

Australia: Police officer faces charges for killing Aboriginal prisoner

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The Labor government in the Australian state of Queensland was forced last Friday to announce it would prepare charges against a senior police officer for killing an Aboriginal prisoner in November 2004. A week later, charges have still to be laid. If the case proceeds, it will be the first time that a police or prison officer has faced trial for any of the more than 250 indigenous deaths in custody across Australia since 1980.

Last December, the state's Director of Public Prosecutions (DPP) decided not to prosecute Senior Sergeant Chris Hurley for the death of Mulrunji Doomagee, 36, in a police cell on Palm Island, a notorious former penal camp for indigenous people.

Labor premier Peter Beattie originally defended the decision by DPP Leanne Clare and the accompanying announcement by his government's Crime and Misconduct Commission (CMC) that no police officer would even face disciplinary charges over the killing and subsequent police cover-up.

In making her finding, Clare rejected, without explanation, a detailed report by Acting State Coroner Christine Clements. Clements had carefully reviewed the medical evidence and eye-witness accounts, and then concluded that Hurley bashed Doomagee, causing four broken ribs and a torn liver, and "callously" left him to die, ignoring his cries for help.

Clements specifically accepted the evidence of an Aboriginal witness, Roy Bramwell, that Hurley repeatedly punched Doomagee while he lay prostrate on the floor. The coroner further ruled that Mulrunji's arrest for "public nuisance" was "completely unjustified". Moreover, the initial police investigation of the death—conducted by personal friends of Hurley—was "reprehensible".

In fact, Hurley picked up the police investigators at the airport and took them home for a meal. The Queensland police are so accustomed to attacking Aboriginal people with impunity that Hurley, the officer-in-charge on Palm Island, was confident of exoneration.

The DPP's refusal to place Hurley on trial caused outrage in indigenous communities and among wide layers of working people. Angry demonstrations were held in Queensland and elsewhere. But Beattie defended the DPP and called in police reinforcements to suppress protests on Palm Island and in nearby Townsville.

Two days later, on December 16, the Murdoch media launched a campaign to reverse the decision. An *Australian* editorial declared: "[T]he Premier cannot ignore the need to end the appearance created by this wretched affair that the justice system in Queensland favours the powerful and ignores the interests of ordinary people. Particularly when they are black."

For many years, Murdoch's outlets have been in the forefront of "law and order" campaigns to boost police powers and resources.

Since 2001, they have exploited the bogus "war on terror" to agitate for police-state measures that overturn long-standing legal and democratic rights. The *Australian's* concern in this case was that the cover-up of Doomagee's killing was so blatant that it served to compromise this agenda. A more sophisticated whitewash was required so that "justice appeared to be done".

Beattie soon began to back down. On December 22, his government appointed a retired judge, Pat Shanahan, to conduct a review. Only five days later, however, Shanahan was obliged to stand aside when it emerged that he had helped select Clare for the DPP post. Former New South Wales chief justice Laurence Street was then appointed to take over the review.

After just three weeks, Street delivered to the government his legal opinion that "there is a reasonable prospect of a conviction" for manslaughter. The government had no choice but to announce that charges would be laid. For all the pretence of following due process, Beattie publicly attributed the about-face to the campaign waged by the *Australian*. "I acknowledge that the issues raised by the *Australian* dictated that we had to get another opinion and Sir Laurence provided the answers to those issues," he stated.

The Doomagee affair has served to intensify growing popular opposition to Beattie's government. It faces deep discontent over appalling conditions in the public health system, poor government schools, critical water shortages and atrocious social conditions in many of the state's indigenous communities. Significantly, among those now calling for Beattie to resign are Doomagee's widow, Tracey Twaddle, and her sister, Elizabeth Clay.

Twaddle told reporters: "I want them to answer why there has been a cover-up, why this has taken so long. This has taken too long. The police let [Hurley's] buddies investigate the death." Clay called for all death-in-custody cases to be reviewed. She said: "I think Peter Beattie should resign. This whole judicial system needs to be reviewed. All the deaths should be re-investigated."

The Queensland Police Union has responded with outrage to Beattie's announcement—declaring it is "incensed" at Hurley's "unfair" treatment. It has called statewide stopwork meetings, launched a media advertising blitz against the government and called the first ever march on parliament by the state's 9,200 police officers.

Beattie and Police Minister Judy Spence, who has a close relationship with the police union, are seeking to appease the police. Spence defended the planned march on parliament, slandering Aboriginal people in the process. "Police really do want to send government and the general public a message," she said. "They want people to realise how difficult it is to police an Aboriginal community. It must be one of the toughest jobs in the world."

With the government's support, Senior Sergeant Hurley has been suspended from duty but kept on full pay. This is in sharp contrast to the scores of Palm Island residents who were imprisoned and refused bail, mostly on charges of property damage, for participating in the November 2004 riot sparked by the initial cover-up of Doomagee's death.

While depicting Aboriginal people as violent, sexually abusive and drunken, the Labor government is presiding over continuing impoverishment and oppression, sowing the seeds for worsening social problems. Its only answer is further repression. On Palm Island itself, police numbers were doubled last year and the police union is demanding similar reinforcements statewide. On January 19, the reported police bashing of a prisoner in the remote Aurukun township provoked another riot, involving 300 residents.

Queensland's attorney-general Kerry Shine said yesterday he was awaiting advice from the Crown Prosecutor on how to proceed with charging Hurley. There are signs that the prosecution will be conducted in a way likely to favour him. According to unnamed "sources" cited by the *Australian* on January 30, "the case will also prove embarrassing for Deputy Coroner Christine Clements, who made a finding—against strong medical evidence and the testimony of witnesses—that Doomagee was killed as a result of punches by Sergeant Hurley. This theory was completely discarded by Sir Laurence [Street] in the review he performed."

The *Australian* falsely accused Clements of ignoring the evidence, without referring to her detailed 35-page findings, and called for any trial to be based on the supposition that Doomagee died as the result of Hurley simply falling on top of him. Hurley denied this scenario in his coronial testimony, yet this line of argument could see him acquitted on the ground that the death was accidental. The Beattie government has appointed Peter Davis SC, a Brisbane lawyer who worked with Street on his review, to lead the prosecution.

There is another immediate cause for concern about the case. On January 15, just days before Street's recommendation was released, a key witness in the case, Patrick Bramwell, 24, was found hanged on Palm Island in an apparent act of suicide, amid allegations that he had been subjected to police pressure not to testify against Hurley. In a media interview last September, Bramwell, who shared Doomagee's cell on the night he died, had vowed to fight for justice. Bramwell said Doomagee had called out in vain to the police for help for about 30 minutes before dying.

While the prosecution may still go ahead, the case remains in the hands of the same legal system that has whitewashed two centuries of violence against Australia's Aboriginal population, including massacres, poisonings and other killings designed to dispossess them of the land and clear it for capitalist expansion. Atrocities have been covered-up by royal commissions and parliamentary committee investigations alike, giving the green light for further outrages.

The most sophisticated whitewash was performed by the 1987-1991 deaths-in-custody royal commission, launched by the Hawke Labor government, which reviewed the 99 officially-recorded deaths that had occurred in a period of less than a decade—1980 and 1989. The government convened the commission, headed by judges and senior lawyers, in the lead-up to the 1988 bicentenary of British colonisation. Its purpose was to head off the groundswell of opposition, among Aboriginal and non-Aboriginal working people alike, to the ongoing and worsening social deprivation and violence being inflicted on indigenous people.

Four years later, not one charge of homicide has been laid against

any prison or police officer. Instead, the royal commission issued 339 recommendations, primarily designed to strengthen and streamline police procedures, and, at the same time, draw a layer of Aboriginal police, liaison officers, bureaucrats and aspiring business entrepreneurs into the process.

At the time, this layer of Aboriginal leaders played a key role in legitimising the royal commission's cover-up among ordinary Aborigines. Now, once again, they are promoting illusions in the Labor Party and the legal system. When Street's report was released, Sam Watson, of the middle class protest coalition "Socialist Alliance" proclaimed it had "restored faith" in the legal system, while his organisation hailed it a "major victory". Last October, Watson claimed that the coroner's report had "absolutely restored" Aboriginal people's "faith and confidence" in the "justice system".

This is not the first time Watson and his colleagues have come to the assistance of a beleaguered Queensland Labor government. In 1993-1994, Watson and the Aboriginal Legal Service worked with the Goss Labor government to orchestrate a royal commission-style whitewash of the police murder of Daniel Yock, an 18-year-old Aboriginal youth, in Brisbane.

Yock's killing on November 7, 1993 was particularly blatant. Police chased, tackled and assaulted him on a suburban street in broad daylight, in front of a large number of eyewitnesses. While demonstrators marched on the police headquarters the next day, chanting "murderers" and "no CJC", Watson met with police and government representatives to formally request that the case be placed in the hands of the CJC (Criminal Justice Commission). Watson later told 5,000 angry marchers that the demonstration would pressure the CJC to place police evidence under "full scrutiny".

Many months later, the CJC, predecessor of the current CMC, spuriously attributed the death of Yock, a fit and healthy young man, to an extremely rare and previously undiagnosed heart malfunction known as a Stokes-Adams attack. Watson and co. then vehemently opposed the independent Workers Inquiry sponsored by the Socialist Labour League, the forerunner of the Socialist Equality Party, which proved the police culpability for Yock's death, and exposed the official cover-up.

In contrast to the long history of official cover-ups, the Workers Inquiry remains the only occasion on which an Aboriginal death in custody has been thoroughly investigated and the real truth exposed. For a full record of the investigations, hearings and findings of the Workers Inquiry, see *Workers Inquiry exposes police murder—The truth about the killing of Daniel Yock* (Labour Press Books, 1994), available online for \$14.95 from Mehring Books.



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