

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2007 004719

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

I, JUDGE IAN L GRAY, State Coroner, having investigated the death of MARZIEH RAHIMI without holding an inquest:

find that the identity of the deceased was MARZIEH RAHIMI
born on 21 March 1974

and that the death occurred on 20 November 2007
at 41 Michelle Drive, Hampton Park Victoria 3976

from:

I (a) COMPRESSION OF THE NECK.

Pursuant to section 67(1) of the *Coroners Act 2008* there is a public interest to be served in making findings with respect to **the following circumstances:**

INTRODUCTION AND PURPOSE

1. This investigation examined the circumstances and contributing factors relating to the death of Ms Marzieh Rahimi. Before I make my findings on these circumstances and factors, I wish to convey my sincere condolences to Ms Rahimi's family and friends. The unexpected and violent death of a person is a devastating event. Violence perpetrated by an intimate partner is particularly shocking, given this relationship is expected to be one of safety and protection.
2. In this finding I will explore whether any lessons can be learnt which might prevent similar deaths in the future. This role is one of two parallel functions of the modern coronial system. The first involves the findings that I must make under the *Coroners Act 2008 (Vic)*, which requires, if possible, that I find the:
 - identity of the person who has died
 - cause of death (this usually refers to the medical cause of the death); and
 - circumstances surrounding the death.

3. It is the investigation I am permitted to conduct surrounding the circumstances of a death that gives rise to my ability to consider broader issues of public health and safety. These considerations form the second parallel purpose of a coronial investigation into a death. This purpose has been enshrined in the preamble of the Coroners Act, which sets out that the role of the coroner should be to:
 - contribute to the reduction of the number of preventable deaths; and
 - promote public health and safety and the administration of justice.

RELEVANT HISTORICAL FACTS

4. Ms Rahimi was a 33-year-old woman who lived with her husband, Mr Soltan Ahmad Azizi, and their five children at the above address. Ms Rahimi was born in Afghanistan.
5. Mr Azizi was also born in Afghanistan on 21 March 1964. He and Ms Rahimi were first cousins, and were married in 1993. Ms Rahimi's parents and brothers and Mr Azizi's family arranged the marriage. They had had six children; however their first child, born in 1995, was killed by gunfire in 1998 when gunmen attacked their home. They had their daughter in Afghanistan in 1996.
6. In 1997, Ms Rahimi and Mr Azizi fled Afghanistan for Iran as refugees. They had two sons in Iran in 1998 and 2001. The family arrived in Australia in June 2005, having been granted refugee status. They had two sons in 2006 and 2007 in Australia, and the family became Australian citizens in September 2007.
7. Mr Azizi did not work, and attended the Adult Migrant English Services as a full-time student to learn to speak and read English. Ms Rahimi cared for their children full-time.
8. In the weeks and months before Ms Rahimi's death, she indicated to her husband that she was contemplating a divorce. Witnesses stated that she told them that Mr Azizi threatened to kill her if she left him, as he could not carry the shame of a separation.

CIRCUMSTANCES OF THE INCIDENT

9. On the morning of 20 November 2007, the three eldest children went to school. Ms Rahimi and Mr Azizi then took the two younger children to the dentist, and attended the doctor for a vaccination for their second-youngest child. They did some supermarket shopping before returning home.
10. Mr Azizi stated that when they arrived home, their second-youngest child began asking for something and Ms Rahimi responded by treating him roughly and pushing him towards the ground. He claimed that he asked her why she was behaving in this way and that she

responded that it was her right to do so. Mr Azizi stated that he then went to pick up his son from the floor, and that Ms Rahimi responded by pushing Mr Azizi backwards, causing him to fall onto his back. He stated that she jumped on top of him and bit his thigh, and that he punched her at least three times to the face, but that this did not deter her. Mr Azizi stated that he then pulled on both ends of Ms Rahimi's scarf, strangling her and causing her death.

11. Mr Azizi telephoned 000 shortly afterwards and asked police to attend, informing the operator that he had killed his wife. Police attended shortly afterwards and Mr Azizi stated again that he had killed his wife and was *ready for the handcuffs*, holding his arms out in front of him. Mr Azizi was arrested and interviewed by police.

INVESTIGATIONS

Forensic Medical and Scientific Investigation

12. An autopsy of Ms Rahimi's body and post mortem CT scanning (PMCT) were performed by Senior Forensic Pathologist Dr Matthew Lynch, which revealed the cause of her death to be *compression of the neck*.¹ Dr Lynch stated that the post mortem examination revealed evidence of a ligature mark about the neck, facial congestion and cutaneous subconjunctival petechial haemorrhages, bruising in the strap muscles of the neck and fractures of the laryngeal skeleton. Extensive facial bruising, as well as bruising to the lateral aspect of the left shoulder, left forearm and left hand were also noted.
13. Dr Lynch stated that the arm and hand injuries were *consistent with "defence" type injuries*. He also advised that the presence of petechial haemorrhages *is a classical albeit non-specific sign of asphyxia*. Dr Lynch commented that the evidence of facial bruising was consistent with application of some form of blunt force.
14. Post mortem toxicological analysis did not reveal the presence of ethanol (alcohol) or any other common drugs or poisons.

Criminal Investigation

15. Mr Azizi was charged with the murder of Ms Rahimi on 21 November 2007 and pleaded not guilty. He was tried, found guilty and sentenced to 22 years' imprisonment with a 17.5-year non-parole period. Mr Azizi successfully appealed the conviction, with the Court of Appeal ruling that some of the evidence regarding features of his relationship with Ms Rahimi and statements by Ms Rahimi about his conduct towards her, which was admitted at trial, was inadmissible.

¹ Report of Dr Matthew Lynch dated 19 February 2008.

16. A retrial was ordered and Mr Azizi again pleaded not guilty to murder, and was convicted. On 29 January 2013, Mr Azizi was sentenced to 20 years' imprisonment with a 16-year non-parole period. At both his first and second trials, the courts did not accept his version of events as being truthful or correct.

Speciality Family Violence Investigation

17. Detective Sergeant James Sullivan prepared a brief of evidence on the circumstances surrounding the death of Ms Rahimi. Following a review of this evidence, I request the Coroners Prevention Unit (CPU)² to review the circumstances surrounding Ms Rahimi's death as part of the Victorian Systemic Review of Family Violence Deaths (VSRFVD)³.

History of family violence and service contacts

18. In late August 2007, following the birth of her youngest child, Ms Rahimi had a routine visit with Ms Catherine Cross, a City of Casey maternal and child health nurse. Ms Rahimi expressed that she wanted to take her own life. Ms Cross believed Ms Rahimi to be suffering from postnatal depression and referred her to a counsellor, Ms Catherine MacKinnon.
19. Ms Rahimi had an appointment with Ms MacKinnon on 26 September 2007. Ms MacKinnon considered that Ms Rahimi was suffering from symptoms of post traumatic stress disorder due to her difficult and traumatic life from which she had fled in both Afghanistan and Iran. There is no evidence that Ms Rahimi sought counselling or medical diagnosis or treatment.
20. Whilst inadmissible in the criminal jurisdiction, the available evidence documents an extensive history of family violence perpetrated by Mr Azizi against Ms Rahimi. Witnesses state that this had occurred since the beginning of the marriage, and included physical, verbal, financial and emotional abuse.
21. From the time she was married, Ms Rahimi had intermittently reported to her sister, Ms Shookria Abid, that Mr Azizi had been hitting her. Ms Abid lived in the United States, but they spoke regularly by phone. Around one month prior to her death, Ms Rahimi told Ms Abid that Mr Azizi had been hitting her because he was upset that social workers were visiting her regularly. Ms Rahimi had also been forced out of the house by Mr Azizi on two occasions.
22. Witnesses also state that Mr Azizi forced Ms Rahimi to have their last two children, and that he had mentally and physically abused her since the day after they were married. She reported

² The Coroners Prevention Unit (CPU) is a specialist service comprising a team of investigators and health clinicians. The CPU assists coroners fulfil their prevention role and contribute to a reduction in preventable deaths.

³ The VSRFVD was established in 2009 to assist with the coronial investigation into these incidents. The VSRFVD conducts in-depth reviews of deaths that meet the relevant criteria to contribute to strengthening the response to family violence across the state.

to Ms MacKinnon through an interpreter that Mr Azizi restricted her ability to leave the house and interact with other people. She had also been prevented from accessing bank accounts.

23. In the early hours of 1 November 2007, Ms Rahimi made two telephone calls to 000. She hung up during the first call before it was answered. The operator answered the second call, but could not understand Ms Rahimi due to her very limited English. She hung up, and no further action was taken. In sentencing Mr Azizi following his first trial, Her Honour Justice King remarked that *it is most unfortunate and an indictment on our society that no assistance was forthcoming, as a result of a very disappointing reaction by the telephone operator, to [Ms Rahimi's] inability to speak English, in anything other than a broken English manner.*
24. On the same day at 12.30pm, Ms Rahimi telephoned Ms MacKinnon. She sounded distressed and wished to speak to her urgently. A telephone interpreter was organised and Ms Rahimi stated that Mr Azizi had been physically violent the previous night, and threatened to kill her. Ms Rahimi kept asking Ms MacKinnon why the police had not come. Again, at sentencing, Justice King stated *I must say it is a question that I would pose to this day.*
25. Ms MacKinnon put Ms Rahimi in contact with a family violence caseworker Ms Magitas Suresh. Ms Suresh telephoned Ms Rahimi the same day and made an appointment to see her the next day. She advised her to call 000 if anything happened, and gave Ms Rahimi her number as well as a crisis number. It appears that neither Ms MacKinnon nor Ms Suresh offered to assist Ms Rahimi to report the violence to police on this occasion, despite her distress and her asking why the police did not attend her home.
26. At her appointment with Ms Suresh on 2 November (using a telephone interpreter), Ms Rahimi disclosed a history of mental, physical and emotional abuse. She stated that her children had stopped her from calling the police the previous day. Ms Suresh explained her options to her and an appointment was made for 8 November. The appointment was rescheduled to 13 November 2007, but Ms Rahimi cancelled it on 12 November. Ms MacKinnon later told Ms Suresh that Ms Rahimi had said she did not want Ms Suresh to become involved. It appears that, in return for Mr Azizi improving his behaviour, Ms Rahimi had agreed to cancel her appointment with Ms Suresh.
27. Ms MacKinnon attended the home on 7 November 2007 with an interpreter, and Ms Rahimi informed them that that she told Mr Azizi that she wanted to leave him, and that he was very distressed. Ms MacKinnon and the interpreter attended again on 14 November 2007, and stated that Ms Rahimi appeared happy. She informed them of her meeting with Ms Suresh, that she had told Mr Azizi about it, and that he was scared she was going to leave him. This was the last known contact that Ms Rahimi had with any service.

28. While ruled inadmissible at the criminal trial, there was evidence of an extensive history of family violence in Ms Rahimi and Mr Azizi's relationship. Ms Rahimi had discussed with caseworkers and family members her dissatisfaction in her marriage and her desire to end the relationship, and Mr Azizi was known to have been unhappy about this decision. The CPU concluded that the possible divorce appears to have been one of the most likely sources of conflict, and therefore risk factors for Ms Rahimi's death, that existed proximate to the fatal event. It was only when Ms Rahimi made contacts with services that she was able to express her concerns and fears, work with service providers and become informed about her options and the supports available to her.

Findings pursuant to section 67 of the *Coroners Act 2008*

29. I find that:

- a. the identity of the deceased was Marzieh Rahimi; and
- b. Ms Rahimi died from compression of the neck, on 20 November 2007, at 41 Michelle Drive, Hampton Park Victoria 3976, in the circumstances described above.

COMMENTS

Pursuant to section 67(3) of the *Coroners Act 2008*, I make the following comment(s) connected with the death:

30. With respect to Ms Rahimi's inability to make contact with police when she telephoned 000 on 1 November 2007, I reiterate the concerns raised by Her Honour Justice King and note that, currently, the 000 emergency call service does not have the facilities to translate different languages at the point of answer. If a caller to 000 is unable to speak English, their call is transferred to the capital city police in the state they are calling from, and an interpreter will then be arranged.⁴ In Ms Rahimi's case, it appears that she ended the call before this could occur.
31. It is also apparent that when Ms Rahimi reported the incident and nonattendance of police to Ms MacKinnon and Ms Suresh on 1 November 2007, no further action was taken in relation to the violence and threats that morning. Ms MacKinnon referred Ms Rahimi to Ms Suresh, and Ms Suresh advised her to telephone 000 if there was any further violence. Had Ms Rahimi made contact with police and reported the violence, she might have been able to take steps to maintain a safe environment for herself and her children.

⁴ Source: Australian Communications and Media Authority, Emergency call service FAQ: <http://165.191.2.87/Citizen/Stay-protected/My-privacy-world/Reduce-unwanted-calls/emergency-call-service-faq-i-acma>. Accessed 8 January 2015.

I direct that a copy of this finding be published on the Court website.

I direct that a copy of this finding be provided to the following parties for their information:

Mr M Kabir Azadzoi, Senior Next of Kin

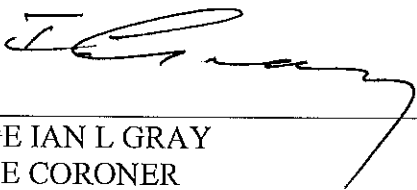
Mr Ken Shymanski, Chief Executive Officer, Emergency Services Telecommunications Authority

The Hon. Jane Garrett MP, Minister for Emergency Services

The Hon. Wade Noonan MP, Minister for Police

D/Sgt James Sullivan, Victoria Police, Coroner's Investigator.

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date:

13/2/15

