

Public outcry in Australia over jailed Aboriginal boy's suicide

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The suicide of a 15-year-old orphaned Aboriginal boy in a northern Australian detention centre has provoked a public outcry over the mandatory sentencing laws under which he was incarcerated. According to the authorities, "Johnno" Warramarrba was found in his cell, hanged by a bed sheet on February 9. He had been taken from his remote community in the Northern Territory and imprisoned 800 kilometres away in Darwin—for stealing property worth less than \$90.

By the official account, he killed himself just five days before he was due to be released from the Don Dale Correctional Centre. An officer had sent him to his room for refusing to wash up, and he was found unconscious five minutes later. Attempts to revive him failed and he died nine hours later at Darwin Hospital.

It is difficult to imagine a more pitiless use of the power of the state against a child. "Johnno's" mother had died when he was a baby and his father was killed in a motor accident a few years ago. At the time of his trial, his guardian and carer, his grandmother, was ill in Royal Darwin Hospital.

The boy came from Groote Eylandt, an isolated island in the Gulf of Carpentaria. He was convicted for breaking into the local Anurugu Community Council office and taking some felt pens, pencils and a bottle of liquid paper (worth \$50), breaking into a primary school and taking oil and paint (\$40), and being with people who broke five glass louveres (\$50).

Groote Eylandt is dominated by the Gemco mine, one of the richest manganese projects in the world, but its people live in appalling conditions, as do most outback communities. Across northern Australia, poor health, sanitation and housing produces an average life expectancy among Aboriginal people 20 years less than for non-Aborigines.

The boy's tribal grandfather Clancy Manijamanja commented that the teenager had been a victim of boredom and lack of opportunity. Manijamanja blamed the worsening economic and social situation on Groote Eylandt, particularly cuts in royalty payments from Gemco.

Just a week after the boy's death, a 22-year-old Aboriginal man from the same community became the third young person to be imprisoned for stealing biscuits and cordial worth \$23 from a Gemco storeroom on Christmas Day 1998. Jamie Wurramara and his friends did not hurt anyone—they simply walked into an open shed and ate biscuits because they were hungry. Wurramara was sentenced to 12 months' jail because it was his third "property offence". Another youth was jailed for 12 months and another, a

second offender, for 90 days.

Over the past three years both the Northern Territory (NT) and West Australian (WA) governments have introduced draconian sentencing legislation to protect property rights. In the NT, adults and youth as young as 17 who are convicted of any theft or damage to property, no matter how petty, must be jailed for two weeks at least. Juveniles (15- and 16-year-olds) are not jailed for a first offence, but face a mandatory 28 days in detention if convicted of a second. In WA anyone convicted of a home burglary for a third time faces a minimum of 12 months in custody, and the same minimum sentence applies to every further conviction.

These laws are designed specifically to give police the power to harass and punish the young and the poor for petty offences. In some recent NT cases, an 18-year-old man was jailed for 14 days for stealing a \$2.50 cigarette lighter; a 24-year-old mother was sentenced to 14 days for receiving a stolen \$2.50 can of beer; and an 18-year-old man received 90 days jail for stealing 90 cents from a car. These prisoners were all Aboriginal. A 27-year-old non-Aboriginal teacher was imprisoned for two weeks for pouring water over a shop cash register after complaining about a hot dog she had been served.

Aboriginal youth have suffered disproportionately from the NT and WA laws. Many of those jailed in the NT have come from the most oppressed remote communities, where medical and educational facilities are among the worst in the world. In many cases, despair has produced alcoholism and substance abuse, involving the sniffing of petrol, oil, paint and other chemicals.

Aborigines make up 27 percent of the NT population, but 75 percent of those jailed under mandatory sentencing provisions. The pattern is similar in WA, where 88 juveniles have been given compulsory 12-month sentences in the past three years. Three-quarters of them have been Aboriginal youth.

"Johnno" was not the first 15-year-old Aboriginal boy to attempt suicide while in custody under the mandatory sentencing regime. A recent Human Rights and Equal Opportunities Commission report cited the case of Robert, 15, who tried to kill himself when he was jailed for breaking a window after hearing about the suicide of a close friend.

This is part of a wider pattern of deaths in custody. At least 147 indigenous prisoners have died in Australian prisons and police cells since 1980. The toll has accelerated since a federal Royal Commission produced a series of whitewash reports, exonerating

the police and prison authorities.

Many ordinary people have been outraged by this latest death. One letter-writer to the *Australian* commented: "Given the number of inhumanities reported daily in our newspapers it is not surprising that we become removed from the pain of those involved. However, Johnno's story instantly reduced me to tears and I was left wondering how such a thing could happen..."

The NT Chief Minister Denis Burke and Correctional Services Minister Daryl Manzie have defended their government's laws and insisted that the boy's suicide had nothing whatever to do with his detention. Such "self-destructive behaviour" was simply to be expected from Aboriginal youth, Burke declared.

Burke even argued that the boy's punishment in the detention centre was like being sent to one's room in a family home or a boarding school, implying that the government was doing him a favour by locking him up hundreds of kilometres away from everything familiar to him. "For many of these kids Don Dale [Correctional Centre] is the best facility and environment they have been in for their whole life—three square meals a day, a good bed and someone who cares about them."

Burke's statements recall the arguments used by Australian authorities to justify the now notorious "Stolen Generation" program of removing Aboriginal children from their parents in the hope that the Aboriginal race would ultimately disappear.

In another interview, Burke was more blunt about the legislation's "law and order" agenda. The laws were introduced, he declared, to show that his government had a "great regard for the victims" of property offences. Like other administrations, Burke's has sought to whip up anxieties about crime and pit "victims" against "offenders" to divert attention from the underlying social causes.

Churches, judges, lawyers' bodies, Aboriginal, civil liberties organisations and newspaper editorials have urged the federal government to override or modify aspects of the NT and WA laws. Some have raised concerns about the country's international image, particularly in the lead-up to the Sydney Olympics, where Aboriginal and other protests are expected. In the legal fraternity, the main emphasis has been on retaining the power of judges to exercise their discretion in fixing sentences.

Because of the public outcry, the Howard government is under pressure to exercise its constitutional power to overrule the NT and WA laws, which breach at least international treaties. The Convention on the Rights of the Child stipulates that a juvenile must only be subjected to detention as a last resort. And the International Covenant on Civil and Political Liberties provides that no person should be subject to detention without a right of review of that sentence. United Nations Secretary General Kofi Annan announced his intention to speak to Chief Minister Burke when he visited Darwin after touring nearby East Timor.

Howard's cabinet felt compelled to discuss the matter last Monday. It decided that the federal Attorney-General Daryl Williams should write to the NT and WA governments suggesting that they review the impact of their laws on juveniles. In a radio interview, however, Howard made it clear that his government would not push the matter. He said the death of the teenager was "an awful tragedy" but it was "preferable" for the NT government

to deal with the issue.

It is already clear that neither the NT nor the WA governments have the slightest intention of backing down. Both are of the same political complexion as the federal government, consisting of coalitions between the Liberal and National parties. Even before Williams had put pen to paper, Burke and his WA counterpart, Premier Richard Court, had told the Howard government, via the media, to "butt out" of their affairs. Court retorted that it was "none of [their] business". In fact, the WA government plans more wide-ranging legislation, setting harsher sentencing rules for all offences.

The media and legal commentators have largely presented these laws as the product of the conservative governments in WA and NT. But such measures have bipartisan support. It was a Labor state government in WA that introduced the first mandatory sentencing laws in Australia in 1991. Labor has vowed not to repeal the legislation in that state and federal Labor leader Kim Beazley has refused to criticise the Court government.

Most critics have also depicted the laws as simply anti-Aboriginal. Yet there are parallels across the country, with the victims being workers and youth, Aboriginal and non-Aboriginal alike. Another Labor government—that of Premier Bob Carr in New South Wales—has led the way nationally in introducing harsher sentencing rules and juvenile crime legislation. His government has strengthened "truth in sentencing" laws that prevent judges and parole authorities from shortening jail terms. One of the first acts of its recently-appointed Chief Justice, Jim Spigelman, was to lay down strict sentencing guidelines for his fellow judges.

These measures are part of a wider trend. While starving hospitals and schools of funds, governments in all states are boosting their police forces and building new jails. Over the past decade, the number of prisoners has already risen by 75 percent in NSW, 75 percent in Queensland and 36 percent in WA. Similar processes are underway worldwide. In recent years the prison population has jumped by 30 percent in Britain, 60 percent in the United States and 70 percent in the Netherlands.

Neither able nor willing to counteract deteriorating living standards and social inequality, governments of all political stripes are bringing in increasingly repressive laws, whose only purpose is to victimise the young and the poor. Shocking deaths like that of "Johnno" Warramarrba will increasingly be the result.



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