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Treatment of intellectually disabled Aboriginal man at correctional centre 'cruel and degrading'

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MARK COLVIN: More details are emerging tonight about the treatment of an intellectually disabled Aboriginal man who was repeatedly strapped to a restraint chair in an Alice Springs jail.

Twenty-five-year-old Malcolm Morton has been held without conviction in Alice Springs Correctional Centre for seven years. The ABC can reveal that he as times spent as many as 10 out of every 12 hours alone in his cell.

He has been shackled by the hands and feet when escorted by guards to medical and legal appointments.

Now a complaint has been lodged with the United Nations Human Rights Council which alleges Mr Morton's treatment in prison is cruel and degrading.

Natasha Robinson reports.

NATASHA ROBINSON: It's been a long seven years in an Alice Springs jail for intellectually disabled man Malcolm Morton. For much of that time, he's been isolated and alone.

PATRICK MCGEE: He's often detained, he often spends large amounts of time in his cell, you know, 10 out of every 12 hours could be spent in his cell.

NATASHA ROBINSON: Patrick McGee is Mr Morton's legal guardian. Over the past three years, Mr McGee has repeatedly raised the alarm that Mr Morton has been strapped to a restraint chair in prison on about 17 occasions.

PATRICK MCGEE: It's a barbaric use of restraint that is unnecessary. I have been saying to the department of corrections that if they need to use such types of interventions then he should not be in the Alice Springs Correctional Centre.

NATASHA ROBINSON: On ABC Television this morning, leading psychiatrist Professor Ian Hickie responded to reports of the restraint of Mr Morton.

IAN HICKIE: It's just plain dumb. You know, we don't want people to harm themselves. We don't want people to harm others. So we need to go to the evidence based approaches. So not only is it a fundamental human rights breach, it's just plain dumb.

NATASHA ROBINSON: Malcolm Morton is in prison because in 2007, he fatally stabbed his uncle in the central Australian community of Santa Teresa.

Mr Morton was born with severe cognitive impairments and in 2009, he was found unfit to plead to a charge of murder. At the time the NT had no secure health facility

that could house someone like Mr Morton, and a judge ruled he should be held in a maximum security prison.

Patrick Keyzer is a law professor at La Trobe University, and he says Mr Morton is one of many Aboriginal people who are held in indefinite detention

PATRICK KEYZER: They're being incarcerated in prisons along with people who are found guilty of crimes even though they've been found not guilty by reason of their cognitive impairments and there's questionable use of restraints and drug therapy in those contexts.

NATASHA ROBINSON: Professor Keyzer has drafted a complaint to the UN Human Rights Council and has alleged the treatment of Mr Morton has breached international human rights conventions.

PATRICK KEYZER: Absolutely, I mean Malcolm's communication to the United Nations will be raising allegations about the use of restraints of the variety that were shown in the Four Corners program relating to the Don Dale detention centre.

I think Malcolm's treatment can certainly be described as inhuman and degrading. But certainly there will be evidence put and allegations made in this communication that characterise Malcolm's treatment in those terms.

NATASHA ROBINSON: The UN complaint alleges Mr Morton has also been sedated in prison against his will as a method of compliance. In 2012, it's estimated that Malcolm Morton spent 40 out of 52 weeks of the year chemically sedated.

PATRICK KEYZER: We're talking about a vulnerable population here. With Don Dale it's youth, and with the issue that we're raising in our communication, it's people with severe cognitive impairment. They're both vulnerable populations.

NATASHA ROBINSON: At home, the Greens will now push to resume a parliamentary inquiry on the issue.

Rachel Siewert is the Greens Indigenous Affairs spokesperson.

RACHEL SIEWERT: Horrified to see yet again the way that people are being treated in custody, but in particular Aboriginal people and Aboriginal people with a disability. The importance of the inquiry is the fact that people with a cognitive impairment or psychiatric impairment are ending up in jail indefinitely without being found guilty of a crime.

MARK COLVIN: Greens Senator Rachel Siewert ending that report by Natasha Robinson.