

Racism alive and well in the Alice

Chris Graham [former editor of the *National Indigenous Times*].
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There's at least two ways to tell if a justice system is in real trouble. The first is when the families of the deceased mourn a sentence, and the loved ones of the killers hold a party.

So it was with **the killing of Kwementyaye Ryder**, a 33-year-old Alice Springs Aboriginal man **beaten to death by a pack of white local youths** near the Todd River in July 2009.

A few hours after the young men convicted of the crime were **sentenced in an Alice Springs court in April this year [by NT Chief Justice Brian Martin]**, a girlfriend of one of the killers had family and friends over to her house in Spearwood Road to celebrate. The party raged until the small hours of the morning.

Last night, ABC's **Four Corners** program broadcast a forensic examination of the issue. It should be required viewing for every Australian who believes that racism is not a problem in this country. The reporting was, as you would expect, outstanding. The same team of Liz Jackson, Janine Cohen and their Four Corners crew combined last year to report the story of Mr Ward, an Aboriginal man in Western Australia cooked to death in the back of a prison van in the searing desert heat...



Above: Kwementyaye Ryder

The brief facts are these: On **July 25, 2009, Kwementyaye Ryder** was walking home in the early morning hours when a group of five young white men set upon him. As he lay defenceless on the ground, Mr Ryder was kicked repeatedly in the face and had a bottle smashed over the back of his head. He died at the scene from massive haemorrhaging of his brain.

A short time earlier, the five men - Anton Kloeden, Joshua Spears, Glen Swain, Timothy Hird and Scott Doody - had been driving up and down the dry Todd River bed, where Aboriginal people sleep, terrorising black campers. They drove their vehicle at high speed at numerous Aboriginal people, even running over the swag of one very elderly Aboriginal man.

The boys also discharged a replica firearm at the campers, and hurled racial abuse. Following the killing, all five men evaded police for a week. When they were finally brought in for questioning, they provided false alibis.

In August 2009, the five young men entered the Northern Territory criminal justice system facing charges of murder, and multiple counts of recklessly endangering life. Somehow, a few months later, they emerged pleading guilty to manslaughter. All of the reckless endangerment charges had been dropped, save for one count levelled against the driver, Anton Kloeden.

During sentencing, the judge, **Chief Justice Brian Martin**, described the boys in glowing terms. While acknowledging the Aboriginality of the victims was probably a factor in the crimes, **Chief Justice Martin accepted that the youths' actions in the river bed immediately preceding the killing were just as described by their legal counsel - a bit of 'hooning'.**

Chief Justice Martin described the killing of Mr Ryder as being **at the lowest end of the scale** of manslaughter. "Manslaughter by negligence," he called it.

I'm no lawyer, but last time I checked, repeatedly kicking a defenceless man in the head and smashing him over the back of his skull with a bottle was quite a bit more than 'negligent'.

For their crimes, **these boys received prison terms ranging from just 12 months to four years.** The first anniversary of Mr Ryder's death is this Sunday, yet one of his killers will be released from jail in a fortnight. The other boys have between two-and-a-half and three years left.

Heather Swain, the mother of Glen Swain, told Four Corners: "I was quite relieved. I thought he'd get a lot longer." So did Mr Ryder's mother, Therese: "I wanted those boys to be in prison for life or maybe 20, 30 years in prison for what they did. They cut short my son's life and they're still around today and where's my son?" His life snatched from him courtesy of an overtly racist act of violence by five young white men, none of whom will rot in prison. At least not for very long. Which brings me to the second way to tell if a justice system is broken.

Anton Kloeden's father, Selwyn, told reporter Liz Jackson that the conditions in which his son is being held are terrible. "They're taunted [by black inmates] by things like we're effing going to kill your sister, we know where your mother lives and we're going to effing get her as well," Mr Kloeden told Jackson.

The boys have so far served their first year in **protective custody** in Alice Springs jail. They're isolated from the rest of the prison for fears that Aboriginal inmates will get 'payback'. "To be locked in a room about half the size of this room for 22 hours a day and to be like that for the last 10 months is just, just extraordinary that that happens," Mr Kloeden said.

It was a factor taken into account by **Chief Justice Martin** in his sentencing. [He said]

"All offenders have been kept in less than ideal conditions in order to keep them separated from other prison inmates because of a real possibility of retribution being exacted by other inmates. It is likely that special arrangements will need to be made with respect to each offender during their period in prison. I take into account that the conditions are likely to be harsher upon each of the offenders than is normally the situation but **I expect that the Department of Correctional Services will put in place arrangements that satisfactorily ensure the safety of each offender** without the imposition of unduly onerous conditions."

Here's the translation: In the Northern Territory, we cram our jails so full of blacks that when a white man kills one, the judge will take into account the fact he's going to do harder time when handing down a sentence. I sincerely doubt you could find a greater admission of failure of a first world justice system anywhere on earth. **CG 2010.**