

From death row – a final appeal

QLS International Law and Relations Section chair

Russell Thirgood recently visited Bali to assist in the defence of 'Bali Nine' member Scott Rush. This is his report.

Christine and Lee Rush recently spoke to members of the Queensland Law Society's International Law and Relations Section about their very personal plight to save the life of their youngest son, Scott, who is on death row in Bali.

Scott was caught taking heroin out of Bali four years ago. Ironically, when Lee learnt of Scott's plan to undertake this risky exercise he attempted to have the travel agent cancel the issuing of Scott's ticket and then took steps so that the Australian Federal Police were aware of the pending crime. Unfortunately, the AFP did not arrest Scott in Australia but rather alerted the Indonesian authorities who had him arrested in Bali with the eight others who were involved. Initially, Scott was given a life sentence but upon appealing the severity of that had his sentence upgraded to death.

Christine and Lee are loving parents. They have raised three sons. Christine is a teacher and Lee has worked for Telstra for 36 years in various roles. When able, they have always participated in school, church and other community activities and had simple aspirations: To see their boys grow up and then retire to become "grey nomads". In many respects theirs is a very normal Brisbane family.

But they have had to endure what must be the worst nightmare for any parent. What does one say to a son who asks – "Are they going to shoot me"? How does one cope with waking in the hope that it was just a nightmare only to discover, each morning, that the death penalty is real and that a loved one, who is perfectly healthy and willing to make amends for his mistakes, may have his life taken away? Christine spoke about the panic attacks that she endures, the heart palpitations and breathing difficulties that are experienced when she thinks about the matter too deeply.

Lee described Scott's teenage years as chal-

Russell Thirgood, centre, with Scott and Titus in their Bali prison.



lenging. Like many young men, Scott has made some poor choices in life. These choices led him to committing a serious crime. Scott has now acknowledged his mistake, fully accepts that he has broken the law and ought to be punished, is remorseful and sorry for his actions. But he asks for a second chance so that he can make something of his life, help others and give back to his family and the community that has supported him.

Friend and cell mate

Scott has one final appeal remaining and is very grateful for the hard work and dedication of his legal team both in Indonesia and Australia. The Section members who heard first-hand of the Rush family's ordeal asked what assistance could be provided for Scott. They were informed that one of Scott's greatest concerns is for the plight of his friend and cell mate, Titus, who, like Scott, is a young man facing execution by way of firing squad for couriering drugs.

Unlike Scott, Titus, who is from Nigeria, has not had the support of experienced lawyers carefully preparing and presenting his case. Moreover, there are grounds for arguing that Titus' death sentence is based on incorrect facts. Titus has one appeal remaining and it is Scott's wish that his friend also be given the opportunity to be properly heard so that his life might be spared.

In accordance with Scott's wish, an Austra-

lian legal team has been assembled and is in the process of putting together Titus' case. The Australian lawyers are doing so on a pro bono basis. They have uncovered evidence that gives them confidence that Titus has a strong case and has been sentenced on the false premise that he was a regular drug courier and that he was a citizen of Sierra Leone (rather than Nigeria). Indonesian lawyers will need to be briefed to present the final appeal to give the case the best prospect of success.

Recently, I visited Scott and Titus with Scott's father, Lee, and Brisbane barrister Roland Peterson in their Bali prison. Both young men are located in the prison's "Death Tower" and the psychological pressure that they are under is enormous. We were told that Titus smiled for the first time in about five years now that he knows that he will have proper legal representation and be able to put evidence and submissions forward that support his life being spared. As we left the prison Titus simply said to us – "God bless you."

Benefit concert

The cost of engaging the Indonesian lawyers is very high as they are unable to work pro bono and accordingly a benefit concert is being organised to raise funds for Titus' upcoming appeal. The concert will be led by the Russian violinist Atilla Sautov and a chamber orchestra on September 20. For details on the concert or how to provide financial assistance for Titus' final appeal, please contact Roland Peterson's assistant, Vanessa Smith, on 07 3211 3577 or email vsmith@mortimerchambers.com.

Russell Thirgood, a partner at McCullough Roberston Lawyers, is chair of the QLS International Law and Relations Section. A noted human rights activist, he was chair of Amnesty International (Australia) from 2002 to 2006 and is currently a member of the Amnesty International Trust.