

# Australia: Aboriginal man sentenced to seven years' jail for protest over police killing

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An Aboriginal community leader, Lex Wotton, was sentenced to seven years' imprisonment last Friday for allegedly leading a "riot" in protest at the police killing of an indigenous man on Australia's Palm Island in 2004.

The savage sentence, handed down in the District Court in Townsville by Judge Michael Shanahan, is the latest chapter in the shocking saga of the death of Mulrunji Doomadgee, who four years ago died in agony on the floor of a police cell on the island, a former penal colony for Aboriginal people in northern Queensland.

Judge Shanahan rejected the application of the prosecution, acting on behalf of the Queensland state Labor government, for a 10-year sentence. Nevertheless, Wotton, 41, could remain behind bars for another six years, on top of a year already spent in custody. He will be eligible for parole in July 2010, but there is no guarantee he will be released then.

On November 26, 2004, about 400 outraged Aboriginal residents of Palm Island, 65 kilometres from Townsville, stormed the island's police station, barracks and courthouse a week after Doomadgee, a well-liked 36-year-old worker and father, was found dead in a police cell, just an hour after he had been locked up for the minor offence of "causing a public nuisance".

The protest was triggered by the Queensland State Coroner's partial release of an autopsy report indicating that Doomadgee had died of internal bleeding after his liver was torn in half, his spleen ruptured and four ribs broken by a heavy blow. Despite the terrible injuries, which were consistent with a police bashing, the report claimed that his death was accidental. The killing, however, was part of a familiar pattern. Since 1980, nearly 300 indigenous people have died in custody in

Australian prison cells or police lockups.

During the disturbance, police fled from the police station, courthouse and police residence, which were then set on fire. After about four hours of turmoil, in which no police were seriously injured, Wotton urged the crowd to go home, and they did.

In the meantime, the police invoked draconian emergency powers and flew in at least 80 officers, including heavily-armed members of the Special Emergency Response Team (SERT). Backed by the state government, they took control of the airport, school and hospital, closed roads and launched widespread raids on homes.

Vindictively, the Queensland authorities charged Wotton with one of the most serious offences on the state's statute books. Under s 65 of the Criminal Code "Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy any building" are liable to life imprisonment. Otherwise, the maximum penalty for participating in a riot (which is loosely defined as an "unlawful assembly" of people who act "in so tumultuous a manner as to disturb the peace") is three years.

Wotton was not the first local resident to be jailed over the November 26 events. Nearly 20 others were charged, although some of the charges were later dropped, and in 2007 a jury acquitted four Palm Islanders of charges of "riot". In several cases, the state government appealed against the initial sentences, and succeeded in imposing lengthier jail terms on protestors of up to two years.

By contrast, the police officer responsible for Doomadgee's death, Senior Sergeant Chris Hurley, was acquitted of manslaughter despite an acting state coroner's ruling that Hurley had killed Doomadgee by punching him repeatedly and leaving him to die in a

cell (see "Australian police officer acquitted of manslaughter of Palm Island Aborigine").

Hurley, who was suspended on full pay for two years, has since returned to the police service and been promoted. He also received a \$100,000 compensation payout for losses he allegedly suffered. To avoid a civil suit by Doomadgee's family, Hurley has taken legal action to overturn the acting coroner's decision.

Just days before Wotton was sentenced, Queensland Police Commissioner Bob Atkinson presided over a controversial bravery awards ceremony for 34 police officers involved in suppressing the November unrest. Apart from being a further provocation toward the Palm Islanders, the timing of the medals ceremony—reportedly the largest ever in Queensland—was a calculated show of support for the police on the eve of the judge's sentencing decision. The state government, which has backed the police to the hilt throughout the entire Doomadgee affair, defended the event. Rejecting criticism of the awards, Premier Anna Bligh declared that officers were deserving of them, in the face of a "significant and scary event" that occurred on the island.

Wotton's lawyer Stewart Levitt said his client would appeal his conviction. "The verdict must leave Aborigines in remote Queensland communities cowering. The bully boys can have their way with the blacks with impunity; not just with impunity but with state protection."

Intense discontent remains on Palm Island and among Aboriginal people and their supporters nationally. Before Wotton was sentenced, about 100 supporters gathered outside the court for prayer and a traditional Aboriginal smoking ceremony. Many were denied entry because the courtroom was full.

Many people are still grieving for Doomadgee and for his son, Eric, who hanged himself in 2006, and for Patrick Bramwell, another islander who comforted Doomadgee as he lay dying in his cell. Bramwell hanged himself last year, reportedly after coming under police pressure not to testify against Hurley.

However, a layer of Aboriginal leaders have sought to head off anger over Wotton's sentence, in line with their orientation toward collaborating with the state and federal Labor governments. Addressing the crowd outside the court, Gracelyn Smallwood said it was a "fantastic result," after fears Wotton would receive a

heavier sentence. She even claimed the outcome a victory for Aboriginal people. "He's out in 19 months and we're just very pleased," she declared. "We are very grateful and are hoping that black and white can come together and move on with the healing process."

In reality, the outcome is another indictment of the entrenched injustice confronting Australia's indigenous population, and the role of the state and federal Labor governments in perpetuating it. Despite occasional judicial and parliamentary reviews, the legal system has continually sanctioned two centuries of violence, starting with massacres, poisonings and other killings designed to drive Aboriginal people off the land.

Queensland was one of the last regions of Australia to be cleared of its indigenous people—to make way for mines, plantations, cattle ranches and towns—and Palm Island is a socially and economically blighted product of this history. For most of the twentieth century it functioned as a penal colony, to enforce the "good behaviour" of Aborigines who were confined by law on Queensland's missions and reserves. Today, the island's housing is overcrowded, average life expectancy is 50 years—30 years less than Australia's average—and unemployment levels are between 80 and 90 percent (see "Australia: Palm Island's dark history of Aboriginal repression").

Earlier this year, accompanied by much media fanfare, Prime Minister Kevin Rudd apologised to indigenous people for their past treatment, vowing that "the injustices of the past must never, never happen again". Wotton's sentencing, and the entire Palm Island affair, exposes the utter fraud of that gesture, as well as the duplicity of all those in the Aboriginal and "left" organisations who seek to suppress opposition within the working class—Aboriginal and non-Aboriginal alike—to the Labor governments.



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