

Australian coroner: Police killed Aboriginal prisoner on Palm Island

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10 October 2006

In a highly revealing ruling, a coroner has found that police bashed and killed an innocent Aboriginal man on Queensland's Palm Island nearly two years ago. The report provides a damning case study of police violence and its systemic use against indigenous Australians.

Acting State Coroner Christine Clements ruled on September 27 that Senior Sergeant Chris Hurley "caused the fatal injuries" suffered by Mulrunji Doomadgee, 36, and left him to die in a police cell after wrongly arresting him on "public nuisance" charges on November 19, 2004.

Initial police efforts to cover-up the death caused a riot a week after Mulrunji (his tribal name) died. About 300 people marched to the courthouse and police station and set fire to them. The outrage was triggered by the partial release of a coronial report showing that Mulrunji had died of internal bleeding. His liver had been broken in two, his spleen ruptured and four ribs broken.

Clements's detailed 35-page report starts with the fact that Mulrunji, a fit, healthy and much-loved family man, had never been arrested before. Yet, he "ended up dead on the concrete floor of the watch house" less than an hour after being locked up.

Clements said Mulrunji's arrest was "completely unjustified". While he was clearly intoxicated, he had done nothing except ask an Aboriginal police liaison officer why the latter was helping arrest another man. Warned by the liaison officer that he would be locked up too, Mulrunji had walked away from the scene. But Hurley drove along the street to arrest him, because "he felt the need to exert his authority".

As he was being unloaded from the police van at the watch house, Mulrunji, who continued to protest his arrest, hit Hurley on the jaw with the back of his fist. "Shocked at the challenge to his authority on Palm Island," Hurley punched Mulrunji in the ribs.

The pair then wrestled as Hurley dragged Mulrunji toward the door of the police station. After both men fell through the entrance, Hurley "hit Mulrunji whilst he was on the floor a number of times". An Aboriginal witness saw Hurley "bending over" the prostrate Mulrunji, with Hurley's "elbow going up and down three times," with Hurley saying, "Have you had enough, Mr Doomadgee? Do you want more, Mr Doomadgee? Do you want more?"

Clements noted that Hurley was a huge man, far bigger than Mulrunji. Hurley told the inquest he was "six feet seven inches tall" (200.66 centimetres) and Clements found that "his build [was] proportionate to his height". Mulrunji was 181 centimetres

tall and weighed 74 kilos.

"Senior Sergeant Hurley lost his temper and hit Mulrunji after falling to the floor ... I find that [he] hit Mulrunji a number of times ... After this occurred, I find there was no further resistance, or indeed any speech or response from Mulrunji. I conclude that these actions of Senior Sergeant Hurley caused the fatal injuries."

Mulrunji was dragged away and deposited in a cell at 10.28 am, without any attempt to check on his state of health. "Mulrunji cried out for help from the cell after being fatally injured, and no help came. The images from the cell video tape of Mulrunji, writhing in pain as he lay dying on the cell floor, were shocking and terribly distressing."

Clements said his cries must have been heard from the police station dayroom, where the monitor was running. "But the response was completely inadequate and offered no proper review of Mulrunji's condition or call for medical attention. The inspections were cursory and dangerous even had Mulrunji been merely intoxicated." At 11.23 am, another officer nudged Mulrunji with his foot and then found no pulse. Clements commented: "The so called arousal technique of nudging Mulrunji with a foot is not appropriate. It cannot be sanctioned."

Even then, no attempt at resuscitation was made. Clements said this was "alarming". "We now know from the medical evidence that Mulrunji was beyond saving, but no one knew that when they first examined him." Instead, an ambulance was called and shortly after 11.30 am, a paramedic pronounced the man dead. Soon afterwards, when Mulrunji's family came to the police station to inquire when he would be released, they were misled and "sent away".

Clements condemned the involvement of officers who knew Hurley personally in the initial police investigations. It was "inappropriate" for Hurley to meet the investigating officers at the airport and drive them to the scene of Mulrunji's arrest; "completely unacceptable" for them to eat dinner at Hurley's house; and "reprehensible" that their investigations were "so obviously lacking in transparency, objectivity and independence".

Clements said the Coroners Act prevented her from finding anyone guilty of an offence. Instead, Queensland's Director of Public Prosecutions (DPP), Leanne Clare, will decide if sufficient evidence exists to lay charges.

Despite the coroner's finding, Queensland Labor Premier Peter Beattie defended Police Commissioner Bob Atkinson's decision not to suspend Hurley, but instead place the sergeant on desk

duties. Beattie lauded the state police as “one of the best police services in the world”. He insisted there was no “systemic problem within the Queensland Police Service”. Police officers showed “sensitivity” to indigenous people.

Demonstrating even more blatantly the culture that exists among Queensland police officers, police union president Gary Wilkinson declared that every police officer in the state stood behind Hurley. He urged the DPP to throw the coroner’s report into the bin as “garbage” and accused Clements of being “anti-police” and “pandering to the residents of Palm Island”.

Beattie swiftly dismissed two of the 40 recommendations made by Clements. The government would not ensure all police watch houses were monitored around the clock and had no plans to decriminalise “public drunkenness”. The first suggestion was “unworkable”, while the second was “not in the public interest” because “I don’t believe that drunks should destroy our quality of life.”

In other words, as far as the Labor government is concerned, nothing much will change, and police violence against Aboriginal people has its full support. Hurley has since been suspended, reportedly at his own request, but is still on full pay.

Beattie’s reaction was in line with everything his government has done in response to Mulrunji’s killing and the fury that it sparked on Palm Island. As soon as the riot erupted, Beattie backed the police in invoking emergency powers. At least 80 officers, including members of the paramilitary Special Emergency Response Team (SERT) sealed off the island, shut down roads and launched early morning Gestapo-style raids on homes. In effect, Palm Island became a testing ground for police-state measures.

As police bashed their way into homes to arrest alleged riot participants, some used stun guns and pointed shotguns at residents. Police in full battle armour wielding semi-automatic weapons confronted children. Within days, 28 people had been rounded up, including a 14-year-old boy and a 65-year-old grandmother, and charged with 64 serious offences such as riot, arson, unlawful assembly, willful damage and assault on police.

Almost half the charges were later thrown out of court, with judges criticising police methods and ruling they conducted illegal interviews. Some children were interviewed without any representation or any understanding of what was happening.

Neither Mulrunji’s killing, nor Labor’s response, is an isolated phenomenon. In fact, most of Clements’s 40 recommendations—such as making arrests of indigenous people a “last resort”—are based on those made by the Hawke federal government’s 1987-1991 Royal Commission into Aboriginal Deaths in Custody. Mulrunji’s death confirms that the killing is continuing 15 years later, regardless of the recommendations.

That inquiry, which reviewed 99 deaths of indigenous prisoners that occurred between 1980 and 1991, was a whitewash that served to sanction further killings. There was not one charge of homicide and, over the next decade, another 145 indigenous prisoners died.

In 2006, Aborigines are still up to 30 times more likely to be locked up than non-indigenous people. The reasons lie in deep-seated poverty and social deprivation. Palm Island, a former penal colony, has 2,500 residents crowded into 200 houses. After

decades of abuse, neglect and chronic under-funding, the unemployment rate is 92 per cent. More than half the men die before age 45, and in the past eight months, 16 young people have committed suicide.

From 1918, Palm Island served as the ultimate punishment in a statewide system of confining Aborigines to church missions and government reserves. Nearly 2,000 “troublemakers” were transported to the island from across Queensland. When the state government finally ended the system in 1985 and handed over control of the island to a local council, much of the basic infrastructure, including a timber mill and wharves, was torn down and shipped back to the mainland.

In the wake of Mulrunji’s death, the Beattie government commissioned a report into the future of Palm Island. Written by lawyer Scott McDougall, the 58-page *Future Directions* report, completed at the beginning of this year, said the social problems—joblessness, poverty, over-crowding, alcoholism and ill-health—were not created by the residents.

“Rather, they result from the unresolved trauma of dislocation, serial under-funding and poor decision-making of successive Queensland governments stretching back to 1918.” The report said the only thriving business, a supermarket, was run at a substantial profit by the state government, forcing some of the poorest people in Queensland to pay 40 percent more for groceries than on the mainland.

McDougall said the problems requiring immediate attention included the provision of adequate housing. While funding was not a solution in itself, he concluded, the allocation of additional funding was “essential in this instance”.

Like the federal Liberal-National government of Prime Minister John Howard and the other seven state and territory Labor governments, Beattie’s government has increasingly refused to fund social services in indigenous communities, instead pushing for the abolition of collective land title, the privatisation of basic facilities and other “private enterprise” schemes.

McDougall’s report advocated steps in this direction. It called for negotiations on private land tenure and for government programs to encourage private investment in “eco-tourism” and such enterprises as a bakery, post office, canteen, garage, motel and aged-care hostel.

Nonetheless, the Beattie government has shelved the report. Unable and unwilling to resolve the social problems, its reaction has been to close ranks with the police and prepare for further repression.



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