerns about the personal impact of this investigation and requested that there be no publication of details which would enable either their identification or contact with them regarding the investigation. I have had regard to these legitimate concerns to the greatest degree possible, which has included using a pseudonym regarding their identification and redacting other details, but I acknowledge that this will not entirely ameliorate their concerns.
48. As outlined above, the identification of the deceased is circumstantial in nature and could not be confirmed by DNA analysis of a close living relative. Whilst I have made a finding on the balance of probabilities, there is not the same level of certainty as there would have been with a DNA comparison confirming identity. In my view, there is therefore a strong public interest in publicising the identity of the deceased in case it reveals further information relevant to that finding and also noting that there was an original finding that the identity was unknown, and an inquest was mandatory in this case. As such, the legitimate concerns which have been raised about the disclosure of private and personal information cannot entirely displace the public interest in publication of the identity of the deceased.
49. Finally, I wish to acknowledge the work completed in relation to this case by VIFM, and, in particular, the efforts of Dr Dadna Hartman in association with Dr Runa Daniel and Dr Colleen Fitzpatrick. The dedication to achieving an outcome in this case against all odds is to be commended. It is representative of the ongoing commitment of VIFM and this Court to finding answers in cases where the identity of the deceased remains unknown.

I direct that a copy of this finding be provided to the following:

AB

Senior Constable Thomas Read, Coronal Investigator

Dr Dadna Hartman, Manager, Molecular Biology, Victorina Institute of Forensic Medicine.

Dr Jodie Leditschke, Manager, Forensic Technical Services & Coronial Admissions and Enquiries

Signature:



Catherine Fitzgerald

Coroner

Date: 21 August 2026

NOTE: Under section 83 of the *Coroners Act 2008* (**the Act**), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
