

# DEATH PENALTY SEMINAR

By Adrian Jamolin

2 December 2007 marked the second anniversary of Van Nguyen's execution in Singapore. The Australian Lawyers Alliance, in conjunction with Amnesty International and the Sydney Centre for International Law, hosted the public seminar, 'Australians on Death Row: Reflections on Van Nguyen and the Bali 6', on Monday 3 December 2007 to commemorate this sombre occasion. About 50 people attended the seminar at the University of Sydney to hear speakers Julian McMahon, John North and Michael Walton.

Julian McMahon, a Lawyers Alliance member who represented Van Nguyen, highlighted the regional importance of the death penalty issue given that most death penalty cases occur in Asia. In the context of the three death penalty cases he has worked on, he noted the assistance of the Australian government in the successful appeal against George Forbes' murder conviction in Sudan.

He then discussed Van Nguyen, whom he said was clearly a reformed person. McMahon noted the difficulty posed by Singapore's mandatory death sentence for anyone found guilty of trafficking over 15g of heroin, which in the end made the execution of Van Nguyen inevitable.

The final case discussed by McMahon was the application of Bali 6 members, Sukumaran and Chan, to Indonesia's Constitutional Court, which was joined with the application of two Indonesian women also sentenced to death. While the application failed, McMahon noted that the Constitutional Court recommended that an individual sentenced to death should be given 10 years to show that s/he was reformed, after which their sentence could be changed to life imprisonment. However, this recommendation would need to be taken up by the Indonesian government to become law.



L to R: Michael Walton, of the NSW Council for Civil Liberties; John North, former president of the Law Council of Australia and lawyer for Scott Rush; Natalie Zerial co-convenor of Amnesty International NSW Legal Network; and Julian McMahon, Alliance member and lawyer for Van Nguyen, and for Sukumaran and Chan of the Bali 6.

The second speaker was John North, lawyer for Bali 6 member Scott Rush, whose application to the Constitutional Court was joined to that of Sukumaran and Chan. North said that the two principal questions that the Court had to decide were whether a foreigner could access the Court, and whether the death penalty in the Narcotics Law was valid, having regard to the right to life in Indonesia's constitution. The Court answered no to the first question and yes to the second. North argued that this was a double standard in relation to standing: the Bali 6 members were subject to the full force of Indonesian law and the death penalty, but did not have the benefit of the human rights enshrined in Indonesia's constitution.

The third speaker was Michael Walton, who is on the executive committee of the NSW Council for Civil Liberties. Walton discussed the rise of 'intelligence-led' and transnational

policing. He questioned whether Australian Federal Police (AFP) activities in Vietnam have contributed to Australians being sentenced to death there, and which laws the AFP operated under in transnational policing? Walton said that the Ministerial Directive to the AFP must be changed so that intelligence is not shared with countries that violate human rights.

All three speakers answered questions from the audience, with a main point being the need for continued action to campaign consistently against the death penalty by the Australian government, lawyers and all individuals interested in human rights. ■

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