

Australian police officer acquitted of manslaughter of Palm Island Aborigine

Mike Head
18 July 2007

The Queensland Supreme Court last month acquitted a senior police officer of manslaughter and assault charges in the death of Mulrunji Doomadgee, an Aboriginal man, in a police cell on Palm Island nearly three years ago. Doomadgee died of internal bleeding after his liver was torn in half, his spleen ruptured and four ribs broken by a heavy blow.

Under close direction from the judge, who also withheld the evidence of two key Aboriginal witnesses, a jury in the northern city of Townsville took less than four hours to dismiss the case. The acquittal came in spite of an acting state coroner's finding that Senior Sergeant Chris Hurley had killed Doomadgee, 36, by punching him repeatedly at the police station and leaving him to die in a cell after he was wrongly arrested on "public nuisance" charges on November 19, 2004.

The outcome speaks volumes about the entrenched injustice confronting indigenous people in Australia, and the legal and political mechanisms used to exonerate the police. Hurley's prosecution was the first such case in Queensland, and the first homicide trial conducted against a police officer for killing an indigenous person anywhere in Australia since 1983, despite the deaths of more than 200 Aborigines and Torres Strait Islanders in police or prison custody during that time.

Acting State Coroner Christine Clements ruled last September that Hurley "caused the fatal injuries". After initially punching Mulrunji in the ribs outside the police station, dragging him toward the door and then falling with him through the entrance, the officer "hit Mulrunji whilst he was on the floor a number of times". An Aboriginal witness, Roy Bramwell, saw Hurley "bending over" the prostrate Mulrunji, with Hurley's "elbow going up and down three times," and the officer saying, "Have you had enough, Mr Doomadgee? Do you want more, Mr Doomadgee? Do you want more?"

In her detailed 35-page report, Clements said Mulrunji was dragged away and deposited in a cell without anyone attempting to check on his 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." Even after police officers found the Aboriginal man to be unconscious, no attempt at resuscitation was made. Instead, an ambulance was called and a paramedic pronounced

him dead. Soon after, when Mulrunji's family came to the police station to inquire when he would be released, they were misled and "sent away".

Clements also condemned the involvement of officers in the initial police investigations who knew Hurley personally. It was "inappropriate" for Hurley to meet 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's essential finding, that Hurley punched Mulrunji, was not, however, put to the jury. First, in December 2006, the state's Director of Public Prosecutions (DPP) Leanne Clare, who had just been re-appointed by Premier Peter Beattie's state Labor government, announced that no charges would be laid against Hurley. Without giving her reasons, Clare declared the death a "tragic accident".

Two weeks later, to head off the resulting outcry, the Beattie government called in former New South Wales chief justice Sir Laurence Street to review the DPP's decision. After three weeks, Street reported there was enough evidence to put Hurley on trial, but on an entirely different basis to Clements's report. The prosecution, conducted by Peter Davis QC, who worked with Street on his review, centred on the claim that Hurley must have kned Doomadgee during or after falling on top of him at the police station entrance.

This scenario, which Hurley had specifically denied at the coronial inquest, opened the door for the police officer to "concede" at the trial that his knee must have struck Doomadgee, but only accidentally. Justice Peter Dutney directed the jury that if they believed the fatal injuries occurred during the fall then, "they were accidental and Mr Hurley is not guilty".

Without the jury's knowledge, the judge dismissed Roy Bramwell and another crucial eyewitness, Aboriginal police liaison officer Lloyd Bangaroo, as unreliable witnesses and they were never called to testify. Yet another vital witness, Patrick Bramwell, who had shared Doomadgee's cell and had called out in vain to the police for help, was found hanged on Palm Island in January. The apparent suicide came after

allegations that police had pressured him not to testify against Hurley.

Gasps echoed around the court when the jury delivered its unanimous verdict. Stunned Aborigines quickly cleared the public gallery, and Doomadgee's two sisters left sobbing. At an impromptu meeting of indigenous leaders and family supporters, reactions to the verdict ranged from grief to rage. An Aboriginal elder on Palm Island, Owen Wyles, summed up the frustration. "It's just a shocking thing to hear that (the verdict)," he told ABC Radio. "You've got a life been taken and a life just walking out of the court house."

Various indigenous leaders, however, worked to quell the anger, appealing for calm and "closure" and urging people to "move on". Their remarks largely concurred with those of Premier Beattie, who reiterated it was time to move on. "Sergeant Hurley is now entitled to resume his life and his career," the premier insisted.

Former Labor Party national president Warren Mundine, an indigenous businessman, made comments that pointed to the underlying purpose of the Beattie government's Street review. Mundine said he had supported the review, because without it the Queensland legal system would have been "tainted forever". His concern had been that justice "be seen to be done". Like Beattie he expressed sympathy for Hurley. "I think it's going to be a very hard journey for everyone involved, including Senior Sergeant Chris Hurley," he said.

Several Aboriginal leaders condemned the jury, and attributed the decision to racism. Sam Watson, indigenous spokesperson for the middle class protest coalition, the Socialist Alliance, said he was appalled by the decision but urged people not to react violently. "The jury took less than four hours. There's no way in the world that any group of 12 ordinary people could weigh up all the information in that time. They probably made up their minds before they went in," he said. "It reminds of something you'd see from the Ku Klux Klan in the 1950s."

These statements are designed to deflect the blame from where it belongs—with the Labor government and all those who have cooperated with it throughout the Palm Island case, including Watson, who once again joined other indigenous leaders for talks with Beattie, aimed at defusing outrage among Aboriginal people.

The Beattie government worked from the outset to ensure that neither Hurley nor any other officer would be held criminally liable for Doomadgee's death. When the government's hand-picked DPP initially announced that no charges would be laid, Beattie urged acceptance of the "umpire's decision". After the blatancy of that whitewash triggered protests in Queensland and a hostile reaction around Australia, he held talks with Watson and others, who then hailed the decision to establish the Street review.

Watson, in particular, urged indigenous people not to "lose faith" in the legal system. When Street's report was released in January, Watson claimed it had "restored faith" in the system,

while the Socialist Alliance hailed it as a "major victory".

As a matter of fact, the Street review perpetuated the historical role of the legal and political system. Despite occasional judicial and parliamentary reviews, this system has sanctioned two centuries of violence against Australia's Aboriginal population, starting with massacres, poisonings and other killings designed to drive them off the land and clear it for capitalist expansion.

Over the past three decades, the Labor Party, along with a layer of Aboriginal leaders, has been pivotal in this process. Notably, the Hawke federal Labor government set up the 1987-1991 deaths-in-custody royal commission to review 99 deaths at the hands of police and prison authorities during the 1980s.

One of the cases that led to the royal commission involved the only previous prosecution of police officers. Five policemen were acquitted of all charges over the 1983 death of John Pat, 16, in the Western Australian town of Roebourne. Drunken off-duty police provoked a fight with Aborigines outside a hotel and then hit and kicked the Aboriginal teenager, before throwing him to the ground on his head.

That acquittal sparked a furious response around the country and became a significant factor in the development, among indigenous and non-indigenous people alike, in the lead-up to the 1988 bicentenary of British colonisation of Australia, of a wave of opposition to the ongoing social deprivation inflicted on Aboriginal people.

After four years, the royal commission again whitewashed the death of John Pat, along with every other case it reviewed. Not a single police or prison officer was charged with homicide. Instead, more than 300 recommendations were made, essentially calling for the inclusion of indigenous personnel and consultants in the machinery of law enforcement. The outcome amounted to a green light for further killings—only this time it was with the collaboration of Aboriginal leaders.

In keeping with their historical role, Watson and others are now holding out the hope that Doomadgee's family can compensate for the loss of their loved one by bringing a civil suit against Hurley, the Queensland Police and the state government. No details of the legal action have yet been released, but Beattie has already declared that his government will "vigorously defend" against any claim.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact