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Bali Nine's Scott Rush avoids death penalty

- Cindy Wockner and AAP
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Scott Rush has been spared the death sentence in Indonesia.
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The family of Bali Nine drug mule Scott Rush have vowed to continue fighting to free their son after he was spared execution by the Indonesian Supreme Court yesterday.

The Supreme Court voted two to one in favour of a life sentence.

It is understood the Supreme Court granted the appeal on the basis that Rush, 25, had shown remorse for his actions, while also citing his age at the time as a mitigating factor.

The court also considered the fact that Rush was not a ringleader in the group, and only a courier.

After almost five years living on death row, suffering nightmares about the firing squad and what would happen to him, it was the news Rush was praying would come true.

His father, Lee Rush, said they were relieved but would continue fighting to free their son.

"It's a great relief, it's been a long time coming," Mr Rush 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."

Rush's lawyer Frans Hendra Wirata confirmed this afternoon that his sentence has been reduced to life in prison.

"This is also really good news for the family. Thank God for this," Mr Wirata said.

"The reasons they gave is that he's still young, he's been repentant and his role was only as a courier."

Rush's other lawyers said they were disappointed Rush's sentence had not been cut to 15 years, which they had sought as part of the appeal.

Rush's Bali lawyer Robert Khuana said: "Scott has a very minor role and a life sentence is not just for him."

His Darwin-based lawyer Robert Welfare said he had not yet spoken to Rush but predicted he would be "very disappointed" that his sentence had not been cut further.

Kerobokan Jail Governor Siswanto said tonight that he was unaware of the decision but that he was delighted when told by the media and that it was "good news".

Mr Siswanto said he had not seen Rush and was not aware of his reaction.

Government reaction

Foreign Minister Kevin Rudd said Australians would greet the decision with relief.

"The Australian Government welcomes this decision by the (Indonesian) Supreme Court," he told parliament.

Mr Rudd said Rush's parents had shouldered a heavy burden, with years of waiting for the decision.

Opposition foreign affairs spokeswoman Julie Bishop said Rush was a young man, aged 19, when he was caught trafficking drugs and had a somewhat troubled past.

If there was ever a lesson for people to understand they must abide by the laws of other countries, Rush's was one, she said.

"This young man has learned a very, very harsh lesson," Ms Bishop told parliament.

Australian Greens legal affairs spokesman Scott Ludlam said the decision was a "fundamentally" good one.

"The death sentence, which is unacceptable under any circumstances, was particularly extreme in this case," Senator Ludlam.

"We welcome the decision of the Indonesian Supreme Court to commute his death sentence."

Attorney-General Robert McClelland praised Rush's legal team.

"The work of the Australian and Indonesian lawyers involved in this case should be acknowledged, including John North, Robert Myer, Robert Welfare and Colin McDonald QC, along with their Indonesian counterparts who have been representing Mr Rush during these proceedings," Mr McClelland said.

Rush joins fellow couriers

The first news about the decision came via the Supreme Court's new website, where the word "granted" was posted beside Rush's case file number.

Rush was one of nine young Australians arrested at Bali's airport in April 2005. Four of them, including Rush, were couriers with more than 8kg of heroin strapped to their bodies, which they were going to bring to Australia.

Rush joins a number of other members of the drug smuggling plot who are also serving life sentences in 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, Renae Lawrence, is serving a 20-year sentence, which has already been reduced by almost two years.

The so-called Bali Nine ringleaders, Andrew Chan and Myuran Sukumaran, are waiting for the outcome of their judicial reviews in the hope that they will also escape the death penalty.

The Bali Nine's arrest in Indonesia was controversial because it was a tip-off from the Australian Federal Police which led to their capture and subsequent harsh sentences.

Later, at Rush's appeal, former AFP Commissioner Mick Keelty, agreed to testify on his behalf in a bid to help him beat death row.

Mr Keelty told the court that Rush was a mere courier, that he had no knowledge of the wider drug operation and would have received a much lighter sentence if he had been tried in Australia.

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