

# British inquest jury rules Ian Tomlinson unlawfully killed by police officer

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An inquest jury has ruled that Ian Tomlinson was unlawfully killed during G20 protests in the City of London in 2009.

The jury concluded that Tomlinson's injuries were "the result of a baton strike from behind and a push by the officer", a reference to the actions of PC Simon Harwood of the Territorial Support Group. They said Harwood did this "deliberately and intentionally". Both actions were "unreasonable" at the time of the assault, the jury agreed. Tomlinson was walking away from police and "posed no threat".

Evidence heard by the inquest pointed to repeated police brutality during the G20 demonstration. The fatal assault on Tomlinson was not his first encounter with police aggression that evening. The inquest also saw footage from the same protests of Harwood forcibly dragging a protester to a riot van, and pulling BBC cameraman, Tony Falshaw, to the ground. Such behaviour was widely documented that day, and hardly unique to Harwood. There were numerous complaints of police brutality, and close surveillance of other police officers would likely reveal similar patterns of behaviour.

Ian Tomlinson was a 47-year-old newspaper vendor. The father of nine had been attempting to make his way home, when he was prevented from crossing a police cordon around the protests. As he walked away from the police line, his back to them and his hands in his pockets, Harwood struck him across the legs with his baton. Tomlinson fell to the ground, unable to break his fall. The impact of his right arm, trapped under his body, caused internal bleeding to his liver. He collapsed and died a little further up the street.

At the inquest Harwood changed his testimony several times, claiming initially that Tomlinson did not have his back to him. Harwood was repeatedly accused

of lying, and acknowledged that his notes from the day were misleading or inaccurate. He admitted that Tomlinson had posed no threat, but claimed he "was almost inviting physical confrontation".

He admitted that he gave no warning before striking and pushing Tomlinson. He argued that the victim was causing a breach of the peace by encroaching on police lines.

In a statement issued after the jury's ruling, Harwood said he "did not intend, or foresee at the time, that his push would cause Mr Tomlinson to fall over, let alone that it would result in any injury". He said he "wishes that he had known then all that he now knows about Mr Tomlinson's...fragile state of health".

Harwood's argument is a defence of a police right to assault. The only regret it expresses is that Tomlinson was not well enough to survive the effects of the blow.

Metropolitan Police Deputy Assistant Commissioner Rose Fitzpatrick used a similarly cautious turn of phrase, saying it was "a matter of deep regret that the actions of [a Metropolitan Police] officer have been found to have caused the death of a member of the public".

In fact, the police have been involved in a cover-up from the moment of Tomlinson's killing. They denied there had been any physical contact by officers with Tomlinson before his death. Initial press reports, based on police statements, claimed that protesters had showered officers with "bricks, bottles and planks of wood" as they tried to resuscitate Tomlinson.

Within two days of Tomlinson's death, pathologist Dr Freddy Patel's autopsy concluded that he had died of natural causes. Patel cited heart failure, brought on by Tomlinson's longstanding problems with alcohol, as the cause of death.

In footage of the events that came to light, much of it

taken by members of the public, these accounts were flatly contradicted. Protesters can be heard making the crowd aware a person had been hurt.

Eyewitnesses disputed the police version of events, saying it was protesters who had initially offered first aid to the injured man. The police denied Lucy Apps, a medical student, access to Tomlinson after he fell because she did not know him.

Most damning was footage of Harwood's assault. An American investment fund manager, Christopher La Jaunie, filmed the event on his digital camera. He sent the footage to the *Guardian* after reading that Tomlinson had reportedly died of a heart attack. The paper passed the footage to the Independent Police Complaints Commission (IPCC). The incident was also captured in footage filmed by Channel 4 News.

*Guardian* journalist Paul Lewis said police tried to discourage pursuit of the story and placed pressure on the newspaper to remove the footage from their website.

As witnesses came forward and video evidence emerged, it became clear that Harwood's assault was the third time Tomlinson had encountered the police that day. He had already been bitten by a police dog before the fatal assault. Patel failed to note this in regard to puncture marks on Tomlinson's lower leg.

It also emerged during the inquest that not only had forensic tests not been done on Tomlinson's clothing, which would have confirmed the dog bite, but Patel disregarded the possibility of dog bite because officers had told him of the number of broken bottles being thrown. Patel told the inquest he was "informed by the coroner's officer that they would like to rule out whether there was any assault or any crush injuries".

Four officers were present at the first post mortem, and Patel was told there were no police officers in Tomlinson's "immediate vicinity" when he was found.

In light of the footage, a second post mortem was ordered. Dr Nat Cary identified death as having been caused by internal bleeding following blunt force trauma, aggravated by cirrhosis. Because of the discrepancy between the findings, a third post mortem was ordered by the Metropolitan Police. Dr Kenneth Shorrock agreed with Cary. The inquest jury have now agreed with their assessment.

The jury's identification of the "excessive and unreasonable" force used in striking Tomlinson has

forced the Crown Prosecution Service (CPS) to review the case. Harwood could potentially face manslaughter charges and Tomlinson's widow, Julia, has urged that the officer "answer for what he did" in court.

The CPS will undoubtedly do its utmost to avoid this outcome. Last year it announced there would be no charges brought against Harwood, claiming that conflicting pathological opinions on cause of death meant there was no "realistic" ground for his conviction.

Further, the CPS said Harwood could not be charged with "common assault", because this is subject to a six-month time limit, which had already expired because the investigation had been dragged out so long.

The Independent Police Complaints Commission (IPCC) has said it will report shortly on allegations that the police initially misled the press over events surrounding Tomlinson's death. But it has not given a date for publication.

The *Daily Mail* reports that disclosure of some material relating to the case is still restricted by a court ruling, which itself cannot be published.

Harwood will now face a police disciplinary hearing. It will be the first time such a hearing will be held in public, a nod to public anger over increasing incidents of police brutality.

The police's concern, as IPCC Deputy Chair Deborah Glass explained, is to win back public faith by "transparent" actions. However, the Ulster peer, Lord Ken Maginnis, has urged the Metropolitan Police to give "full support" to Harwood and not make him a "fall guy".

Among the four charges of gross misconduct Harwood faces are use of unnecessary force and that his "dangerous actions inadvertently caused or contributed to the death of Mr Tomlinson".

The inquest jury has already established this. That the police should pose the question in this way only highlights the scale of police immunity and the extent of their powers.



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