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AUSTRALIA: WESTERN AUSTRALIA GOVERNMENT CONTINUES TO BLOCK DEATH
IN CUSTODY INQUIRY

On the ninth anniversary of Steven Wardle's death in custody, Amnesty International today condemned the Western Australia government's continued blocking of a thorough, transparent and fully independent judicial inquiry into the suspicious circumstances of his death.

Stephen Wardle, a non-Aboriginal 18-year old, was found dead in the East Perth police lockup on 1 February 1988. Amnesty International believes that previous official investigations have left serious questions unanswered, including the disappearance of crucial evidence and alteration of police records.

"By dismissing calls for a judicial inquiry, the Western Australia government is doing little credit to Australia's reputation in the field of international human rights protection, and is undermining some of the positive steps taken by the police in response to previous deaths in custody," Amnesty International said.

"Stephen Wardle's death and increasing numbers of indigenous deaths in custody since the 1991 Royal Commission highlight the need for all Australian governments to ensure that the Commission's recommendations are fully and effectively implemented to the benefit of all prisoners -- Aboriginal and non-Aboriginal."

Amnesty International is concerned that when Stephen Wardle's parents did not accept official explanations of their son's death and called for a thorough investigation, they became the target of numerous police operations which they consider to be harassment. Complaints of police harassment have also been common among the families of Aborigines who died in custody.

"Stephen Wardle's family have a legitimate concern to see justice done. Instead, they seem to have been harassed over a sustained period of time," Amnesty International said.

Unlike most Aboriginal deaths in custody at the time, Stephen Wardle's death was never investigated by a Royal Commission, and previous investigations into the case fell short of recommended international standards.

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.

However, in December 1996 Amnesty International received a letter from the Western Australian government dismissing the need for any further inquiry into his death. There is nothing in the letter from former Police Minister Bob Wiese to indicate that the organization's concerns have received serious consideration.

Background

In 1996, Amnesty International welcomed fresh calls made by a State Parliamentary Select Committee -- not mentioned in the government's letter -- for a judicial inquiry into Stephen Wardle's death. He died in controversial circumstances, within hours of his arrest on suspicion of drunkenness from the toxic effects of prescribed medication and alcohol which a Coroner said were 'aggravated by lack of care'.

A 1996 Amnesty International report, *Too many open questions - Stephen Wardle's death in police custody*, expressed concern that he 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.

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;
- Why crucial evidence disappeared, including medication examined by police, police photographs of injuries, and body samples taken at autopsy;
- Why police records were altered, including copies of the prisoner's property sheet given to police internal investigators;
- Why medication found on Stephen Wardle was not recorded by police who recorded different drugs instead;
- Why Stephen Wardle's family have reportedly been subject to police harassment during their public campaign for another inquiry.

The organization also learned that body samples taken at autopsy, some of which had disappeared when they were requested for further laboratory tests, had been kept at different locations in Perth in the care of different government departments.

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