

'Black Lives Matter' in Australia: The perennial question of Aboriginal Deaths in Custody

Dr Chiara Minestrelli

Dr Chiara Minestrelli describes the conversation she had with her good friend Robert (Robbie) Thorpe who is a Gunai Elder, Leader, and Activist fighting for Indigenous rights, and reflects on what Black Lives Matter means for Aboriginal people in Australia.

When, back in June 2020, I received confirmation that the Conference Entangled Modernities: New Directions in Settler Colonial and Critical Indigenous Studies had been postponed to September, I felt the need to change the topic of my presentation and focus on what was happening at that time. The Black Lives Matter movement was back in the spotlight as protests were raging across the globe in response to the killing of George Floyd in Minneapolis, United States. In Australia, a country with a history of colonial violence and dispossession, the issues raised by the movement were strongly felt by its First Nations and their allies, who mobilised almost immediately by organising a series of animated protests. So, in light of what was happening, and in order to gain a better understanding of the situation, I had a conversation with my good friend Robert (Robbie) Thorpe, also known as Djuran Bunjileenee Borun MunDunDarung, a Gunai Elder, Leader and Activist, who has dedicated his whole life to the fight for Indigenous rights. Together, we decided to reflect on the meaning of Black Lives Matter for Aboriginal people, but in order to do so we had to look at the data.

The #Black Lives Matter movement started in 2013 after Treyvon Martin's tragic death and the need to put an end to the unjustified and cruel killings of Black Americans at the hand of the Police. Since then, the BLM movement has travelled to different countries, finding fertile ground and resonances in places where racial injustices are still rife. In Australia, for instance, the motto, Black Lives Matter has been adopted and adapted not only in support of the struggle of Black people in America, but also to raise awareness about the many Indigenous peoples who have lost their lives in police custody. So, when the protests erupted again in June, prominent Australian Indigenous activists used their social media platforms to publicly discuss the most appropriate course of action and the slogan to use for the Australian case. They were asking questions such as: is Aboriginal/Indigenous lives matter more appropriate than the motto Black Lives Matter? Should everybody use the latter to support those who are constantly discriminated against because of their race, ethnicity and culture? 'Black Lives Matter' was eventually appropriated and used by a great majority. A great number of those involved in the organisation of the protests shared their views online explaining that this motto expresses solidarity with what happened in the United States, while addressing domestic issues within Australia, where the problem of Aboriginal Deaths in Custody constitutes an ongoing preoccupation for Indigenous peoples. Besides, the use of 'Black' was seen as an important aspect in addressing the issue of racial discrimination in Australia. But 'Blackness' is also to be considered a political category; an important signifier that stands for Aboriginal culture, regardless of physical appearances.

Favoured by the synchronous quality and interdependence of on-site and online events that have characterised the Black Lives Matter movement since its inception, the global/international digital networks of solidarity that have formed over the years, have helped reignite latent sentiments of anger and despair, spreading awareness amongst different strata of the population within and outside America's national borders. As a consequence, the issue of Aboriginal deaths in custody, which is an enduring reality in Australia, was and is still strongly felt by the Elders and the younger generations alike. Indeed, this is the legacy of a colonial violence that manifests primarily through a punitive judicial system based on racialised and gendered discriminatory practices. Tellingly, from 1987 to 1991, a Royal Commission, also known as the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), was appointed to examine the suspicious deaths of many

Aboriginal people held in custody. Yet, key findings from the Royal Commission's inquest highlighted something unusual. Contrary to the belief that led the Royal Commission to investigate the problem, the data showed that Indigenous people were not more likely to die in police custody than non-Indigenous people. So, what does this mean? Let's take a closer look at other statistics. While the actual number of Indigenous deaths in custody does not exceed that of non-Indigenous people, the inquest shed light on a very worrying datum that revealed a stark difference in imprisonment rates. Every year, a disproportionately high number of Indigenous people are imprisoned or end up in police custody[i]. This is even more worrying if contextualised. Aboriginal and Torres Strait Islander people comprise only 3 percent of the whole population, and yet they constitute almost 30% of the national prison population. The fastest-growing population is Indigenous Women (Indigenous Law Centre, 1997). According to the Australian Institute of Criminology (2019), and Human Rights Watch (2020), in the criminal justice system, there is an over-representation of Indigenous people who are often punished for minor offences, such as unpaid fines [ii]. The failure to implement the Royal Commission's recommendations is evident in these statistics, as only 64% of the 339 initial recommendations has been fully effected. More work needs to be done to address the enduring inequalities in the system and police officers need to be held accountable if they are involved in a death in custody, as no one has been convicted so far (two cases are being investigated at the moment).

In 2018, independent inquiries were initiated by the multinational professional service network Deloitte Australia and The Guardian to look further into this issue. In particular, committed journalists at The Guardian decided to analyse these statistics by collecting and examining all the available coronial data (589 reports). They then created a database called Deaths Inside (<https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>) that covers a period of time that goes from 2008 to 2020[iii]. The database shares extremely important details about the people who lost their lives. Information about the families of the deceased is also recorded as the trauma derived from the loss of a loved one is felt across the generations and, at times, it has long-lasting repercussions. One of the aims of the database is to offer an alternative view about these deaths; a view that does not look solely at sheer statistics. In fact, in order to deeply understand this phenomenon, we need to go beyond the surface and examine the various factors that may cause these deaths. What the database highlights is that numbers do not tell the whole story, which is often more complex and hides a system of neglect and abuse.

Over the last 30 years, there have been a series of symbolic gestures (the Royal Commission into Aboriginal Deaths in Custody, The Bringing Them Home Report, the Council for Aboriginal Reconciliation's final report, and the 2017 Uluru Statement from the Heart) that aimed to expose Australia's violent history and the treatment of Aboriginal peoples in the country, but more work needs to be done. Since the Royal Commission into black deaths in custody in 1991, more than 400 Aboriginal people died and no one has been prosecuted for these crimes. At the moment, two cases are being investigated.

Aboriginal activists and their allies have been fighting for years, trying to bring this issue to the fore. At the heart of their demands are calls to negotiate treaties with different nations and clans, and to make clarity about Indigenous deaths in custody. Thus, when BLM started to make the headlines with unprecedented energy, the Australian reaction was to be expected. Yet, this time more people joined in the protests. In an online session organised by Unity Earth (Black Son Day Session 3-from Ferguson to the World"), Muthi Muthi and Wamba Wamba activist Jason Kelly affirms that the rallies have shown an unprecedented level of solidarity and a change in society. As a result, the protests seem to have accelerated the process of recognition of historical injustices against Aboriginal people. Indeed, the Australian state of Victoria will be the first to set up a Truth and Justice Process which will

work in tandem with the current discussions about Treaties. The process has been designed and will be led by the First People's Assembly of the Australian state of Victoria.

Robbie Thorpe, whose clans are from East regions of Victoria, has been at the forefront of many battles, all intertwined and all reconducting to the system of oppression and inequalities that keeps Australian Indigenous communities in a position of structural disadvantage ^¾from poor living conditions to lack of education/employment and substance abuse, just to name a few. Hence, the issue of Black Deaths in Custody not only sheds light on the failures of the police system, but it also emphasises, once more, the history of dispossession and the transgenerational trauma endured by First Nations in Australia and around the world.

Robbie has been campaigning tirelessly since the 1970s and has taken a number of important actions. A persistent advocate of the 'Pay the Rent' campaign and the Aboriginal passports initiative, Robbie has challenged the Commonwealth of Australia in Thorpe V Commonwealth in an effort to address the fact that Australia never legislated to protect people from crimes connected to genocide, despite ratifying the Genocide Convention in 1949. As Robbie, argued in one of our conversations, "Genocide is a very big definition. The invaders denied us resources, they destroyed our sites and controlled our culture. They are still doing it today, but in subtle ways. Nothing has changed" (Thorpe, 2020). Robbie is currently working on a Court Case to charge the Crown for Crimes against humanity and he has already gathered a good number of supporters.

According to Robbie, all these issues are connected and the current system needs to be challenged in order for things to change and see a shift in the statistics I mentioned above. While some steps have been taken (Robbie's niece, Lidia Thorpe is currently the First Federal Aboriginal MP for the Greens and the first Aboriginal Senator for Victoria) and the support is growing, there is still a long way to go before all Australians can benefit from truly equal opportunities.

I would like to end this post with by suggesting the following resources:

Please, support Robbie's documentary and his struggle: <https://www.ourwarriordoco.com/>
Australia is a Crime Scene (Rap by Robbie Thorpe):
<https://www.youtube.com/watch?v=H6V82LD51UA>

[i]Point 2.3 in the Report prepared by the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner for the Aboriginal and Torres Strait Islander Commission states that: "[a] change in the definition of a death in custody in 1989 means that only deaths in institutional settings, as opposed to police pursuit, can be examined when comparing the Royal Commission and post-Royal Commission periods". Point 2.6 further states: "There has been a significant decline in the proportion of deaths occurring in police custody and an increase in deaths occurring in prison" (1997, p.311)

[ii] In Western Australia people can end up in jail for unpaid fines.

[iii]The database can be accessed at: <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>).

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issues. In 2020, she was awarded the LCC research Fund to organise a series of workshops called 'Decolonising the Arts: Challenges and possibilities', which saw the participation of Indigenous artists from around the world.