

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2015 5275

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008*

I, IAIN TRELOAR WEST, Deputy State Coroner having investigated the death of Khodayar AMINI

without holding an inquest:

find that the identity of the deceased was Khodayar AMINI

born on 31 December 1985

and the death occurred on 18 October 2015

at Robert Booth Reserve, Clow Street Dandenong, 3175 Victoria

**from:**

1 (a) EFFECTS OF FIRE

Pursuant to section 67(1) of the **Coroners Act 2008**, I make findings with respect to **the following circumstances:**

1. Khodayar Amini was a 29-year-old man who arrived in Australia as an asylum seeker from Afghanistan in 2012. Prior to his death, he was residing at an unknown location in New South Wales on a bridging visa.
2. The Department of Immigration and Border Protection (DIBP) advised that Mr Amini had several medical treatments during his time in immigration detention. He was diagnosed with significant mental health issues and treated with medications and follow up appointments with a Psychiatrist. There are no records to indicate his prior mental health history before his time in detention.
3. On 24 September 2015, Mr Amini was charged with threats of violence allegedly made against a switchboard operator of the Australian Red Cross (ARC) who was providing support services to him at the time. He was subsequently required to attend court on 10 November 2015 to answer those charges.
4. On 15 October 2015, DIBP officers attended his last known address in relation to notifying him of their intentions to consider cancelling his bridging visa due to the charges against him. He was not present at the time but subsequently became aware of this visit via associates.
5. On 16 October 2015, the DIBP contacted Mr Amini and an appointment was arranged for him to attend at their city offices at 9.30am on 19 October 2015. On this same day, Mr

Amini then had telephone contact with his ARC support worker and indicated his distress at the impending meeting with the DIBP which he feared would result in his immediate detention. He further threatened that he would self-immolate.

6. As a result of these threats, the ARC support worker notified NSW police at 8.20pm and asked them to conduct a welfare check on Mr Amini. Police were unable to locate Mr Amini at this time as he had also switched off his mobile.
7. On 17 October 2015, police were eventually able to make phone contact with Mr Amini. He claimed that he had no current accommodation and refused to provide his current location. He denied that he intended to self-immolate and that he was not suicidal. He requested that police deposit money into his account to help with his financial situation. He was advised that some arrangement could be made however he would be required to have direct contact with police. Mr Amini refused these arrangements and terminated the call, again switching off his mobile phone.
8. At 1.30pm that day, Mr Amini purchased a one way bus ticket to Canberra, arriving at 5pm. At 11pm, he purchased a one way bus fare to Melbourne, arriving at 7am on 18 October 2015. It is uncertain why he attended Canberra or what his movements were in the intervening 6 hours, prior to leaving for Melbourne.
9. At 9.45am, Mr Amini arrived at the Dandenong Railway Station. He attended a Super Cheap Auto store and purchased an empty 5 litre plastic fuel container. He then attended a Shell Coles Service Station where he filled his fuel container with approximately 4 litres of unleaded fuel. These movements were captured in part on CCTV footage.
10. At 1.20pm, Mr Amini sent a text message via Facebook stating '*I want cut off my life*' to Ms Michelle Bui, one of two Refugee Rights Action Network advocates based in Perth, whom he had dealt with previously. According to a statement from Ms Bui, Mr Amini had '*frequently expressed feelings that suggested he was suffering from depression and considerable distress.*' He continued to communicate with Ms Bui as well as her colleague, Ms Sarah Cornock-Ross who had trained in suicide prevention. They attempted to ascertain his current whereabouts without success as well as trying to convince him not to self-harm.
11. At 1.46pm, Mr Amini sent Ms Bui a picture of the petrol container with a cigarette lighter on top. Ms Bui stated, '*throughout the period we were talking to him, we contemplated whether to call the ambulance or police but we didn't know his whereabouts and were concerned that may exacerbate the situation....we were concerned about betraying his trust...he had expressed many times that if police and immigration took him back into detention that he would die there.*'
12. At 2.15pm, Mr Amini made his way to bushland at the Robert Booth Reserve in Clow Street Dandenong. At this time, he was still communicating with Ms Bui and Ms Cornock-Ross via Facebook video. He stated that they should call SBS and repeated '*I can't stay, I can't stay*' and '*the immigration is killing me.*' He proceeded to raise the petrol container to the mobile phone camera and poured the contents over his head before igniting the petrol. Ms Bui and Ms Cornock-Ross saw flames and heard fire crackling and dropped the phone at this time. The phone lost connection a short time later and they attempted to call him again without success.
13. At 2.20pm, a passing cyclist, Mr Greg Bendo observed the fire and contacted emergency services. The County Fire Authority attended a short time later and extinguished the fire, revealing Mr Amini's body. During this period, Ms Cornock-Ross had mistakenly contacted NSW Ambulance services as she believed Mr Amini was still in NSW. A triangulation was completed on Mr Amini's phone and Victorian police were contacted, arriving at the scene.

14. Mr Amini's body was located lying on his front with his hands beneath him and his legs slightly apart and bent at the knees. His body was moderately burnt on the back with remnants of clothing visible. There were no obvious injuries apart from those associated with fire damage. He also had more severe burns to his front, with the skin burnt through over the abdomen and internal organs exposed.
15. Fire and Explosives Investigator Mr John Kelleher from the Victoria Police Forensic Services Centre found that the cause of the fire was the ignition of Mr Amini's clothing and footwear. Although no flammable liquid was detected on either the clothing or shoes, the severity of the damage to the body and the fact that Mr Amini was deceased, suggested that there may have been fuel on the clothing at the same time. Flammable liquid was present at the scene as petrol was detected in the soil. A disposable butane lighter was also located which was the likely source of ignition.
16. Mr Amini's body was identified via fingerprints which had been taken by the Department of Immigration. Deputy Director of Forensic Services Dr David Ranson from the Victorian Institute of Forensic Medicine performed an autopsy on Mr Amini and provided a written report of his findings. The autopsy revealed no evidence of significant natural disease of a type that might be expected to have contributed directly or indirectly to the death.
17. The body showed signs of severe heat damage with loss of tissues such that Dr Ranson was unable to unequivocally exclude all possible areas of natural disease or antemortem trauma however no discrete unequivocal major antemortem trauma was identified. Although a considerable amount of extradural haemorrhage was present this was in keeping with a degree of heat damage noted to the head and is a complication of severe heat being applied to the head. Examination of the airways revealed no evidence of any sooting within the oropharynx, larynx or trachea macroscopically.
18. Dr Ranson stated that flame applied to large areas of the body can cause cardiac arrhythmias that can lead to sudden death in the early stages of a fire and in such cases there may not be sooting of the upper airways. Toxicology results revealed petroleum hydrocarbons in cavity blood an indication of the possible use of an accelerant in the fire.
19. I find that the cause of death of Khodayar Amini was effects of fire.
20. I further find that he intended the tragic consequences of his actions.

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

**State Trustees**

**Mr Stephen Clendinnen**

**Detective Leading Senior Constable Rick Mokos**

**Ms Michelle Bui**

Signature:

*Iain West*



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IAIN WEST  
DEPUTY STATE CORONER  
Date: 10 July 2017