

Beaten up, thrown in jail and labelled a nut case, Mick Skrijel insists he's the victim of police corruption. He has devoted his life to trying to prove his case. But can one man take on the State – and the National Crime Authority – and win?

The man who won't

THERE ARE PEOPLE WHO WILL TELL YOU that Mick Skrijel is crazy, a disturbed man who has constructed an elaborate conspiracy theory to explain the terrible misfortunes of his life. They say the stories he tells – of corrupt cops who plotted to have him thrown in jail, of a campaign of terror waged against his family by the authorities, of cover-ups involving police, politicians, drug dealers and the National Crime Authority – are simply fanciful. They will gently suggest that you obtain a copy of the 1987 psychiatric reports that describe Skrijel as paranoid, delusional, psychotic.

There are moments when you wonder about all that, as Skrijel launches into one of his wilder and more improbable tales about judges and former prime ministers and other allegedly corrupt notables. With his heavy Yugoslavian accent and uncertain English, despite 38 years in Australia, you see him as others have seen him – an irrational agitator, clogging up the wheels of government with endless streams of letters, petitions, faxes, affidavits, writs and diatribes.

And yet, so many of the unlikely things Skrijel tells you prove to be absolutely true. He really was targeted by the National Crime Authority (NCA) in 1985 after becoming an outspoken anti-drug crusader; his fishing boat really was destroyed, his house burnt, his wife's car immolated and his family assaulted during a 10-year ordeal; he really did go to jail on drug-cultivation charges which he claimed were fabricated by the NCA; and he really did campaign for years, through hunger strikes and angry confrontations and relentless lobbying, until a government inquiry virtually concluded that he had been framed.

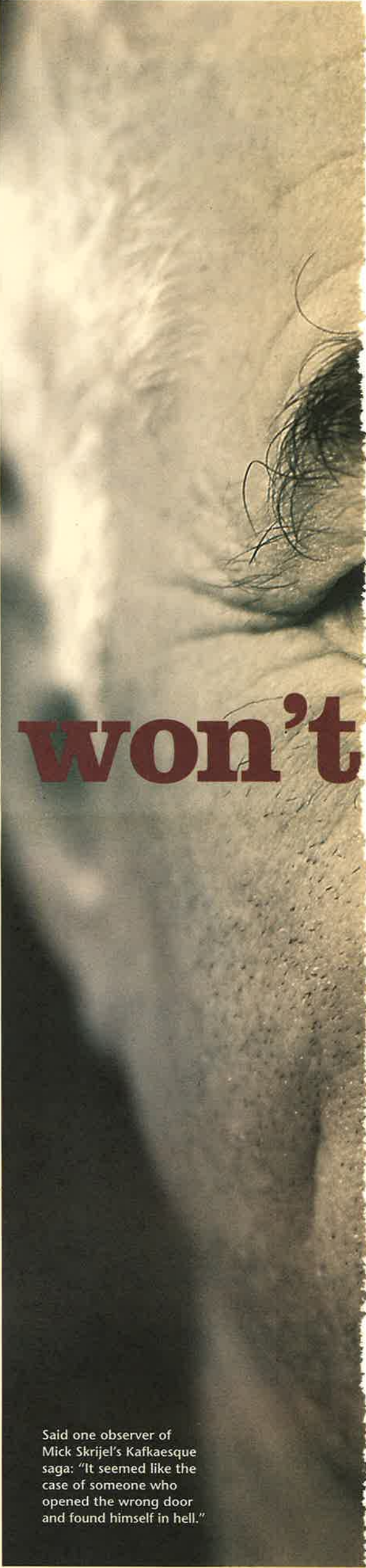
That was four years ago, and now Skrijel is

suing the police who investigated him, as well as the Commonwealth and Victorian governments, alleging conspiracy and malicious prosecution. He doesn't have a lawyer and even he admits his chances of success are slim. But he's planning to tip a bucket on the NCA, our already beleaguered crime-fighting watchdog, and produce reams of secretly recorded conversations and other evidence to back up his corruption claims.

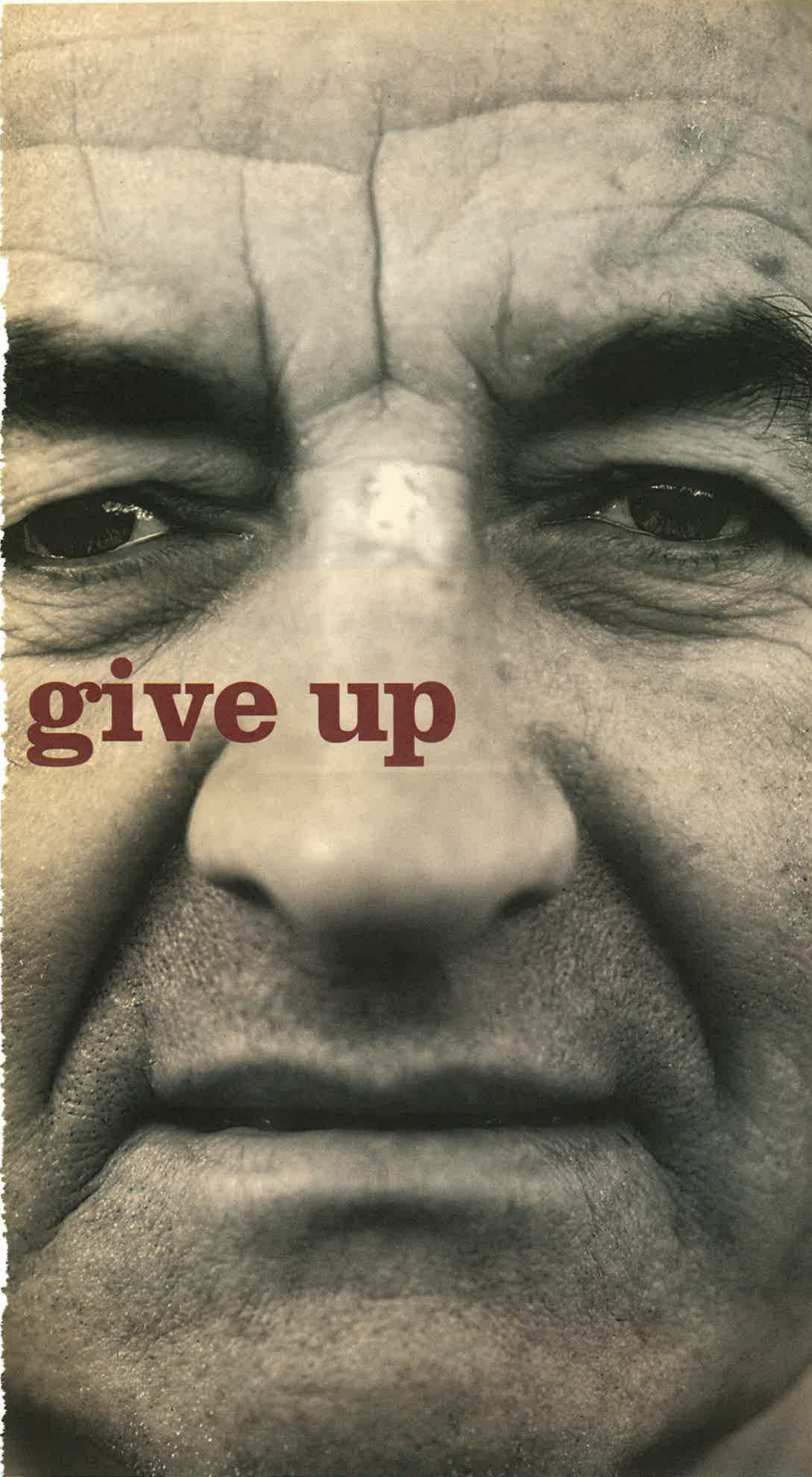
Last month, Skrijel was back in the Victorian Supreme Court pursuing his case, clutching a travel bag containing some of the 10,000-odd pages of documents he has amassed over the years. Dressed in a navy blue sports jacket, dark pants and deck shoes, he stood in an airless hearing room reading from a prepared 11-page statement in a halting voice. Down the bar table, lawyers representing the police and the government stared into space, shared the occasional smile and stood up periodically to politely object to some legal breach he had committed.

"I'm sure you can see I am representing meself – I am not a lawyer and I cannot even speak English properly," he pleaded to the presiding Master of the court. "... I am placing meself in your hands. I believe it is in the interests of the public to have this case heard before a jury."

It might seem an utterly futile David and Goliath contest, but consider this: for a man who left school at 13 and was educated mainly in the skills of painting and carpentry, Mick Skrijel has had a pretty enviable success rate in the legal arena. He conducted his own appeal before the Victorian Supreme Court in 1988 and got all his convictions quashed; he secured an undisclosed settlement from the Commonwealth Government last year after suing the former justice minister,



Said one observer of Mick Skrijel's Kafkaesque saga: "It seemed like the case of someone who opened the wrong door and found himself in hell."



give up

Duncan Kerr, and two public servants for defamation; he has thwarted several attempts to have his civil case thrown out of court; and last year he uncovered powerful evidence that police are continuing to conspire against him.

"The man is a bloody genius," says Ivan Brewer, Skrijel's former barrister. That's high praise indeed when you consider Mick Skrijel sacked Brewer, then sued him and – according to the barrister – once threatened to kill him. Not that everyone is quite so complimentary. "If the government had given [Skrijel] a million dollars' compensation back in 1985 to shut him up, it would have been a bargain," says one public servant who has dealt with him over the years.

Whether or not Skrijel succeeds in his lawsuit, his story stands as a reminder of the dark underbelly of the "war on drugs" – its corruptions and its enormous hidden costs. It's a parable that raises the question of how an ordinary citizen can seek justice when the justice system itself has wronged him, and how a powerful body such as the National Crime Authority can be made to account for its actions.

MICK SKRIJEL WORKS AS A LONG-DISTANCE courier and lives in a modest home in Melbourne's western suburbs. He works much harder than a 58-year-old man with severe back problems should, but his fierce pride won't let him slow down. Skrijel has a powerful presence, a full head of steely hair and thick coils of muscle in his arms and neck, but the strength he exudes is mainly in his weatherbeaten face, with its resolute jut of jaw and gimlet-eyed gaze. There is much in that face that explains the past 20 years.

Skrijel's life looks ordinary at first glance. He has been married to his wife, Loryn, for 33 years, and has lived in the same small, neat home for a decade. The couple's 20-year-old son, Jusuf, is still at home and their two daughters live nearby and drop in frequently. It's only after you've been in this house a while that you notice the odd touches: large cartons of documents piled up in the bedroom, a photocopying machine near the laundry, a decorative porcelain mug in the lounge room signed by "Shotgun", "Dog" and several other inmates of Pentridge Prison.

Skrijel served six months in Pentridge in 1987, much of it among the hardened criminals of D Division. He was convicted in March that year after pleading not guilty to cultivating and trafficking marijuana and possessing explosives, following a National Crime Authority raid on a house he owned in western Victoria. He pleaded guilty to a further charge of possessing an unlicensed sawn-off rifle and was released on parole in September 1987. That's the official record of his case; the rest is a Kafkaesque saga that, so far, has generated 46 kilograms of government documents.

It's a story that began 20 kilometres out to sea near the South Australian-Victorian border in March 1978, when Skrijel was winching craypots onto his 35-foot fishing boat, the Belgrade. According to his recollection, he looked up to see a large Japanese ship drop a container into the water which was then picked up by another fishing boat from Southend, the tiny South Australian fishing town 80 kilometres from the border where Skrijel lived with his family. Skrijel says his deckhand told him the container held 10 kilograms of heroin; he later reported to police

that the fishermen involved had threatened him with violence unless he joined their criminal enterprise. No-one was ever charged, but two months later when Skrijel was in Melbourne taking his family to the Royal Show, he got an unexpected telephone call: his boat had been destroyed by fire and sunk at its moorings 20 metres from the Southend jetty.

Skrijel became convinced that police were protecting a major heroin importation operation in Southend. Over the next four years, he pursued this allegation at increasingly high levels, while suffering a series of unnatural disasters: his craypots were sabotaged, he was hospitalised after being severely beaten at a football match, police cut off the electricity supply to his home, his children were assaulted, his house was set on fire and his wife was charged with assaulting a police officer. On one occasion, his 12-year-old daughter, Fatima, was alone at home when a carload of youths tried to break into the house, threatening to rape her.

To understand Skrijel's reaction, it helps to know his history. "I can't remember whether it was Mick himself or someone else who told me about his horrific experiences before he got out of Yugoslavia," says Brian Newns, a Victorian solicitor who has known Skrijel for more than 30 years.

"But those experiences showed his determination and strength of character, which has been manifested since by his persistence against all odds."

Even today, Skrijel's voice drops when he talks about his early years. As an infant, he was orphaned when the Nazis killed his Turkish Muslim parents, and he was raised in institutions in Russia and Yugoslavia before becoming an indentured teenage labourer in Tito's communist factories in Belgrade. He narrowly escaped death when he deserted the Yugoslav Army, then served in the French Foreign Legion in Algiers before finding his way to an Australian migrant camp in 1961. Homeless and barely literate when he arrived, he lived for a short spell in the town gardens in Hamilton, in western Victoria, then eventually launched a successful painting business, married Loryn and moved his family to Southend, South Australia, in 1974.

WHATEVER MICK SKRIJEL HAD IN LIFE HE had achieved through sheer force of will. His burnt two-storey house had taken him seven years to build; he had virtually built the boat that had been destroyed; his sabotaged craypots were his own design. When he fought back, it was with equal tenacity. He built himself a new boat by working 20 hours a day for six months, moved his family to a shack in the country and began an unrelenting campaign for justice. He lodged official complaints with police internal affairs, hired a private investigator to clandestinely tape-record interviews with South Australian police and wrote a 12-page manifesto, "To Live as a Slave or to Die as a Man", which he sent to every Federal parliamentarian in Australia.

In January 1984, six years after his boat was destroyed, he turned up in the Melbourne lobby of *The Age* dressed in a singlet and work trousers, carrying a pile of documents outlining his claims of a police cover-up. Michael Gill, then a reporter on the paper and now publisher and editor-in-chief of *The Australian Financial Review*, interviewed him and recalls: "It seemed like the case of someone who had accidentally opened the wrong door and found himself in hell." Gill wanted to pursue the story, but was aware that colleagues with strong police contacts were arguing Skrijel was "flaky".

(Several years later, the former head of the South Australian drug squad, Barry Moyse, would be sentenced to 27 years' jail for his involvement in heroin and marijuana dealing, lending considerable weight to Skrijel's corruption claims.)

By 1985, Skrijel had been forced to sell his boat and had barely enough money to feed his family; his problems, however, had scarcely begun. That year, the newly established National Crime Authority was called in to look at his allegations of a heroin ring and police cover-up, but the NCA's investigators reported that they could not substantiate the claims. That's when Skrijel did something very risky: he stood outside the NCA headquarters in Queen Street, Melbourne, handing out a pamphlet headlined "National Crimes Cover-Up Authority" which accused the crime-fighting body of being in league



Even the judge who presided over Skrijel's trial would later wonder aloud why a high-profile anti-drugs crusader would keep four kilograms of marijuana in an unsecured shed.



with criminals and named three of its investigators.

A month later, two of those investigators and a contingent of other police turned up at Skrijel's fibro cement bushland house in Digby, western Victoria, and arrested him. The NCA team that had been assigned to investigate his heroin allegations, and which he had accused of being corrupt, told Skrijel they had found an unlicensed gun and several kilograms of marijuana in his shed. They had also located a marijuana plantation which they linked to him, 16 kilometres away in a State forest.

Even the judge who presided over Skrijel's trial would later wonder aloud why a high-profile anti-drugs crusader would keep four kilograms of pot in an unsecured shed. But that was hardly the only unusual aspect to the case. The original tip-off about the marijuana plantation, for instance, had come from a police officer and a fisherman whom Skrijel had accused of being part of the Southend cover-up. No-one had actually seen Skrijel at the marijuana plantation and none of the fingerprints there was his. The marijuana found in his shed was different from the plantation crop and was carelessly concealed in a plastic drum, even though the adjoining garage had an underground safe. The unlicensed sawn-off rifle was left in an equally obvious position on a workbench, and police said they unexpectedly found 26 gelignite sticks inside the plastic drum when they emptied it at a forensic laboratory in Melbourne more than two weeks after the raid.

"The case worried me from the very first day," recalls Ivan Brewer, Skrijel's barrister at the time. What also worried Brewer was that his client, by the time the matter came to trial, had developed an elaborate conspiracy theory about the people



responsible for framing him. While on bail, Skrijel had started a hunger strike outside Parliament House in Canberra, living in his car and proclaiming himself the victim of a political frame-up for his anti-drugs stance. He wanted his lawyers to subpoena 45 witnesses, including several Hawke government ministers and some of the most senior police in Victoria.

Skrijel saw his trial as the culmination of his long campaign, the arena in which he would finally expose the corruption he had witnessed and name the guilty. But, as the case unfolded in Ballarat County Court in March 1987, it all went horribly wrong. Skrijel's legal team refused to subpoena the witnesses and tried to play down his claims of a police frame-up. Undeterred, Skrijel took to the witness box and was goaded by the prosecutor into giving full rein to his conspiracy views, naming a Hawke government minister as one of those involved in the cover-up of the Southend drug ring. When Skrijel described seeing the heroin drop-off at sea, the prosecutor replied: "Yes, yes, Mr Skrijel ... that's a total and absolute fantasy, isn't it?" His claims that police had planted evidence in his shed were met with equally withering remarks ("I see, that's part of the conspiracy, is it?").

On the morning of April Fool's Day, the jury found him guilty. A psychiatrist and psychologist enlisted by Skrijel's lawyer examined him and found no evidence of mental illness, but Victoria's

A case to answer? (top) the unlicensed sawn-off rifle, circled, allegedly found on Skrijel's workbench; (above) the gelignite "unexpectedly found" in a plastic drum; (above left) disgraced head of the South Australian drug squad, Barry Moyse.

head of forensic psychiatry, Dr John Grigor, pronounced him paranoid and delusional. "He has a 'mission' in life – the seeking of justice – and nothing will deter him from this end," reported Grigor. "Every country has its small number of highly visible paranoiacs."

On July 10, 1987, Judge Nixon sentenced Skrijel to two years' jail, describing Grigor's report as "very helpful" in explaining the defendant's behaviour. From the body of the court, Skrijel told the judge: "I will pay penalty, whatever it is. I am not scared of jail or anything else. I know I am innocent and I will pay whatever time you set. I will pay with pleasure ... I will remain as I am and I will fight as soon as I get out again, same way as I fought for nine years."

DURING HIS SIX MONTHS IN PRISON – HIS FULL term, with parole – Mick Skrijel met a lot of hardened criminals and heard a lot of stories about police corruption and drugs. He walked out of jail in September 1987 penniless and disgraced, but determined to pursue his crusade. Defying his barrister's advice that an appeal was probably futile, Skrijel appeared unrepresented before the full bench of the Victorian Supreme Court for two days in April 1988. A month later, the court quashed all his convictions – even the gun-possession charge to which he had pleaded guilty – ruling that Judge Nixon had given faulty instructions to the jury.

That same month, Melbourne's *Sunday Press* newspaper ran a large feature article on his case; five days later, Loryn Skrijel's car was destroyed by fire in a car park at Tullamarine Airport. Police blamed an electrical fault. Skrijel approached both *60 Minutes* and *Four Corners* for coverage, but his case was incredibly complex and John Grigor's diagnosis hung over him like a cloud. An internal review conducted by the NCA in 1989 concluded that "many of his problems are of his own making, influenced by his diagnosed mental condition". (Grigor was struck off the Australian medical register in 1991 for infamous conduct with a female patient.)

Isolated and unemployed for long stretches, Skrijel had moved his family to Melbourne and immersed himself in his campaign for justice. He no longer had a lawyer, having sacked Ivan Brewer during his sentencing hearing (he later sued him), alleging the barrister deliberately sabotaged his case. Brewer says it was during this period that Skrijel threatened him with violence – once on the telephone, and in two personal confrontations in public.

"I was pretty angry about that," says Brewer. "I'd put more time and hours into that case than I've put into anything else. But I still admire Mick." Skrijel vehemently denies threatening Brewer, saying the story is an attempt to discredit him.

Skrijel had, however, found one invaluable ally. The year before his trial, when he was standing outside Parliament House with his placards, a public servant called David Berthelsen drove past, pulled over and got out to chat to him. Berthelsen has followed the case ever since that day and helped write Skrijel's successful appeal application. Inexorably, he became so absorbed in the case that he began drafting all of Skrijel's documents, a role he still carries out today. "I'm the kind of person who likes to finish what he starts," he explains phlegmatically.

In 1990, Skrijel and Berthelsen prepared lengthy submissions demanding that the joint parliamentary committee on the National Crime Authority investigate the case, but the committee had no teeth and it refused to recommend a Royal Commission. "Their job is to 'review and report' to parliament," says Skrijel caustically. "Why didn't they do it?"

At that time, there was still one major unresolved question hanging over the case: if Skrijel really was innocent, why had he pleaded guilty to possessing the unlicensed sawn-off rifle found in his shed? The guilty plea had actually been lodged at the end of the trial by

Ivan Brewer, who says Skrijel agreed to the plea just to get the case over with. Skrijel adamantly denies ever giving permission, pointing out that he later successfully appealed the charge. That dispute, and the whole saga, might have ended in limbo were it not for a remarkable event in the middle of November 1992.

"I installed a security system in my place at Digby – a voice-activated tape-recorder and an electric clock-radio that was hidden, but plugged into the house's power supply," recalls Skrijel. "So I know if someone has cut the power to my house and broken in, which is what they had done before. That day I went in and I knew straight away someone had been in the house. I heard thumping on the tape, like someone jumping on the kitchen floor or chair, and voices saying 'Not there – he'll find it there.' I climbed up and took out the ceiling fan grille, put my hand up in the roof cavity, and that's where I found the Cooley."

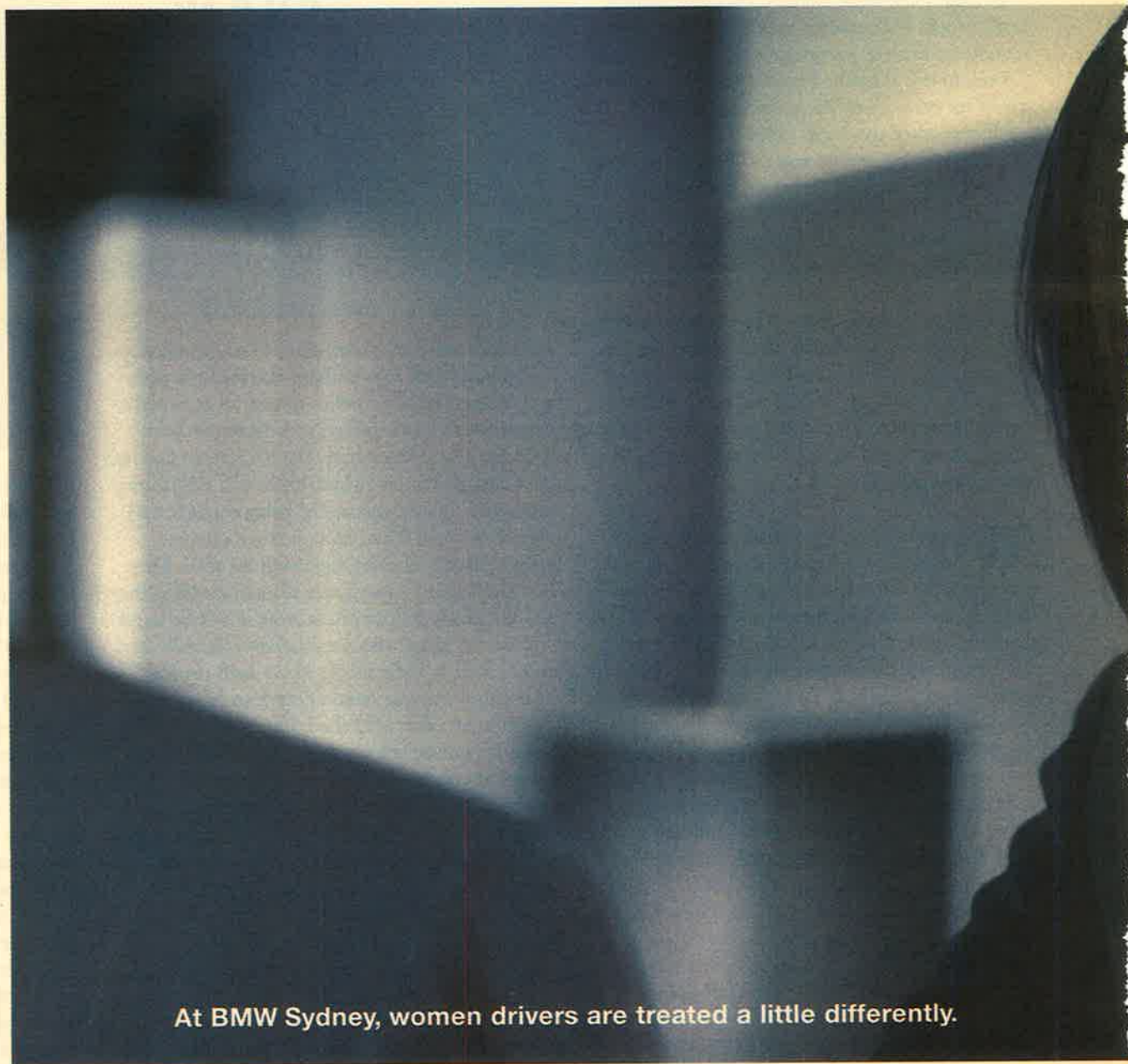
The Cooley was the very same unlicensed sawn-off rifle that had been found on the Digby property seven years earlier. It had been in police custody since Skrijel's arrest – in fact, police had been ordered to destroy it – and only they could have caused it to suddenly reappear. Was this some blundering attempt by police to plant the

gun on him again? (Skrijel says his house was, in fact, raided shortly after he found the gun in his kitchen roof.) However it might be explained, the Cooley's reappearance gave enormous weight to Skrijel's claim that police had planted it in his shed back in 1985. A year later, the Keating government appointed an Adelaide barrister, David Quick, QC, to investigate the case.

Quick's report, released in 1995, was devastating for the NCA. It concluded that Skrijel was probably innocent of the drugs and explosives offences and that there was "more than sufficient reason" to suspect that fabricated evidence had been presented at his trial. Although unable to identify those responsible, Quick said police attached to the NCA team would have had an opportunity to fabricate the evidence. He also strongly criticised the NCA's lack of co-operation with his inquiry. Shortly before the report was released, Skrijel's home was ransacked and, he says, a silver bullet was left beside his fax machine.

The Quick report recommended a Royal Commission, but the Keating Government balked. Instead, the matter was referred to the deputy ombudsman in Victoria, who had little coercive power to investigate the NCA. Skrijel was soon describing the inquiry as a farce, and

BMW Sydney, Rushcutters Bay.



At BMW Sydney, women drivers are treated a little differently.

If you've ever bought a car, you've no doubt encountered your fair share of car "salesmen". The word itself is probably enough to conjure up your worst smooth-talkin-white-shoed nightmare. But at BMW Sydney it's rather different. The reason being that many of our salesmen are in fact saleswomen. Quite simply, our philosophy has always been that all our consultants, male

the deputy ombudsman's 1997 report was not helpful to his cause. It was inconclusive about many of the allegations of a frame-up, but said of Skrijel: "In my opinion, viewed collectively, Mr Skrijel's interpretation of events could well be described as 'florid' and 'bizarre' and the possibility that they [sic] are the product of delusion and hallucination cannot readily be dismissed."

TWELVE YEARS AGO, WHEN HE DECLARED FROM THE witness box of the Victorian County Court that he was the victim of a police frame-up, the authorities depicted Mick Skrijel as paranoid. Now, after more than a decade of fruitlessly fighting for compensation and some official acknowledgment of his innocence, much of his conversation involves dark ruminations about judges, politicians, police and lawyers he believes are corruptly involved in protecting organised crime and helping frame him. One can't help but feel, listening to these stories, a terrible sense of a self-fulfilling prophecy being acted out.

It's impossible not to admire Skrijel's absolute and unrelenting tenacity in pursuit of his own vindication, his refusal to bow down. "Tell me, honestly," he says one afternoon, "have you ever heard of anyone going

through the hell that me and my family have gone through?" Yet his fixation with justice has also made him at times intemperate and hostile, prone to wild accusations. He has fallen out with many of the lawyers who have tried to work with him and has accused the NCA, under parliamentary privilege, of bribing the judge at his trial. In 1997, he appeared before the

of his case together make it look to me like a guy who has gone up against the authorities, then had a series of compounding things happen to him that got progressively worse, until he's in a position where almost the entire apparatus of the State is against him. All I wanted was for the government to grant him an ex-gratia payment and right the wrong. But, no, they said if you do that,

**Mick Skrijel looks tired, older than his years.
"I was born under fascism, I lived under communism,
but democracy is finally killing me."**

joint parliamentary committee on the National Crime Authority in Melbourne and lashed out angrily, accusing the MPs on the committee of accepting drug money and protecting organised crime. Later he apologised.

"In the end, it's like some Shakespearean comedy," says Paul Filing, the former West Australian MP who sat on that committee for eight years. "... All the elements

you're accepting liability. Which I also understand."

Peter Cleeland, former chairman of the NCA joint parliamentary committee; says Skrijel has alienated people who have tried to help him by lashing out when he feels let down. But Cleeland agrees that Skrijel's case highlights the pressing need for an ombudsman with real teeth to tackle the NCA, scrutinise its files and make it accountable for its errors.

Since the collapse of the NCA's case against Melbourne businessman John Elliott in 1996, there have been increasing calls for such a body to be established, most recently from the Law Reform Commission. In 1997, Radio National's *Background Briefing* program aired allegations from an unnamed "NCA insider" who alleged corrupt practices within the organisation. The Wood Royal Commission also exposed allegations concerning NCA personnel. But as of today, the NCA remains impervious to much outside scrutiny.

So Mick Skrijel's long crusade marches on inexorably. Last year, he lodged a Freedom of Information request with the Victorian Police and unexpectedly turned up evidence that police had faked the forensic evidence at his trial by submitting fingerprints taken from his licensed gun as the fingerprints they found on the unlicensed sawn-off rifle. A fingerprint expert – a former police officer hired by the Victorian deputy ombudsman to help him investigate the case two years ago – has filed an affidavit supporting Skrijel's claim that police performed the same switch in 1997 in order to deceive the ombudsman. It's one more piece of the puzzle, but whether it will help him win his case is far from certain.

Most lawyers give Skrijel very little chance of winning his compensation case; some argue he should simply get on with his life. Skrijel says he simply wants one thing – to have a fishing boat and go back to the life he loved in Southend with his family. It's a dream, of course; the clock cannot be simply rewound and the toll of the past 20 years erased. Yet in the absence of any official offer, the courts appear to be his only option. So the legal system, which was used to crush him 12 years ago, now deals with the interminable aftermath of inquiries, reviews, hearings, pleadings and judgments.

"I don't think they can comprehend why we are still fighting," says Skrijel over dinner at the kitchen table one evening, after arriving home from a 600-kilometre round trip. He looks tired, older than his years. After dinner there will be legal papers to examine. In the background, a television news bulletin flickers images of war beamed in from Yugoslavia, the country Mick Skrijel fled 40 years ago in search of a better and more just life. I'm reminded of Skrijel's favourite expression about himself: "I was born under fascism, I lived under communism, but democracy is finally killing me." He says it with a black, caustic laugh.

"I was taught by the communists that the police are your best friend," says Skrijel. "You didn't question their authority. I still can't get through to my head that they are your worst enemies – the most dangerous enemies. They think we should have been dead long ago. Well, I need a bit of justice before I die." ■



and female, are here to meet all the needs of our customers. Male and female. From the way you buy a car to the way we service your car, it's what makes BMW Sydney a world of BMW. BMW Sydney. 65 Craigend St, Rushcutters Bay. 9334 4555. www.bmw悉尼.com.au