

Rush Tak Dihukum Mati, Ayahnya Senang



K1-11

Scott Antony Rush tiba di Pengadilan Negeri Denpasar saat menjalani sidang peninjauan kembali (PK) pada 26 Agustus 2010 silam.

RABU, 11 MEI 2011 | 16.17 WIB

DENPASAR, KOMPAS.com - Keringanan hukuman yang diterima Scott Antony Rush, terpidana kasus narkoba asal Australia, dari hukuman mati menjadi seumur hidup, disambut bahagia oleh sang ayah, Lee Rush. Meski tak banyak bicara, Lee Rush yang menjenguk anaknya di lapas Kerobokan Denpasar, Rabu (11/05/2011) tampak sumringah atas putusan Mahkamah Agung yang diambil setelah melalui proses peninjauan kembali (PK) itu.

"It's wonderful day, good day, everyone happy," kata Lee kepada wartawan usai menjenguk putranya siang tadi. Lee mengunjungi lapas kerobokan tanpa didampingi istrinya. Ia hanya datang bersama seorang aktivis Bali International Women's Association (BIWA). Namun saat ditanya bagaimana reaksi Scott Rush setelah mendengar putusan ini Lee tak bersedia menjawab.

Sementara, Kalapas Kerobokan, Siswanto yang ditemui siang tadi mengaku belum menerima informasi dari Mahkamah Agung atas putusan tersebut. "Sampai sekarang saya belum terima tuh, jadi nggak bisa komentar apa-apa," ujar Siswanto.

Seperti diberitakan, Mahkamah Agung mengabulkan PK Scott Rush untuk pengurangan masa hukuman pada Senin (10/05/2011) lalu. Dalam uraian PK disebutkan bahwa Scott hanya bertindak sebagai kurir dan bukan otak pelaku penyelundupan 8,9 kilogram heroin yang melibatkan kelompok Bali Nine pada tahun 2005 silam.

Scott sejatinya meminta hukuman menjadi 20 tahun penjara seperti yang dijatuhkan kepada terpidana Bali Nine lainnya Renae Lawrence.

K1-11

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Jakarta - Upaya hukum luar biasa Permohonan Kembali (PK) kasus narkoba Scott Rush dikabulkan Mahkamah Agung (MA). Dengan dikabulkannya PK ini maka Scott Rush mendapat keringanan dari hukuman mati menjadi hukuman seumur hidup.

"Benar, PK putus hari ini. Permohonan dikabulkan dari hukuman mati menjadi seumur hidup," kata sumber detikcom dengan membacakan putusan PK, Selasa, (10/5/2011).

Putusan ini di buat oleh 3 majelis yaitu Mansur Kertayasa, Imam Harjadi dan Artidjo Alkotsar (Ketua Majelis). Pertimbangan hukum yaitu peran yang bersangkutan sebagai orang yang dipergunakan oleh terdakwa lain dalam perkara yang berbeda. Kemudian peran yang sama dengan terpidana hanya mendapat hukuman seumur hidup.

Memang dia oleh otak pelaku diajak berburu ke Bali. Sampai Bali ditanggung oleh otak lainnya. Kemudian mereka keluar dan dikumpulkan di dalam hotel dan dipasang peralatan untuk menampung heroin di dalam badan.

"Saat di bandara tertangkap dan di badannya terdapat heroin," ungkap MA.

Namun putusan ini tidak bulat. Seorang majelis hakim agung Imam Harjadi berbeda pendapat. Menurut Imam, Scott harus tetap dihukum mati.

(asp/anw)

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Scott Rush (Herald Sun)

Canberra - Upaya hukum Permohonan Kembali (PK) kasus narkoba Scott Rush 'Bali Nine' dikabulkan Mahkamah Agung RI. Dengan dikabulkannya PK ini, Scott Rush asal Australia itu mendapat keringanan dari hukuman mati menjadi hukuman seumur hidup.

Pemerintah Australia menyambut putusan MA tersebut. Hal itu disampaikan Menteri Luar Negeri (Menlu) Australia Kevin Rudd.

"Pemerintah Australia menyambut putusan oleh MA (Indonesia) tersebut," ujar Rudd pada parlemen Australia seperti dilansir *Herald Sun*, Selasa (10/5/2011).

Dikatakan Rudd, orangtua Rush telah memikul beban berat selama bertahun-tahun menantikan putusan ini.

Putusan PK MA tersebut ditetapkan oleh 3 majelis yaitu Mansur Kertayasa, Imam Harjadi dan Artidjo Alkossar (Ketua Majelis). Pertimbangan hukum yaitu peran yang bersangkutan sebagai orang yang dipergunakan oleh terdakwa lain dalam perkara yang berbeda. Kemudian peran yang sama dengan terpidana hanya mendapat hukuman seumur hidup.

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"Saat di bandara tertangkap dan di badannya terdapat heroin," demikian MA.

Namun putusan ini tidak bulat. Seorang majelis hakim agung Imam Harjadi berbeda pendapat. Menurut Imam, Rush harus tetap dihukum mati.

(Halnet)

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Scott Anthony Rush bersyukur tak jadi dihukum mati

Khresna Guntarto

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Frans Hendra Winarta (Yudi/Primair)

Jakarta - Terpidana mati kasus Bali Nine, Scott Anthony Rush, bersyukur atas dikabulkannya permohonan peninjauan kembali (PK) oleh Mahkamah Agung (MA) yang mengubah vonis mati menjadi hukuman seumur hidup.

"Kalau diputus seperti itu kami terima. Daripada dihukum mati," kata kuasa hukum Scott, Frans Hendra Winarta, di Jakarta, Selasa (9/5).

Kendati demikian, Frans menegaskan, dalam permohonan PK pihaknya, sebenarnya MA diminta menghukum Scott paling berat 15 tahun penjara.

Berita Terkait

MA kabulkan PK terpidana mati kasus Bali Nine

Alasan pengajuan PK karena Scott adalah orang yang masih muda serta kerap bergerak dalam kegiatan aktivis anti narkoba. Menurut Frans, Scott hanya diperalat sebagai kurir dalam kasus tersebut. "Waktu kejadian usianya 16 atau 17 tahun. Lalu dia saat ini juga jadi aktivis anti narkoba. Dia juga hanya kurir dalam perkara tersebut," papar Frans.

Mahkamah Agung mengabulkan permohonan peninjauan kembali (PK) terpidana mati kasus Bali Nine Scott Anthony Rush. Hukuman Scott diringankan menjadi pidana seumur hidup.

Menurut majelis, peran Scott hanya sebagai pihak yang dipergunakan oleh terdakwa lainnya terkait kasus ini. Selain itu, sambung majelis, hukuman terhadap terdakwa lain dalam peran yang sama dengan Scott hanya mendapatkan hukuman seumur hidup. Oleh sebab itu, majelis menilai hukuman terhadap Scott terlalu berat.

Majelis menambahkan, Scott hanya orang yang diajak otak pelaku, yakni Andrew Chan dan Myuran Sukumaran untuk berfibr ke Bali. Scott difasilitasi untuk menyeludupkan heroin ke Australia.

Scott Anthony Rush bersama delapan warga Australia lain yang terkenal dengan kelompok Bali Nine ini menyeludupkan 8,9 kilogram heroin dari Bali ke Australia dan ditangkap pada 17 April 2005.

(brn)

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Australia Senang, Warganya Dihukum Mati di Indonesia



Deska Pemira
11/05/2011 00:51

Liputan6.com, Canberra: Seorang warga Australia yang didakwa menjadi pengedar obat-obatan, dijatuhi hukuman mati oleh Mahkamah Agung (MA), Selasa (10/5). Scott Anthony Rush, berusia 25 tahun, tertangkap di Bali, saat berusaha menyelundupkan 8,3 kilogram heroin ke Australia pada 2005 silam.

Para politisi Australia menyambut baik keputusan MA. Biasanya Australia akan menolong warganya yang terlibat masalah di negara lain. Namun, dengan adanya kejadian ini, warga Australia harus memahami untuk mematuhi hukum negara lain. Hukuman mati ini juga merupakan salah satu dukungan Australia memberantas perdagangan obat-obatan terlarang.

Sikap serupa diungkapkan Menteri Luar Negeri Australia Kevin Rudd. "Kami menyambut baik keputusan MA untuk memberantas obat-obatan terlarang. Ini juga pelajaran berharga bagi gembong narkoba," ucap Rudd. Ia juga

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menjelaskan Pemerintah Federal tetap berhubungan erat dengan orangtua Rush. Mereka telah diberitahu hukuman mati tersebut.

Menurut tiga anggota panel yudisial pengadilan, Rush hanya bertindak sebagai kurir, bukan dalam dari lingkaran penjualan narkotik dan obat-obatan berbahaya. Sebelumnya, Mahkamah Agung menerima permohonan banding dengan dasar Rush menyesali perbuatannya. Sementara itu usianya yang masih belia saat penangkapan, juga menjadi pertimbangan faktor yang meringankan saat banding.

Bali Nine adalah nama yang diberikan kepada sekelompok sembilan warga Australia ditangkap pada 17 April 2005 di Denpasar, Bali. Mereka adalah terdakwa dalam rencana penyelundupan 8,3 heroin dari Indonesia ke Australia. Andrew Chan, Si Yi Chen, Michael Czujaj, Renae Lawrence, Tach Duc Thanh Nguyen, Matthew Norman, Scott Rush, Martin Stephens dan Myuran Sukumaran. Semua berusia antara 18 dan 28 pada saat penangkapan mereka.

(JapanToday/Xinhua/AIS)

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Vonis mati bagi Scott Rush diubah menjadi seumur hidup

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Mahkamah Agung RI telah memutuskan vonis hukuman mati bagi penyelundup narkoba Bali-9 Scott Rush diubah menjadi hukuman penjara seumur hidup.

Ketika tertangkap di Bali tahun 2005, Rush terbukti membawa heroin yang dikatkan pada tubuhnya dan untuk itu ia dijatuhi hukuman penjara seumur hidup.

Sesudah pemintaan banding, hukuman penjara seumur hidup itu dinaikkan menjadi hukuman mati.

Ketika mengajukan banding terakhir tahun lalu, ia menyertakan bukti formal dari Kepala Polisi Federal Australia, Mick Kelty, yang mengatakan bahwa Scott Rush hanya memainkan peranan kecil dalam sindikat penyelundup narkoba Bali Sembilan.

Kemarin staf salah seorang Hakim Agung RI mengkonfirmasi bahwa vonis hukuman mati atas diri Scott Rush telah dibatalkan.

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The Australian

Court spares life of Bali Nine's Scott Rush in judicial review

- Peter Alfred, Jakarta correspondent
- From The Australian
- May 11, 2011 12:00AM
- 8 comments

A PANEL of judges from the same Indonesian court that put Scott Rush on death row almost five years ago yesterday gave back the Bali Nine heroin smuggler his life.

Ruling on 25-year-old Rush's application for judicial review, the judges, in a 2-1 decision, overturned the Supreme Court's decision of September 2006 to upgrade his sentence from life to death. Rush, whom former Australian Federal Police commissioner Mick Keelty said in September played a minimal role in the conspiracy to smuggle more than 8kg of heroin from Bali, is again serving a life term.

Australians would greet this decision with relief, Foreign Minister Kevin Rudd told parliament last night.

"Having spoken to the Rush family, who come from Brisbane, on a number of occasions over the last period of time, I'm sure the family will welcome this decision with great relief," he said.

Mr Keelty and AFP Deputy Commissioner Michael Phelan, who led the Australian end of the Bali Nine operation and who went to Bali in September to testify that Rush should be spared, must also have been deeply relieved.

The AFP's information to Indonesia, enabling the arrest of the Bali Nine in April 2005 and exposing them to the death penalty, provoked widespread anger at home, particularly when Lee Rush disclosed he asked police to stop his son leaving for Bali.

Politically, the Supreme Court decision also takes pressure off the Australia-Indonesia relationship, as Rush's advocate, Frans Winarta, pointed out last night.

But Mr Rudd last night reminded MPs: "There are, of course, another two Australians on death row in Indonesia."

For the main Bali Nine conspirators, Andrew Chan, 27, and Myuran Sukumaran, 30, yesterday's decision offers a spark of hope for their judicial reviews, lodged in February.

"We are thankful that Scott Rush has been saved from the death penalty," said Todong Mulya Lubis, their advocate and a famed Indonesian campaigner against capital punishment.

"This is a fair verdict and we also hope our clients will receive the same fair treatment."

If Chan's and Sukumaran's reviews fail - or if Rush wants to reduce his life sentence to a fixed term - their last resort is an appeal to Indonesian President Susilo Bambang Yudhoyono who, during seven years in office, has yet to extend clemency to a drug convict.

Apart from Renae Lawrence, who was sentenced to 20 years, the other Bali Nine conspirators are serving life terms.

Lee Rush told reporters last night the family would continue trying to free his son from Kerobokan Prison where, until now, Rush has been waiting in the so-called Death House.

"It's a great relief, it's been a long time coming," Mr Rush said. "The sentence was far too harsh from the beginning for the crime that he committed."

It is understood the Supreme Court panel decided, with one dissenter, that Rush should be spared because of his genuine remorse, his relatively minor role in the conspiracy and his age.

The Brisbane tearaway was 19 and on his first trip abroad in April 2005, when he was arrested in the Customs area of Bali's international airport with 1.3kg of heroin strapped to his body.

Last August, at the opening of his review hearing, Rush pleaded for his life. "I pray that I may be given a chance to show my remorse and to give back to the community in a practical way," he said. "I would like to be an ambassador against drugs . . . to show (young people) that I am the living example of how drugs can destroy lives, and do cause family and friends so much unhappiness, pain and distress."

His lawyers had sought a 15-year jail term, but Mr Winarta said last night: "Whatever the decision, now we have to accept it, because this is the end of the legal process. Scott is still very young, his life expectancy is long, and now he can have the chance to repair his life."

Brisbane barrister and family friend Bob Myers, who had contacted police before Rush left for Bali, said last night Mr Keelty's testimony in September was pretty much the least the AFP could do given its "outrageous" conduct. "That they were wholly and solely responsible for handing these nine young people to the Indonesian authorities and exposing them to the death penalty," he said.

Mr Myers said the Rush family would push for Dr Yudhoyono to grant clemency.

Additional reporting: Jared Owens, AAP

stuff.co.nz

WORLD

Bali Nine member Scott Rush escapes death penalty

DYLAN WELCH Last updated 09:10 11/05/2011

LATEST: The Bali nine drug courier Scott Rush has had his death sentence commuted in an appeal to the Indonesian Supreme Court.

The decision, announced last night in Canberra by the Foreign Minister, Kevin Rudd, comes six years after Rush, 25, was arrested at a Bali airport with more than a kilogram of heroin strapped to his body.

Eight other people were arrested the same day, April 17, 2005, and charged over a plot to smuggle a total of 8.3 kilograms of heroin into Australia.

"The Indonesian Supreme Court has today accepted Scott Rush's appeal against his death sentence and have instead sentenced him to life," Mr Rudd told Parliament.

"Australians will greet this decision with relief. The Australian government welcomes this decision by the Supreme Court."

Rush, who was aged 19 when he was arrested, had initially been sentenced to life imprisonment but that was upgraded to death when he launched an appeal against the decision in 2006.

His Indonesian lawyer, Frans Hendra Winata, said Rush's family were told last night, and were overjoyed.

"The reasons were that he's still young, he's being repentant and his role was only a courier," he said.

Last year the *Sydney Morning Herald* revealed Rush had undergone a circumcision ceremony in Kerobokan Prison in Bali in order to convert to Islam.

A month earlier he had told the SMH of his remorse over the crime and his battle with depression.

"I'm still looking for forgiveness. I just feel so bad about everything, especially for what I've done to my parents and family."

Two members of the Bali nine, Andrew Chan and Myuran Sukumaran, still face the death penalty. They have appealed against their death sentences.

- *Sydney Morning Herald*

News.com.au

Breaking news

Scott Rush told life sentence is final

- From AAP
- May 11, 2011 6:48PM

BALI Nine drug mule Scott Rush has been told the decision to commute his death sentence to life in prison is final.

Rush's Bali-based lawyer, Robert Khuana, said he had asked prison authorities to pass on the news to Rush that Indonesia's Supreme Court had granted his final appeal, sparing him from execution.

"I have asked the prison officers to tell Scott of the decision," Mr Khuana told AAP today.

However, Mr Khuana wanted Rush to know the decision was final.

Mr Khuana will visit Rush in person at Kerobokan Prison tomorrow to discuss the decision in more detail.

Rush, 25, from Brisbane, had been facing the death penalty for his part in a 2005 plot to smuggle more than eight kilograms of heroin from Bali into Australia.

However, the Supreme Court yesterday revealed it had granted his final appeal, known as a judicial review, and had commuted his sentence to life in prison.

While the result was not as good as the 15 years sought by Rush's lawyers, the decision did bring relief to his family, with his father Lee Rush saying it had been: "A long time coming."

It also comes after an earlier appeal delivered a much more shocking result.

Rush, the youngest of nine Australians convicted over the drug-smuggling conspiracy, was given life in prison when initially convicted, but had his sentence increased to death at his first appeal.

The panel of judges that presided over that decision were the same three that reversed it yesterday, sparing Rush's life.

While the written decision is not yet available in full, it is understood the decision was 2-1 in favour of reducing his sentence, with the judges citing the fact that Rush had shown remorse for his actions, and was only a minor player in the drug-smuggling plot.

His age was also taken into account.

Rush was only 19, and on his first overseas trip, when he was arrested at Ngurah Rai Airport with 1.3kg of heroin strapped to his legs and body underneath his clothing.

Rush's supporters expressed relief on Wednesday, however like Lee Rush they had been hoping for a lighter sentence.

Father Tim Harris, the family's former parish priest, said the decision to spare Rush's life was wonderful but also heartbreaking.

"It's sort of bittersweet, isn't it, where there's great news about Scott's situation on the one hand but ongoing pain continues by virtue of the fact that Scott continues to serve a life sentence," he told the ABC.

But the reaction from the man who tipped off the Australian Federal Police (AFP) about the Bali Nine plot showed there remains anger towards the role Australian authorities played in the saga.

Family friend and barrister Bob Myers tipped off the AFP weeks before the Bali Nine were arrested in Indonesia, in a bid to stop the smugglers before they committed the crimes.

He said the government was doing all it could to "right the wrong" of the past but he could not forgive the federal police for their role in the incident.

"These nine young Australians all faced the death penalty because of the actions of the federal police," Mr Myers told ABC radio today.

"It was the federal police that really had these nine people incarcerated in the first place, so I'll never forgive them for that."

It is believed the Supreme Court carefully considered the testimony of former AFP commissioner Mick Keelty in deciding to grant Rush's judicial appeal.

Mr Keelty, who was also a lead player in the AFP investigation that led to the Bali Nine arrests, told the Supreme Court at Rush's final appeal that he was the lowest ranking among the members of the syndicate.

Scott Rush off death row in Bali

Karla Salna, AAP South-East Asia Correspondent
May 10, 2011

AAP

Bali Nine drug courier Scott Rush has won a desperate bid for his life after the Indonesian Supreme Court reduced his sentence to life in prison.

Rush, 25, from Brisbane, had been facing the death penalty for his part in a 2005 plot to smuggle more than eight kilograms of heroin from Bali to Australia.

But the Indonesian Supreme Court, which published the decision on Tuesday, commuted his sentence to life, citing the fact that Rush had shown remorse for his actions while also taking into account his age.

Rush was only 19, and on his first overseas trip, when he was arrested at Ngurah Rai Airport with 1.3kg of heroin strapped to his legs underneath his clothing.

The decision was greeted with relief from his family, with his father Lee Rush saying they would continue fighting to free their son.

"It's a great relief, it's been a long time coming," he told reporters in Bali.

"The sentence was far too harsh from the beginning for the crime that he committed.

"We had hoped we could get a lighter sentence.

"We must continue to get Scott and the other Australians back home where they belong."

It is understood the Supreme Court voted 2-1 in favour of granting the judicial review, which if it had failed, would have left Rush's life depending on clemency from Indonesian President Susilo Bambang Yudhoyono.

"The reasons they gave is that he's still young, he's been repentant and his role was only as a courier," Rush's lawyer Frans Hendra Wirata told AAP.

The Supreme Court, which read out the decision at 11am on Tuesday (1400 AEST), also cited the fact that Rush was only a courier, and not considered a ringleader of the group.

It is believed the testimony of former Australian Federal Police (AFP) commissioner Mick Keely was carefully considered in reaching the decision.

Mr Keely, who was also a lead player in the AFP investigation that led to the Bali Nine arrests, told the Supreme Court at Rush's final appeal that he was the lowest ranking among the members of the syndicate.

"He had very little knowledge and very little role in the enterprise," Mr Keely told the court in September last year.

"He was a very young person. His role was a very minimal role. Scott Rush was not an organiser."

In Canberra, Foreign Minister Kevin Rudd, who as prime minister made a personal appeal to Dr Yudhoyono to spare the lives of the death row members of the Bali Nine, said Australians would greet the decision with relief.

"The Australian government welcomes this decision by the Supreme Court," Mr Rudd told parliament on Tuesday night.

He said the federal government remained in close touch with Rush's parents, who had been informed of the decision.

"As parents, they have shouldered a heavy burden over these years of waiting," Mr Rudd said.

It is understood Mr Rudd raised the matter again when he visited the Indonesian president in Jakarta in March.

However, a spokesman for Dr Yudhoyono said it had no bearing on the outcome of the Supreme Court decision.

"He did raise the matter but as government we cannot in any way intervene in the judicial system," the spokesman told AAP.

Rush's lawyer said his client would now hope for Australia and Indonesia to agree to a prisoner exchange deal.

"Hopefully, he can go back to Australia one day," he said.

The so-called ringleaders of the Bali Nine - Andrew Chan and Myuran Sukumaran - are also waiting for the outcome of judicial reviews in the hope they will escape the firing squad.

If their appeals fail, they must rely on President Yudhoyono granting them clemency.

Rush now joins a number of other members of the drug smuggling plot who are also serving life sentences in Bali's Kerobokan Prison, including Martin Stephens, Matthew Norman, Si Yi Chen, Tan Duc Than Nguyen and Michael Czuga.

Stephens had his final appeal against a life sentence rejected in January.

The final member of the drug ring, Rensae Lawrence, is serving a 20-year sentence, which has already been reduced by almost two years.

Rush was originally given life in prison, but after an appeal the Supreme Court unexpectedly increased his sentence to death.

His final appeal had pushed for a 15-year sentence.

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Australian spared death in Indonesia: lawyer

(AFP) - 23 hours ago

JAKARTA — Australian drug smuggler Scott Rush, one of the members of a gang known as the Bali Nine, has won an appeal against his death sentence in Indonesia, his lawyer said Tuesday.

"His judicial review has been accepted by the Supreme Court. His death penalty has been annulled and the sentence has been changed to life," Frans Hendra Winata told AFP.

"The reason is because he is still young, he expressed remorse and he has never been convicted of any other crime. And most especially, he was just a courier and not the mastermind."

The 24-year-old was convicted and ultimately sentenced to death for his role in an attempt to smuggle eight kilograms (18 pounds) of heroin into Australia from the Indonesian resort island of Bali in 2005.

A spokesman for the Indonesian Supreme Court was unable to confirm that Rush's appeal had been successful.

"I don't know yet about that," spokesman Djoko Sarwoko said.

Australian Foreign Minister Kevin Rudd told parliament that his government welcomed the decision by the Supreme Court, adding that Canberra was in close contact with Rush's parents, who had been informed of the ruling.

"As parents, they have shouldered a heavy burden over these years of waiting," he said.

Two other Australians on death row, Andrew Chan and Myuran Sukumaran, have also lodged judicial appeals against their death sentences, he added.

"We will continue to provide consular support to both men and their families," Rudd said.

Two top Australian police officers in September testified that Rush — who had an initial life sentence upgraded to death after an earlier appeal — was not a leader of the plot and did not deserve to face a firing squad.

One of them, Deputy Commissioner Mike Phelan noted that it was Rush's first drugs offence and as such would receive a sentence of "less than 10 years" if he had been convicted in Australia, which does not have the death penalty.

Five other members of the gang — Martin Stephens, Matthew Norman, Si Yi Chen, Michael Czuga and Thanh Nguyen — are serving life sentences.

Renee Lawrence, the only woman in the group, received 20 years but has had her sentence reduced by almost two years for good behaviour.

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Scott Rush was convicted for trying to smuggle some eight kilograms (18 pounds) of heroin into Australia from Bali (AFP/File, Sonny Tumbelaka)

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Australian spared death in Indonesia: lawyer

Drug smuggler Scott Rush won appeal against his death sentence. -AFP

Tue, May 10, 2011

AFP

JAKARTA - AUSTRALIAN drug smuggler Scott Rush, one of a gang known as the Bali Nine, has won an appeal against his death sentence in Indonesia, his lawyer said Tuesday.

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The 24-year-old was convicted and ultimately sentenced to death for his role in an attempt to smuggle some eight kilograms (18 pounds) of heroin into Australia from the Indonesian resort island of Bali in 2005.

The two alleged ringleaders of the Bali Nine gang, Andrew Chan and Myuran Sukumaran, are also seeking to have their death sentences reduced to life.

A spokesman for the Indonesian Supreme Court was unable to confirm that Rush's appeal had been successful.

"I don't know yet about that," spokesman Djoko Sanwoko said.

Former Australian Federal Police commissioner Mick Keelty and current Deputy Commissioner Mike Phean testified at Rush's final appeal against his death sentence in September last year, saying he was a minor player.

Keelty said that Rush -- who had an initial life sentence upgraded to death after an earlier appeal -- was not a leader of the plot and did not deserve to be sent to face a firing squad.

Phean noted that it was Rush's first drugs offence and as such would receive a sentence of "less than 10 years" if he had been convicted in Australia, which does not have the death penalty.

Aside from Rush, Chan and Sukumaran, five other members of the gang -- Martin Stephens, Matthew Norman, Si Yi Chen, Michael Czuga and Thanh Nguyen -- are serving life sentences.

Renee Lawrence, the only woman in the group, received 20 years but has had her sentence reduced by almost two years for good behaviour.

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Posted on Tue, May, 10, 2011

Indonesia commutes Australian's death sentence

The Associated Press

Indonesia's Supreme Court has spared the life of an Australian who was sentenced to death for drug trafficking, one of his lawyers said Tuesday.

Scott Rush was one of nine Australians convicted in April 2005 of attempting to smuggle 18.3 pounds (8.3 kilograms) of heroin to Australia from the resort island of Bali.

Frans Hendrawinata, one of Rush's Indonesian lawyers, said the Supreme Court spared Rush's life by reducing his death sentence to life imprisonment. He did not say when the verdict was handed down.

Six members of the group, dubbed the "Bali Nine" by the Australian media, were sentenced to death, two were given life imprisonment and one was sentenced to 20 years.

Rush and three others were initially given life sentences, but the Supreme Court changed them to death sentences in September 2006. Rush then requested a judicial review last July.

"In principle we accept the reduction even though we had requested a 15-year jail term," Hendrawinata said of the July appeal.

He said Rush, who was 19 when he was arrested, was just acting as a courier, expressed remorse and promised to be an anti-drug activist.

Indonesia has extremely strict drug laws, and traffickers are regularly sentenced to death.

About 140 people are on death row, including more than 40 foreigners, most of them for drug-related crimes.

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Associated Press

Indonesia commutes Australian's death sentence

Associated Press, 05.10.11, 11:38 AM EDT

JAKARTA, Indonesia – Indonesia's Supreme Court has spared the life of an Australian who was sentenced to death for drug trafficking, one of his lawyers said Tuesday.

Scott Rush was one of nine Australians convicted in April 2005 of attempting to smuggle 18.3 pounds (8.3 kilograms) of heroin to Australia from the resort island of Bali.

Frans Hendrawinata, one of Rush's Indonesian lawyers, said the Supreme Court spared Rush's life by reducing his death sentence to life imprisonment. He did not say when the verdict was handed down.

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He said Rush, who was 19 when he was arrested, was just acting as a courier,

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Hukuman Terpidana Mati Bali Nine Dikurangi

Selasa, 10 Mei 2011 19:39 WIB

JAKARTA - Salah satu terpidana mati kasus narkoba yang terkenal dengan nama Bali Nine, Scott Anthony Rush mendapat keringanan. Scot yang di tingkat kasasi dihukum mati, diringankan menjadi hukuman seumur hidup di tingkat peninjauan kembali (PK).

"Benar, permohonannya (Scott Anthony Rush) dikabulkan dan hukuman menjadi hukuman seumur hidup," kata sumber Seputar Indonesia (Sindo) di Mahkamah Agung, Selasa (10/5/2011).

Perkara PK tersebut diputuskan dengan majelis yang diketuai Artokjo Akostar dan anggota majelis Mansur Kartayasa dan Imam Harjadi. Pertimbangan hukum peringanan Scott adalah peran Scott yang bukan peran utama. Scott hanya dimanfaatkan oleh terdakwa lain. Kemudian, di perkara lain, terdakwa yang perannya sama dengan Scott hanya dihukum seumur hidup.

Namun, putusan tersebut tidak bulat. Ada satu hakim yang berpendapat beda yang meminta agar Scott tetap dihukum mati. Diketahui, Scott Anthony Rush adalah satu dari sembilan warga Australia yang ditangkap kepolisian Indonesia dalam kasus penyelundupan 11,25 kilogram heroin ke Sydney melalui Bali. Ke sembilan warga Australia tersebut ditangkap pada 17 April 2005. Kasus tersebut dikenal dengan "Bali Nine".

Selain Scott Rush, ke delapan yang ditangkap polisi Indonesia adalah Myuran Sukumaran, Andrew Chan, Tan Duc Thanh Nguyen, Si Yi Chen, Matthew James Norman, Michael Czujaj, Renae Lawrence, dan Martin Stephens.

Sebelumnya, di Pengadilan Negeri Denpasar, Scott dihukum mati. Putusan tersebut dikuatkan oleh Mahkamah Agung di tingkat kasasi. Hingga kemudian, hukuman Scott diringankan di tingkat PK. Scott pada 2007, sempat mengajukan uji materi ke Mahkamah Konstitusi. Dia bersama beberapa terdakwa mati kasus narkoba meminta MK mencabut hukuman mati dalam UU Narkotika. Namun, permohonan Scott tidak diterima sebab Scott bukan warga negara Indonesia.

(Kholil Rokhman/Koran S/ahm)



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