

AI INDEX: ASA 12/14/96  
9 DECEMBER 1996

AUSTRALIA: AMNESTY INTERNATIONAL URGES DEATH IN CUSTODY INQUIRY

The Western Australian Government should carry out a thorough and fully independent, judicial inquiry into the death in police custody of Stephen Wardle, Amnesty International said, following the receipt today of a letter from the government dismissing the need for such an inquiry.

“The government has yet again failed to adequately address the suspicious circumstances of Stephen Wardle’s death. There is nothing in the Police Minister's letter to indicate that the concerns raised in our letters to the government have received serious consideration,” the human rights organization said.

“The government's response simply informs us about matters our report dealt with in far greater detail. It lists some, but not all of the previous investigations into aspects of the case as reasons for not initiating a fully independent, proper judicial inquiry.”

In June Amnesty International welcomed fresh calls made by a State Parliamentary Select Committee -- not mentioned in the government's letter -- for a judicial inquiry into the death of Stephen Wardle, an 18-year-old non-Aboriginal Australian. He died under controversial circumstances, within hours of his arrest in the East Perth Police lockup in February 1988 from the toxic effects of prescribed medication and alcohol which a Coroner said were "aggravated by lack of care".

Previous inquiries failed to answer many open questions on the case, for example, why

- Stephen Wardle was locked up without 'visible injuries' and was found dead in a cell hours later with bruises, bumps and abrasions clearly visible;
- crucial evidence disappeared, including medication examined by police, police photographs of injuries, and body samples taken at autopsy;
- police records were altered, including copies of the prisoner's property sheet given to police internal investigators;
- medication found on Stephen Wardle was not recorded by police who recorded different drugs instead;
- Stephen Wardle's family have reportedly been subject to police harassment during their public campaign for another inquiry.

In communications with senior Western Australian police Amnesty International has learned that a number of measures, including new police custody policies, have been adopted in response to Stephen Wardle's death to prevent similar tragedies.

The report, *Australia: Too many open questions - Stephen Wardle's death in police custody*, which followed research by an Amnesty International delegation to Australia, expressed concerns that Stephen Wardle may have been ill-treated in custody and that he was subject to lack of care to such a degree that it constituted cruel, inhuman or degrading treatment, with fatal consequences.

In letters sent with the report to the Western Australian and the federal governments Amnesty International stated that many of the deficiencies highlighted by the Royal Commission into Aboriginal Deaths in Custody -- concerning the safety and care of detainees, lockup and prison conditions and procedures, as well as post-death investigations -- are also relevant to the case of Stephen Wardle who was not Aboriginal.

“Stephen Wardle's death and recent indigenous deaths in custody highlight similar concerns,” Amnesty International said.

“All Australian Governments need to ensure that the Royal Commission’s recommendations are fully and effectively implemented to the benefit of all prisoners -- Aboriginal and non-Aboriginal.”

ENDS\