

Police cleared of all charges in death of London G20 victim Ian Tomlinson

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On July 22, the Crown Prosecution Service (CPS) released a statement in which it cleared a Territorial Support Group police officer, PC Simon Harwood, of any charges relating to the death of Ian Tomlinson.

Tomlinson, a 47-year-old father of nine, collapsed and died minutes after being attacked by Harwood during the G20 summit of world leaders in London on April 1 last year. The CPS is the body responsible for public prosecutions of people charged with criminal offences in England and Wales.

Tomlinson, a newspaper vendor, was attempting to return home for the evening. His route took him through a police operation against demonstrators opposing the G20 summit of world leaders then taking place in London. The summit was the centre of a huge security operation, “Glencoe”, involving up to 5,000 police and a number of police forces. The Territorial Support Group is a section of the London Metropolitan Police that is mobilised for large-scale demonstrations and protests in the capital.

The police initially stated that there had been no physical contact between the police and Tomlinson before his death. However, video footage and photographic stills subsequently exposed the claim as lies. Footage made available to and released by the *Guardian* newspaper and Channel 4 showed Tomlinson being brutally assaulted from behind by Harwood, who is seen wearing a balaclava. First, Harwood violently strikes Tomlinson across the legs with his asp—an extending steel baton—and then forcibly pushed him. Tomlinson, who had his hands in his pockets at the time, fell and hit his head.

There is further evidence that indicates that Harwood’s attack was, in fact, only the last of *three* separate police assaults on Tomlinson before he collapsed and was found just 100 metres away. Immediately prior to the assault by Harwood, Tomlinson was also bitten by a police dog.

Witnesses who came forward after Tomlinson’s death said they had seen him being assaulted by police in three separate locations. Despite the overwhelming evidence of unprovoked police brutality against an innocent pedestrian,

the CPS said it had decided there was no “realistic” ground for conviction of the police officer involved.

It claims this is due to differing opinions among three pathologists who examined Tomlinson, regarding the cause of his death.

The first autopsy was conducted by Dr. Mohmed Saeed Sulema Patel on April 4 and concluded that Tomlinson had died of a heart attack. The second autopsy conducted by Dr. Nat Cary on April 17 was held at the request of his family and found that Tomlinson died of internal bleeding. The findings of the third autopsy were consistent with that of the second and also not in agreement with the conclusions found by Dr. Patel.

The CPS claimed, “There remains an irreconcilable conflict between Dr. Patel on the one hand and the other experts on the other as to the cause of death.”

“As the sole medical expert who conducted the first post mortem, Dr. Patel would have to be called at trial as a prosecution witness as to the primary facts. As a result, the CPS would simply not be able to prove beyond reasonable doubt that Mr. Tomlinson’s death was caused by PC ‘A’ [Harwood] pushing him to the ground. That being the case, there is no realistic prospect of a conviction for unlawful act manslaughter. It also follows that there is also no realistic prospect of a conviction for assault occasioning actual bodily harm or misconduct in public office.”

In truth, it should be for a jury to decide whether there is a case to answer—especially under conditions of video and photographic evidence of the incident and where two out of three pathologists agree on the cause of death.

What makes the CPS decision even more spurious is the decision to utilise the services of Dr. Patel in the first case. He has been suspended from conducting Home Office work and is presently appearing before a GMC disciplinary hearing for allegedly conducting four other autopsies incompetently. He has previously been reprimanded by the GMC after he released medical details about a man who died controversially in police custody.

Within two days of Tomlinson’s death, Patel had ruled

that he died of a heart attack. According to an informed source cited by the *Guardian* newspaper, it is unusual that the initial post mortem was not referred to “the Forensic Pathology Services, a body of nine independent forensic pathologists, including Dr. Cary, which usually deals with suspicious deaths in London and the home counties.”

In another particularly cynical statement, the CPS stated that it had considered the possibility of charges against Harwood on the grounds of “common assault” but ruled this out because it is subject to a strict six month-time limit.

The time taken to supposedly investigate the events surrounding Tomlinson’s death seems calculated to ensure the exhaustion of alternative possible legal challenges. On April 1 the Tomlinson family and campaigners wrote to the Director of Public Prosecutions criticising “intolerable” delays surrounding the investigation of his death.

Speaking about the verdict, Tomlinson’s son Paul King said, “It’s outrageous. We feel like it was not a full investigation from the beginning. It’s a big cover-up. He [DPP head Mr. Starmer] has just admitted on TV that a copper assaulted our dad. But he hasn’t done anything. He’s the man in charge, why hasn’t he charged him?”

“They knew that if they dragged this out long enough, they would avoid charges. They knew just what they were doing.”

The family and supporters of Ian Tomlinson have established a fund in order to be able to continue the campaign for justice, which may include taking out a private prosecution.

The CPS judgement follows that of an April Westminster Magistrates’ Court hearing in which Sergeant Delroy Smellie, also of the Territorial Support Group, was cleared of the assault of a protester at the G20 summit, Nicola Fisher. Smellie was also filmed carrying out an assault in which he violently smacked the young woman’s face with the back of his gloved fist and then hit her with two baton strikes to her legs.

The judge in the case acquitted Smellie on the basis that it was “reasonable” for him to assume that Fisher had a weapon. The “weapon” Smellie claimed to have noticed in Fisher’s hand turned out to be an open carton of orange juice.

Definite political conclusions must be drawn from these verdicts. Tomlinson’s death follows on from the police execution of innocent Brazilian immigrant Jean Charles de Menezes on July 22, 2005. Utilising “anti-terror” laws, the young worker was trailed from his home and then shot dead with seven bullets to the head by armed police officers on a subway train.

In that case also, police lied about de Menezes, claiming that he had tried to evade capture and was wearing heavy

clothing consistent with concealing a bomb. Not a single police officer has ever been held accountable for his killing. The CPS ruled out a prosecution on the grounds of “insufficient evidence”.

De Menezes murder marked a qualitative shift in the ability of the police to intimidate and kill with impunity. This is not only because the police officers involved got off scot-free. It subsequently emerged that de Menezes was the victim of a shoot-to-kill policy—Operation Kratos—secretly adopted by the police and the highest echelons of the government more than two years before, as part of the “war on terror”.

Significantly, the decision by the CPS not to prosecute for Tomlinson’s death was made by Stephen O’Doherty. Deputy director of the CPS Special Crime Division, O’Doherty was also involved in the decision not to prosecute a police officer following the death of de Menezes.

A number of prominent figures within the establishment and some newspaper columnists have responded to the judgement by warning that it could lead to an irrevocable undermining of the entire justice system. Brian Paddick, until May 2007 the deputy assistant commissioner of the Metropolitan Police, said, “The public saw what appears to be an unprovoked attack and the law being unable to bring that officer to account. It damages the entire criminal justice system, from the police through to the CPS.”

Others have warned that the days are over when the police could be seen as being impartial in dispensing “justice”. *Mail on Sunday* and former *Guardian* journalist Suzanne Moore, commented, “What really is the point of these investigations if, in the end, we know not a single officer will be charged?”

Moore then correctly pointed out that verdicts being made at present to allow the police to “get away with murder” have a deeper significance for the immediate period ahead. Commenting on the inevitable conflicts that will arise as a result of the coalition government’s austerity programme, she added, “What message does that send out to other officers about how to behave on future demonstrations? There may well be a few when the cuts bite. Will public-sector workers be smashed to the ground by a police force also being ‘downsized’?”



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