



NATSILS

National Aboriginal and
Torres Strait Islander Legal Services

TRUE JUSTICE FOR OUR PEOPLE

FOR IMMEDIATE RELEASE

17 September 2020

NATSILS MEDIA RELEASE: Five Black deaths in custody since June is a national emergency; coronials, murder charges, disability report show urgent national leadership is needed

The National Aboriginal and Torres Strait Islander Legal Service (NATSILS) is calling for urgent national leadership and action, with the devastating news of Aunty Sherry Fisher's death in custody last week. She was a 49-year-old Aboriginal woman who died in the Brisbane Watchhouse while on remand.

There have now been five Aboriginal and Torres Strait Islander deaths custody since June 2020 and 441 since the Royal Commission into Aboriginal Death in Custody was handed down in 1991.

"Our people are dying in custody every few weeks - this is a national emergency and we demand urgent national leadership. Five Aboriginal and Torres Strait Islander people have died in custody since June. There are multiple coronials on foot and two police charged with murder for fatal shootings. This cycle of violence, neglect and avoidance of accountability of Police and Corrections must end, before more of our people die," said Nerita Waight, co-chair of NATSILS.

"This lack of accountability means that in practice, there is no penalty for the death of our people in custody. More police officers involved in deaths in custody have been promoted than convicted, but there cannot be justice without accountability. Black Lives Matter is not a slogan - this is a movement which will not end until there is justice for every family."

This week a [new report from Human Rights Watch](#) has found between 2010 and 2020, 60 percent of people who died in prisons in Western Australia had a disability.

"Our people with disability in the justice system experience multiple layers of discrimination and racism. This report has found 58 percent died due to lack of support provided by the prison, suicide, and violence, and half were First Nations people with disabilities. Our mob with disability should be receiving culturally

safe supports in community, not dying in custody at horrific rates,” said Cheryl Axleby, co-chair of NATSILS.

In addition, in the past month:

- The Department of Public Prosecutions [decided not to prosecute police officers for Aunty Tanya’s death](#) despite a finding of the Coroner that the totality of the evidence indicated an indictable offence had been committed;
- The Coroner ruled Tane Chatfield’s death as intentionally “self-inflicted”, a finding which his [family do not accept](#);
- The committal hearing for Constable Zachary Rolfe, the Northern Territory police officer charged with the murder of Kumanjayi Walker, with [family saying they lost sleep](#) after watching footage of the fatal shooting shown in court;
- The South Australian Ombudsman recommended that [the Department of Corrective Services apologise to Wayne Fella Morrison’s family](#) for multiple failures and unreasonable conduct of the Department in the treatment of Wayne and his family before and after his death.

“Last week another Black man in America, just like my brother, died from spithood asphyxia after his brutal restraint by state authorities. There were immediate global calls to disarm and demote the man’s killers. How can David Brown, Chief Executive of South Australian Corrections, even begin to apologise to my family when the mechanisms to kill are not being disarmed, dismantled and terminated? How can Australia continue to support the continuation of violence against Aboriginal people in custody?” said Latoya Rule, sibling of Wayne Fella Morrison.

In July, NATSILS released its [policy statement on Black Lives Matter](#), outlining clear steps that governments need to take to end the systemic and entrenched racism that causes Black deaths in custody. The calls include for governments to work with affected families, for accountability, justice reinvestment, decarceration strategies, raising the age of criminal responsibility, to end racist policing and repeal low level offences.

“Our communities have had the answers to end this injustice for decades. Solutions have been tabled in parliament, delivered by petition, yelled at rallies across the country. We call for urgent national leadership for all governments to urgently implement all of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, working closely with affected families and Aboriginal and Torres Strait Islander Legal Services,” said Ms Axleby.

NATSILS stands with the Fisher and Tilberoo family mourning Aunty Sherry, with all families who have lost a loved one in custody and are going through legal processes. We stand in solidarity with their calls for justice and accountability.

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