

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 5111/07

Inquest into the Death of MUSTAPHA HAYEK

Delivered On: 26th February 2010
Delivered At: Coroners Court of Victoria Melbourne
Hearing Dates: 26th February 2010
Findings of: Iain West, Deputy Coroner
Representation: N/A
Place of death/Suspected death: Unit 7 / 19 Moore Street, Vermont, Victoria 3133

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King Taylor

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 5111/07

In the Coroners Court of Victoria at Melbourne
I, Iain West Deputy State Coroner

having investigated the death of:

Details of deceased:

Surname: **HAYEK**
First name: **MUSTAPHA**
Address: 7/19 Moore Road, Vermont Victoria 3133

AND having held an inquest in relation to this death on 26th February 2010 at Melbourne find that the identity of the deceased was **MUSTAPHA HAYEK** and death occurred on or about 16th December, 2007

at Unit 7 / 19 Moore Road, Vermont, Victoria 3133

from

1a. HANGING

in the following circumstances:

1. Mustapha Hayek, aged 31 years, was located by police at approximately 9.00pm on 16th December 2007, in a state of low suspension hanging, in the front foyer of his premises at 7/19 Moore Road, Vermont. Police attended the property to conduct a welfare check at the request of Mustapha Hayek's partner, Natasha Hayek, who had not been able to make contact with him after they had an argument four days earlier. Mr Hayek was found resting against the bottom step of the stairs, with the cord around his neck tied back to the balustrade at the top of the stairs. Resuscitation was not attempted as examination indicated that he had been deceased for some time. An autopsy examination was subsequently performed by Forensic Pathologist Dr Matthew Lynch, who confirmed the cause of death to be hanging and toxicological examination of body fluids, detected the presence of methamphetamine, amphetamine and diazepam.

2. Investigation into the circumstances surrounding the death revealed that Mr Hayek suffered panic disorder and depression, and despite being referred on many occasions by his general practitioner to see psychiatrists, he had consistently declined to do so. Mr Hayek's last contact with his general practitioner was by telephone on the 13th December when he demanded a medical certificate, which was refused by the doctor in the absence of a proper consultation.

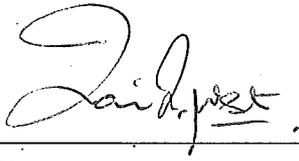
3. Investigating police concluded that there were no suspicious circumstances surrounding the death of Mr Hayek, however, his brother Fred Hayek, wrote to the coroner's office stating that he was suspicious of the circumstances, as it was "the second death in my family being similar in nature to the first". This was a reference to the death of another brother, Mohammed Hayek (coroners case no. 3846/03), who took his life by hanging on the 19th November 2003. At the time of Mohammed Hayek's death, he was married to Natasha Hayek. Mr Fred Hayek stated that he received a phone call from Mustapha Hayek on or about the 12th December and was told by him, that Natasha and her stepfather were behind Mohammed Hayek's death. Mr Fred Hayek stated that he did take the matter seriously, but gave it no thought until he learnt of Mustapha Hayek's death in similar circumstances, although I note, that even then, the information was never formally passed on to investigating police. The police view of there being no suspicious circumstances has not changed and Natasha Hayek denies any involvement in her partner's death. As an observation, the allegation made, and the timing of the call to Fred Hayek being on or about the date Mustapha and Natasha had argued, may be indicative of a vindictive motive on Mustapha Hayek's behalf.

4. I am satisfied that both deaths are the consequence of mental illness, with a review of the circumstances of Mohammed Hayek's death indicating that he suffered from acute anxiety and depression, coupled with extremely poor insight into his illness. Whilst there are similarities with respect to mental health issues and mode of death; there is no evidence implicating Natasha Hayek in the cause of death. The extent of her involvement was to again suffer the loss of a partner with whom she had been romantically involved.

5. No note was left by Mr Hayek explaining the reason for his actions, hence speculation as to why he took his life is unhelpful. It is known, however, that he was having difficulty coming to terms with his brother's death and with not seeing his daughter, whom he had from a previous relationship. At the time of his death, Mr Hayek was subject to a Community Treatment Order. He had a number of pending criminal charges and feared receiving a prison sentence, with him having previously experienced jail and having no desire to return. On a number of occasions in the past, Mr Hayek had spoken of taking his life.

6. I formally find that Mustapha Hayek, with prior indication of intent, took his life by hanging.

Signature:

A handwritten signature in black ink, appearing to read 'Iain West', written over a horizontal line.

Iain West
Deputy Coroner

Date: 4th March 2010