

Australia: Aboriginal death in custody triggers Palm Island riot

By Mike Head
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For the second time this year, anger over the death of an Australian Aborigine in highly suspicious circumstances involving police has boiled over into a riot.

Last Friday, residents of Palm Island, 65 kilometres north of Townsville in Queensland, stormed the island's police station, barracks and courthouse after the death in police custody of Cameron Doomadgee, 36. In February, riots and clashes with police erupted in the heart of Redfern, an inner-Sydney suburb, after teenager T.J. Hickey died as the direct result of a police chase.

Last week's events were triggered by the Queensland State Coroner's partial release of an autopsy report on the death of Doomadgee, whose body was found in a police cell at 11:20 am on November 19—just an hour after he had been locked up for the minor "drunk and disorderly" offence of "causing a public nuisance".

Despite official promises of a speedy, full and frank disclosure of the circumstances of his death, the coronial findings were withheld for a week, fuelling suspicions of a police-government coverup. When finally given to the family, the material revealed that Doomadgee had died of internal bleeding, after suffering four broken ribs and a ruptured spleen and liver.

The revelation of the injuries appeared to confirm statements by two witnesses who had seen or heard Doomadgee being assaulted by police. Roy Bromwell, 29, said he saw Doomadgee being "dragged" into the police station and punched by senior sergeant Chris Hurley, the island's officer-in-charge. Patrick Nugent, 22, arrested with Doomadgee, said he had heard his friend calling for help from a neighbouring cell.

But coroner Michael Barnes, after stating that the full autopsy report was "far too sensitive and private" to be released publicly, immediately ruled out a police bashing and suggested that Doomadgee may have contributed to his own death by fighting with police.

"While these findings are of great concern, the pathologist indicated that there was no evidence to suggest that they had resulted from a direct use of force. Rather the forensic pathologist is of the opinion that they are consistent with the deceased and the policeman with whom he was known to have been struggling, falling on a hard surface, such as the steps outside the watchhouse."

Given the selective release of the autopsy results, there is every reason to doubt this assertion. Doomadgee's family has ordered an independent autopsy, which is being conducted this week by a Melbourne pathologist. Doomadgee's son, Eric, 15, told the *Australian*: "I believe the same as everybody else on this island—that he was bashed to death in the cell."

Local people say Doomadgee was a gentle man, who had been

simply walking along the street, drunk and singing. Yet, as soon as the coroner's report was released, Police Commissioner Bob Atkinson declared that "there was no doubt" that Doomadgee's injuries had resulted from a scuffle with police officers. Atkinson further accused Doomadgee of punching an officer in the face, and said the police had nothing to fear from a Crime and Misconduct Commission (CMC) inquiry into the death.

When the findings were eventually read to a public meeting last Friday, the response was immediate. Anticipating that the report would provoke fury, the state Labor government of Premier Peter Beattie had flown in extra police, boosting the island's contingent from 4 to 20.

After heated discussion, some 300 members of the crowd marched to the court house and police station and set fire to them, reportedly accompanied by some threats to kill police officers, who had already fled the buildings.

As soon as the riot erupted, the police invoked emergency powers and flew in at least 80 officers, including members of the Special Emergency Response Team (SERT), to take over Palm Island. Backed by the Beattie government, they took control of the airport, school and hospital, closed roads and launched Gestapo-style raids on homes.

At 4:30 am last Saturday, four carloads of police descended on the home of Lex Wotton, a former Palm Island councillor and an alleged participant in the riot. Witnesses said he was shot in the leg with a Taser immobiliser (stun gun) while he had his hands on his head and while five police aimed rifles at him. Armed police ran through the house where his wife and children were sleeping.

Two hours later, at 6:30 am, Assan Clay, a father of five, said he awoke to the sound of his front door being battered in. He jumped from his bed to face shotgun-wielding police, who yelled for him to hit the floor. "My kids, aged from 5 to 16, were in the lounge room and they ran past yelling out that they wanted Duggie Miller." In fact, Miller was not on Palm Island—he had been in prison for six weeks.

Children told reporters they were confronted by police in full battle armour and carrying semi-automatic weapons. Chevez Morton, 9, said she had been playing in her yard when police in riot gear arrived on Saturday afternoon. "They told me to lay on the ground and I put my face in the dirt. It made me sad," he said.

In another incident, Krysten Harvey, 15, had guns pointed at her and was ordered to lie on the ground while police arrested a man inside her family's house. "I cried when they left because I was frightened," she said.

Police also took over the local public school, transforming classrooms into temporary holding cells, offices and police

dormitories.

Under Queensland's Public Safety Preservation Act 1986, the police and the government can assume virtually unlimited powers. Any police officer above the rank of Inspector can declare that an emergency situation exists in any area—a declaration that remains in force until revoked by the same officer.

That officer (the "incident coordinator") or any other police officer acting on his or her instructions can seize control of any location or resource, forcibly exclude or evacuate people, enter and search any premises, remove anything from a premises, and issue directions to anyone. People who fail to comply with an officer's directions can be jailed for up to a year.

The Palm Island Aboriginal Council issued an open letter to Premier Beattie protesting that local people were living "under siege". "Our children are feeling terrorised; 80 police are not necessary." Brad Foster, a spokesman, accused police of acting like "storm troopers" and using Palm Islanders as anti-terrorism guinea pigs.

"They deliberately closed off the island while they practised their terrorist drills on unarmed Palm Islanders. If they asked the council and put up the list of people they wanted to speak to, they would have been presented to them without arrests being made at gunpoint and women and children being terrorised in their homes."

But Beattie displayed his full support for the police by arriving with Police Minister Judy Spence on the island under SERT guard last Sunday for a four-hour visit. SERT officers, travelling in a convoy of three vehicles, met the premier's plane when it touched down, and escorted Beattie's entourage as they inspected damage and met community leaders.

The premier explicitly endorsed the police actions, including the use of stun guns. "I don't believe it is reasonable to deal with these matters with one hand tied behind their back," he said.

So far, 28 Palm Island residents, including a 14-year-old boy, a 65-year-old grandmother and two other women, have been rounded up and charged with a total of 64 serious offences, including riot, arson, unlawful assembly, willful damage, and assault on police. Agnes Wotton, 65, faces possible life imprisonment after being charged with riotous demolition of a building. Two young men, both aged 18, have already been sentenced to six months' jail after pleading guilty to breaking and entering during the riot.

Protests were held when the first defendants faced court in Townsville on Monday and were denied bail. Placards read: "Police Service: Murderers and Liars", "Stop police deaths in custody" and "Thou shalt kill us no more". After magistrate David Glasgow refused bail to one prisoner, there were shouts inside the court of: "Kill'em all. Why do we have a court case?"

In an apparent prejudgment of guilt, Glasgow declared he was unlikely to grant bail to anyone who "participated in the riot". Police Commissioner Atkinson went further, indicating that police would oppose even applications for temporary release in order to attend Doomadgee's funeral.

Beattie has rejected calls for the dropping of the charges as a goodwill gesture, while Spence has refused to rule out a provocative police union demand for the laying of additional charges of attempted murder against the alleged riot participants.

The police union has also sought to bolster its cause by subsequently claiming that Doomadgee was involved in a car accident two days before his death, possibly accounting for his injuries.

Doomadgee's family has rejected the claim as false.

Doomadgee's tragic death is no isolated incident. Deaths in custody

have continued unabated across Australia since the 1991 report of the Royal Commission into Aboriginal Deaths in Custody, which reviewed 99 deaths of indigenous prisoners that occurred between 1980 and 1991.

That inquiry, set up by Prime Minister Bob Hawke's federal Labor government in 1987, was a whitewash. It attributed only 5 percent of the deaths to the conduct of police or prison authorities, and not one charge of murder was laid. Over the following decade, another 145 indigenous prisoners died.

Aborigines account for nearly one-third of all deaths in custody, even though they make up only 2 percent of the Australian population. The latest victim was another 36-year-old man who died in custody in Normanton, in Queensland's Gulf of Carpentaria, the day after Doomadgee's death.

One of the major reasons for this terrible toll is that Aborigines are 15 times more likely to be locked up than non-indigenous people, mostly for minor offences. The number of indigenous prisoners doubled between 1988 and 1998, another measure of the impact of the endemic poverty and appalling social conditions experienced by most ordinary Aborigines.

Palm Island is a notorious hell-hole. For much of the twentieth century—right up until 1985—it functioned as a penal colony where indigenous people classified as "uncontrollables" were transported from all over Queensland and detained under atrocious conditions. It became the ultimate "punishment place" in a state-wide system, in which Aborigines were confined to designated government reserves and church missions.

From 1918, about 1,630 "troublemakers" from at least 47 different Aboriginal groups across Queensland were removed to Palm Island over the course of two decades. Residents lived on meagre rations and in squalor, suffering epidemics of leprosy and other contagious diseases.

When the state government finally relinquished control of the island in 1985, transferring the leasehold land title to the community council, much of the infrastructure was removed. Houses, shops, the timber mill, wharves and farming equipment were disassembled and shipped back to the mainland. As a result, most islanders live in sub-standard and over-crowded housing, and suffer near-universal unemployment, giving rise to alcoholism, substance abuse and ill-health. The island's average life expectancy is just 50.

Nothing in the government's response indicates that these underlying social problems will be addressed in the wake of the riot. Instead, Beattie outlined a five-point plan, focussed on re-establishing "law and order", rebuilding the police headquarters and finalising proposed alcohol restrictions. He threatened to withhold funds from the community unless its leaders cooperated more closely with the government.

By invoking emergency powers, the government has also made Palm Island a new testing ground for police-state methods, with implications that go far beyond the country's Aboriginal population.

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