

T R A N S C R I P T

I N T E G R I T Y A N D O V E R S I G H T C O M M I T T E E

Inquiry into the Adequacy of the Legislative Framework for the Independent Broad-based Anti-corruption Commission

Melbourne – Monday 8 September 2025

M E M B E R S

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Eden Foster

Paul Mercurio

Rachel Payne

Belinda Wilson

WITNESSES (*via videoconference*)

Nerita Waight, Chief Executive Officer,

Amala Ramarathinam, Principal Policy Adviser and Lawyer, and

Raagini Vijaykumar, Principal Managing Lawyer, Victorian Aboriginal Legal Service.

The CHAIR: Welcome back to the Inquiry into the Legislative Framework for IBAC with the Integrity and Oversight Committee.

Just to the witnesses, I have got some formalities to cover, so bear with me. Evidence taken by the Committee is generally protected by parliamentary privilege. You are protected against any action for what you say here today, but if you repeat the same things anywhere else, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is recorded by Hansard, and you will be provided with a proof version of the transcript to check once available. Verified transcripts will be published on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

I welcome online Nerita Waight, the Chief Executive Officer; Amala Ramarathinam, Policy Adviser and Lawyer; and Raagini Vijaykumar, Principal Managing Lawyer, all from the Victorian Aboriginal Legal Service. Thank you all very much for coming along.

Nerita WAIGHT: Not a problem. If it looks like we are switching devices, it is because we are having a few IT problems. One of us may die IT-wise at some stage, but we will make do with what we have got.

The CHAIR: All right. Thank you very much. Do you have any brief opening comments before we turn to questions?

Nerita WAIGHT: If it is okay, we do. First off, we would just like to thank the Committee for the opportunity to provide evidence today in their Inquiry into the adequacy of IBAC legislation. I would also like to acknowledge the Wurundjeri people, the traditional owners of the land that I am on today, and I pay my respects to their elders past and present.

I have been at VALS for nearly a decade, which feels like 30 years, and I have worked across our civil law and family law teams as well as in policy and advocacy before obviously becoming CEO. Throughout that whole journey VALS has had a strong record in advocating for Aboriginal people's rights and justice, including through our Wirraway police and prison accountability practice, which has put us at the forefront of addressing police and prison corruption and serious misconduct against Aboriginal communities. VALS is 50 years old, and it actually started because of the discrimination Aboriginal and Torres Strait Islander people experienced every day when coming into contact with the legal system. Our people were and continue to be overpoliced and over-incarcerated and are dying in custody from preventable causes. This is not something that happens once a month, once a year, once every quarter – this is something that happens each and every day. Our services include criminal law and family and civil law. We also have a mental health legal practice as well as a range of community justice services operating across six locations, soon to be seven. We also have a classification service whereby if an Aboriginal person is arrested, we are notified, and we are able to do welfare checks as well as provide them with pre-interview advice.

As I said, given the range of work that we do, we have extensive experience, which gives us a deep, practical understanding of how police and prisons operate, and it certainly has informed our longstanding view of the current IBAC legislative framework. For us, police corruption against Aboriginal people is not a new issue; it has been present since the very first days of colonisation, where police played a central role in enforcing dispossession and in forced removals and genocide of Aboriginal people. The Yoorrook Justice Commission's final report confirmed this, linking police and agents of the state to at least seven massacres of Aboriginal people during the early colonial period, when Victoria Police was first formed, and today systemic racism by Victoria Police remains the daily reality for our people here in Victoria, with Aboriginal people being

disproportionately stopped, searched, arrested, charged, imprisoned and, devastatingly all too often, dying in custody.

Aboriginal people are overpoliced, over-represented and underserved when seeking police assistance. I regularly go out into our communities across Victoria to hear about people's experiences, and what is startling is how often Aboriginal people do not report being victims of crime because of the response they will receive when they do so, because they have experiences of police brutality, of excessive use of force and of racialised abuse and policing practices. We know that Victoria Police's internal complaints data shows that Aboriginal people made 191 allegations of assault by police between 2017 and 2022, which they acknowledge is vastly unreported.

Now, we know that this is a huge issue for communities, because we hear this through the truth that they found in Yoorrook. But in the everyday, they perceive the way that Victoria Police operate. They have tried to make complaints in various forms. They have tried IBAC. None of those systems have worked, so rather, they just endure. They just accept the narrative of a few rogue police or bad apples, and they understand that their concerns will go unaddressed. For our communities it is very clear that police cannot be trusted to investigate themselves, and this is true in any realm, whether it is Ambulance Victoria or whether it is parliamentarians themselves. There needs to be a degree of independence. We know that for our communities, complainants are frequently not believed over a police officer and complaints processes do not result in any meaningful outcome. We know that literally the framework itself is flawed, we know that they do not have the resources to actually investigate any more matters than they currently do and we know that any investigation is rather narrow. We hope that we can explore those issues today. I just want to end there so that you guys can make use of your time in terms of asking meaningful questions.

The CHAIR: Thank you very much. Look, I might start with the first, which is just to ask you to elaborate on the statement in your submission that Victoria Police continues to operate with minimal oversight and accountability. So in the context of IBAC's oversight of police, I wonder if you would like to expand on that a bit.

Nerita WAIGHT: Yes. I mean, it goes back to our view of, firstly, their processes. In many police complaints that IBAC receives it is common practice for IBAC to send them back to Victoria Police for investigation. Complainants are frequently not believed over a police officer, and complaints processes actually do not result in any meaningful outcome. Consequently that complaints process is futile and deeply retraumatising for Aboriginal complainants. For one of VALS' clients, IBAC's investigation took two years with no meaningful outcome and the matter just being referred back to Victoria Police.

Secondly, like I said, the legislative framework itself is flawed, and part of that has to do with legislative limitations to IBAC's jurisdiction, which does not allow for them to investigate all instances of police misconduct against Aboriginal people because it is very narrow, and that leaves them incapable of providing meaningful oversight of police misconduct and misuses of power. I am sure you know the data by now – that IBAC only investigate about 1 per cent of the police complaints they receive.

The third is, obviously, like I said, resourcing. They do not have sufficient resources to investigate any more matters than they currently do. And the fourth is that our people, particularly, find that the narrowness of the investigations prevent, in essence, a meaningful outcome, and that is because they do not consider a complainant's personal circumstances or history or the context of the time of the police misconduct when making their decisions; they only focus on whether police had the powers to act as they did instead of whether they should have used discretion to exercise the powers that they did. And they rely on information only that Victoria Police provides; they do not actually go back and request further, and I know this is an issue that has been raised in many submissions that you would have received.

One of the examples of their failure to pick up on the way in which police do things is that one of our clients was intercepted, searched by police and not told a reason for this. He was then fined for using profane language, despite the police also using profane language during the interaction. He was then released from arrest and given a move-on direction and subsequently became agitated. He was then arrested for a second time for failing to move on. IBAC recently handed down their decision about this interaction in June this year. IBAC found that the search was unlawful but found that the second arrest was lawful despite the clear police escalation. IBAC

clearly took a very narrow and technical view on police powers and did not actually consider evidence of systemic racism and the appropriateness of the police's actions.

And the last reason is that there is a lack of cultural safety in the processes that exist currently, and the combination of all of those factors reflects a total lack of Aboriginal perspectives and reality in the process, and that lack of cultural safety. So for us, those are some of the reasons why (a) we say that there is not appropriate police oversight, but also why we do not advise our clients to go through IBAC processes.

The CHAIR: Thank you.

Nerita WAIGHT: Raagini, is there anything you wanted to add?

Raagini VIJAYKUMAR: No, nothing.

Nerita WAIGHT: Okay.

The CHAIR: Paul Mercurio is going to ask you more.

Paul MERCURIO: Thank you, Chair. Your submission endorses the Yoorrook Justice Commission's recommendation for an independent police oversight authority. Are there any advantages, do you think, in broad-based anti-corruption commissions compared with police-only oversight bodies, noting that the IBAC replaced the standalone Victorian Office of Police Integrity?

Nerita WAIGHT: Thank you for your question. For us the current system, like we said, is one that does not hold police accountable for their actions, and the Yoorrook Justice Commission obviously found compelling evidence for the need for a truly independent police complaints system after hearing extensive evidence from the Aboriginal community organisations and senior members of the Victorian government over a period of four years – this was not a short and sharp inquiry; this was extensive. And that 27th recommendation actually called for the establishment of a new police oversight authority led by someone who has never been a police officer and with the power to investigate and report on serious corruption, including the deaths of Aboriginal people in police contact. And that Commission also recommended this new authority have the capacity to investigate Aboriginal deaths in custody independently, because this is also something that is done by Victoria Police currently.

We reported and made extensive submissions to Yoorrook on this matter, and in fact we pointed out to them the Northern Ireland model, which had been effective not only in building trust and confidence within a deeply fractured community but had been found to create better police processes and outcomes. Amala or Raagini, is there anything you wanted to add?

Amala RAMARATHINAM: Thanks, Nerita. Just to go on with your previous comments: we have previously advocated for a police ombudsman to exist in Victoria in a model that is similar to the PONI model that Nerita was just talking to. Their success lies in the fact that they are completely civilian led, so there are no police officers involved in the disciplinary process, but also they investigate matters knowing the cultural and historical context that exists between people and communities and police officers. In their specific instance it was the troubles, and knowing that context, they look at interactions with that viewpoint. As Nerita has spoken to, a lot of the issues in police complaints and the way that police look at them and IBAC looks at them is that it is totally devoid of that historical context when you are looking at police interactions.

Paul MERCURIO: So just as a follow-up, how do you think the recommended independent police oversight authority would address the police corruption?

Nerita WAIGHT: Amala, do you want to go first or is it okay if I do?

Amala RAMARATHINAM: Please go ahead, yes.

Nerita WAIGHT: Sorry. This is a very uncoordinated approach across different parts.

Paul MERCURIO: That is all right. It is good.

Nerita WAIGHT: In terms of our viewpoint, the way in which you create an effective police oversight system is not only about making sure that it is an independent body that has sufficient resources but that its remit allows for it to actually dig deep into police corruption and investigate those matters. That is why for us, models like PONI are incredibly effective, and this also goes to our earlier comment around the lack of cultural safety. So in considering a complaint, IBAC will not actually consider the deep cultural background that Aboriginal communities have and how that has arisen in terms of conflicts with police over generations. I mean, I have got a grandfather – he will hate me for telling you his age, but he is 87 – and he still carries around the ID card that he had as a young child which allowed him to leave the designated areas for Aboriginal people during that time because he is afraid, given his long history of being pulled over needlessly by police, of being interrogated. This is living memory; this is not something that has ceased at this point. Amala, is there anything you would like to add?

Amala RAMARATHINAM: Nothing further, Nerita.

Paul MERCURIO: Thank you.

The CHAIR: Great. Let us go to Belinda Wilson.

Belinda WILSON: Thank you, Chair. Sorry if we look like we are not looking at you; the camera is sort of in different positions and we are looking at you on a screen. Thank you for your opening address – it was heartfelt and touching. We want you to know that we stand with you on many of your concerns. We have got a long way to go, but we are moving forward slowly but surely. I want to ask you: what is your recommendation in relation to the legislative framework regarding the investigation of police contact, police contact deaths and deaths, obviously, in custody of Aboriginal people in Victoria? What respective roles should Victoria Police, IBAC and the Coroner have? I guess I will add to that that you cannot be human and be untouched by some of the things that we have seen in regard to those topics.

Nerita WAIGHT: Yes. Thank you for your acknowledgement of where we are and the path that we are on. We understand as a community that you cannot have everything all at once and that, you know, there is a long path for us to walk, but it is one that we can walk together – and I hope that is a future that we will see. In terms of deaths in custody, I just want to acknowledge that for our communities this is a deeply traumatising subject, and that is because this is something that there have been a number of inquiries on since before I was born. I mean, I am 38 now, and the year I was born was when the RCIADIC started, and many of those recommendations stand unimplemented – and I hope that is not the future we see for Yoorrook.

When we talk about the current process, what we see is that when a member of the public dies or is seriously injured during contact with Victoria Police, that incident is currently investigated by Victoria Police. This internal investigation is overseen by Professional Standards Command within Victoria Police, and that oversight can sometimes be overseen by IBAC, but that is many layers removed. We understand that Professional Standards Command notifies IBAC when it is overseeing an investigation into a police contact death or serious injury, and IBAC can choose to review some of these investigations after they have been completed. As a result, any investigation is not carried out independently of Victoria Police – in fact it is deeply embedded within them – and any kind of external scrutiny is several steps removed. We are not sure which criminal inquest this IBAC oversight has occurred through, because that is not disclosable, and it just speaks to the lack of transparency in the process.

Currently investigations for Coronial Inquests are conducted by Vic Police under the direction of the Coroner. The Coroners Court has actually made some positive steps in terms of changing practice directions to create a greater degree of independence in the investigation of deaths involving police; however, that on-the-ground investigative work is still conducted by police officers. We would certainly like to see change in that space because not only does police involvement severely compromise the integrity of investigations but it also gives rise to a deep mistrust and distress for grieving family members. This mistrust is borne out in the evidence that is uncovered at the criminal inquest stage, when family members are able to interrogate the circumstances leading up to the passing of their loved one.

I want to give you an example in the matter of Raymond Noel. In the 2021 inquest into the death of Raymond Thomas Coroner John Olle found that there had been an alarming lack of internal rigour by police in reviewing the circumstances of the pursuit that led to Raymond's death. An independent investigation is just absolutely

critical for deaths and serious deaths that involve police conduct, because the potential for serious police corruption can go undetected. And as we know, Aboriginal families who have lost loved ones to police contact deaths often have to deal with a coronial process in which police investigate that death, often with serious investigator deficiencies which undermine the entire coronial process and leave them feeling ‘What is the point of it altogether?’ What is the point of going through this deeply traumatising process, which you have to wait years to see the end of, if in fact it is only going to be investigated by the institution which has been involved in the death? That is not fair, that is not transparent and that does not speak to accountability. And we heard this through Yoorrook time and time again. I just want to see if Raagini has anything to add, given that Wirraway is the one who conducts the vast amount of our coronial inquests. Raagini?

Raagini VIJAYKUMAR: I just wanted to say that what Coroner Olle found in Raymond Thomas’s inquest findings, about the lack of internal rigour – that is the case in many, many incidents of police misconduct. It happens at a whole range. In my experience of looking at Victoria Police handling of complaints, many of them are not substantiated and the police investigation often does not consider really relevant footage. That footage sometimes ends up being subpoenaed in civil proceedings that happen after the fact. The investigations also kind of make judgement often on the person’s criminal history, their background. They fail to see how police escalate force, which is what we were talking about before with systemic racism. It also fails to look at the inconsistencies of the police actions with their own policies. So these issues are issues we see day to day in the Wirraway team, where we bring civil claims on behalf of clients against the state for police misconduct. I mean, there have been many times where we have settled matters or have brought matters where liability and the use of force seems pretty clear but the PSC reports have said that there was nothing to see. It is so much so that when we bring these claims, we often seek aggravated damages on the grounds that the PSC report was completely flawed and did not see any wrongdoing. So, yes, going to Nerita’s point, these issues that we see in coronial inquests are also issues that we see day to day.

Belinda WILSON: Yes. Thank you.

The CHAIR: Thank you. Eden Foster has a question. And can I just say we just need to be a little bit conscious of time.

Eden FOSTER: Okay. Thank you, Chair. Thank you, ladies, and I note your concerns about a lack of independent investigations into police misconduct. Your submission discusses the experiences of Aboriginal people in the police oversight system, and you have made suggestions of an Aboriginal engagement unit and First Nations leadership within IBAC. How would the Aboriginal engagement unit operate within IBAC as an interim measure to meet the critical need of the Aboriginal community?

Nerita WAIGHT: Yoorrook ultimately recognised that Aboriginal people do not have trust in the ability of government agencies to adequately investigate serious corruption by public officers perpetrated against them, and a lot of them cited the 2022 audit by IBAC of complaints made about police by Aboriginal people that showed that over half of the investigations failed to collect or consider relevant evidence. In that, they then pushed that as an interim measure because, noting that there are restraints around resourcing and the time to work through appropriate models and work with community to develop those, it would be incredibly beneficial to ensure that IBAC have a dedicated and well-resourced Aboriginal engagement unit. And that should be under the leadership of a First Nations person, at least at the level of Deputy Commissioner. This would ensure that IBAC would have the skills, the expertise and the knowledge base to ensure that they effectively identify, investigate and expose corrupt conduct against Aboriginal people in Victoria – just being mindful of time, trying to keep things short.

Eden FOSTER: Thank you.

The CHAIR: All right. Thanks again. Let us go to Jade Benham.

Jade BENHAM: Thank you, Chair. And thank you all for your submission and your frank and honest testimony today. Are there any other recommendations that you have workshopped or thought about in addition to what we have discussed today regarding the nature and operation of the legislative framework of IBAC?

Nerita WAIGHT: Yes. So we actually have endorsed the police working group submission, which your Committee may have seen, and that is a working group of which we are part. It includes the Human Rights Law Centre, Inner Melbourne Community Legal, the Federation of CLCs, the Hume Riverina, Robinson Gill,

Uniting Church – I am forgetting one of them. I think it is the Centre Against Racial Profiling. But we endorse the recommendations that they have put forward in terms of legislative fixes.

Jade BENHAM: Great. Thank you.

The CHAIR: Great. Rachel Payne.

Rachel PAYNE: Thank you, Chair. Amala, Nerita and Raagini, thank you for presenting for us today. Many questions that I had for you have been answered, but I thought I might just extend upon some of the statements that you made. In particular, Nerita, I want to thank you for sharing your experiences of consulting with your community and particularly the experiences of victims of police misconduct. I just want to delve into a little bit more the advice that you provide to your clients looking for support. You mentioned that you do not advise clients to go through the IBAC complaints process. Would you provide the Committee with a little bit more insight into those conversations that you are having, because what we are hearing as a Committee is that many victim-survivors are not going through this process, so we would like to hear a little bit more about that.

Nerita WAIGHT: Yes, not a problem. I will pass over to Raagini in a second to go through how they conduct advice for a client who comes with a police misconduct matter, but just to preface: the reasons why we do not refer to IBAC are all the reasons that we have gone through today in terms of what we see as serious faults within the system that makes it untenable for Aboriginal complainants. But I will now pass over to Raagini to go through that. Raagini?

Raagini VIJAYKUMAR: Yes. Thank you. When people come to us to talk about a serious incident of police misconduct, they usually want apologies from police officers or they want police officers to be held accountable. I guess what we tell them is that we do not have confidence that the IBAC police complaints process will do that for them and the only real one way of getting that accountability might be through a civil case. So we are quite up-front about the process. I guess we tell them that going through a process might mean that they speak to Victoria Police or IBAC – whoever it is – about their experiences and in the end that might not get anywhere. They might not know what the outcome is, and they might not actually get that outcome – or there are very few times where they will – and we just do not see it.

Nerita WAIGHT: I think just to add on to that, in terms of when Aboriginal community members are coming to us, they are not asking to go through IBAC. In fact when it is presented, for them it is an undesirable avenue. They are asking us what the avenues are for litigation. They do not trust the process. And many times they have attempted to go through them. When we talk about contemporaneous experiences, what they have experienced previously, they have made a complaint to IBAC and then a police member has turned up to investigate who is from the same station – in fact they have been seen working with the person they are complaining about – and they do not trust it. Or, particularly for Aboriginal women, when we talk about Aboriginal women, we are talking about a cohort that has experienced family violence at alarming rates and has tried on numerous occasions to report that but instead has been misidentified as the perpetrator of violence. They have no interest in engaging in a complaints process that is led by police, who they see as not listening to them, as misidentifying them and as actually perpetrating harm.

Rachel PAYNE: Thank you. Further to that, you mentioned the suggestion of a police ombudsman and that it would be civilian-led rather than having a police investigative role. Some of the stakeholders we have spoken to throughout this inquiry process indicate that it is quite a nuanced approach – that police overseeing police would be something where it is common practice. Whereas I would like to understand more about where a police ombudsman would be more appropriate and about that civilian-led approach.

Nerita WAIGHT: I think it is important to kind of understand when the police ombudsman approach would come in. We are not talking about just regular customer service complaints. I am sure we have all received feedback from our constituents and clients that we all would view as customer service complaints versus a meaningful complaint. But where it is meaningful, that is where the police ombudsman plays their role in order to ensure that their matter is investigated independently, that they have access to all of the requisite information, that they can understand the contextual background, that they are transparent and accountable about the way in which they have investigated the complaints and come to the outcomes – all of those things that we know provide trust and credibility moving forward. Amala, is there anything you would like to add?

Amala RAMARATHINAM: Thanks, Nerita. Just quickly, to build on what you have already said, there is no culture in Victoria Police that supports the cops dobbing in other cops. It just does not exist. And in circumstances where police behaviour is thrown under incredible scrutiny, including, for example, the lawyer X scandal, which took place over more than a decade – and it took another decade in order to have a Royal Commission and some kind of report and outcome – police have still been able to avoid scrutiny and also a standing independent oversight body simply because there is no culture to sustain it. And so, as Nerita was talking about before, this is something that Aboriginal people and communities and organisations have been calling for time and time again. Meanwhile, people are being seriously hurt and dying. It needs a really serious kind of understanding of the environment that we are operating in and what kind of serious push is needed in order to get what we are calling for over the line here.

Rachel PAYNE: Thank you.

The CHAIR: Great. Shall we go to Ryan Batchelor?

Ryan BATCHELOR: Thanks, Chair. Thanks, everyone. I just wanted to go to the question of contact deaths and deaths in custody. Nerita, you mentioned earlier deaths are investigated by VicPol and that IBAC can choose to review the investigation. Do you have any statistics on how many deaths IBAC actually does review?

Nerita WAIGHT: Those are not publicly available to us and they are not reported on, so we have no idea.

Ryan BATCHELOR: Do you think that they should be publicly available and reported on?

Nerita WAIGHT: Yes.

Ryan BATCHELOR: We have asked a few prior witnesses if there are metrics that they thought would be important for IBAC to report on with respect to its investigations that it chooses or does not choose to do, so I will extend that invitation to you as well. If there are particular metrics about IBAC's investigations, case load, anything like that that you think would benefit from increased public reporting, we would welcome any further thoughts you might have on the types of cases or other sorts of reporting metrics that you think IBAC would benefit from reporting on. I think you made the point that 1 per cent of police complaints are investigated and the rest are referred back to Victoria Police for internal review.

The Committee, in evidence from the Police Oversight Working Group at our last hearing, in a different context, heard some pretty horrific stories about how and when that fails. I obviously note that your primary recommendation in the report is about endorsing the Yoorrook Commission's recommendation for an independent body, but you set up some alternative recommendations that say, 'If we're not going to do that immediately, there are some other things we should do.' Do you think one of those things could be to look at: should there be a test or should there be a threshold or should there be some reporting as to when IBAC chooses not to investigate something and why? Should there be a threshold that they have to satisfy themselves of? And do you have any thoughts on what that should be?

Nerita WAIGHT: Yes. Look, I definitely agree that when it comes to making their decisions about what should not be investigated, there should be that threshold. But even if there is a threshold, they should still be required to provide written reasons for that decision, and that is incredibly important for complainants – to have a clear understanding rather than just having a letter.

Ryan BATCHELOR: Sorry, just to clarify: currently complainants do not receive a written explanation as to why their complaint has been referred back to Victoria Police?

Nerita WAIGHT: No, it is a one-sentence letter: 'Your matter has been referred back to Victoria Police for investigation.'

Ryan BATCHELOR: What impact does that style of communication have on complainants?

Nerita WAIGHT: They withdraw. They now see that their complaint – in their own view – is not going to be independently investigated. Therefore it loses its credibility, and they decide that they do not want to pursue it. That is what happens.

Ryan BATCHELOR: And in addition to the reasons, just as my final question, do you think there should be some kind of threshold or a test or something that IBAC needs to satisfy themselves of? And what might that be?

Nerita WAIGHT: Yes. We would refer you to the police working group submission on that, but we think that there needs to be work done with community on defining what that threshold should be for them, particularly the contextual factors, because this is something that we believe is important for them to self-determine.

Ryan BATCHELOR: Great. That is all from me, Chair.

The CHAIR: Thank you. Any further questions from the Committee? Thank you. Is there anything else, Raagini, Amala and Nerita, that you would like to add before we close?

Nerita WAIGHT: No, just to thank you for your time and your consideration of our submission and what we have said today. We appreciate it.

The CHAIR: Thanks very much for coming along.

We will suspend the hearing now and take roughly 10 minutes break.

Witnesses withdrew.