
What Manner of Men and Women Are We?

Barry Jones confessed in 2002 that he felt a terrible sense of personal responsibility for Ronald Ryan's death. The Secretary of the Victorian Anti-Hanging Council at the time of Ryan's execution in 1967, Jones could only recently bring himself to speak publicly about the experience, revealing how personally traumatised he was by that brutal hanging.

As a member of the Victorian Parliament in 1975, Jones gave a passionate second reading speech to the House on the *Crimes (Capital Offences) Bill*, which would ultimately abolish the death penalty in Victoria. Observing that it gave MPs an opportunity to declare just what manner of men and women we were, he said then that in casting his vote for abolition, he was essentially taking a stand against darkness and pessimism, and voting for man's capacity for moral regeneration. Now, that's leadership.

The execution of Ngyuen Tuong Van in Singapore posed another such opportunity for our leaders – and they botched it. If John Howard, Alexander Downer and Philip Ruddock had taken a more consistent, principled stand against the death penalty when it loomed as an issue in our region over recent years, Singapore's President S. R. Nathan and Prime Minister Lee Hsien Loong may have been forced to pay more serious heed to their appeals for clemency.

Who remembers the firm stance Downer took in 2002, when a sentence of death by stoning for a young mother was upheld by a Sharia Court of Appeal in Nigeria?

The Australian Government is universally and consistently opposed to the use of capital punishment in any circumstances. The death penalty is an inhumane form of punishment which violates the most fundamental human right: the right to life. If this sentence were to be carried out, it would be received with outrage in Australia and in the wider international community.

But this resolute and absolute position has withered since then. Following bomb attacks in Indonesia where Australian lives were lost, there was no similar

condemnation by our leaders of the death penalty imposed on the 'smiling' Bali Bomber, Amrozi bin Nurhasyim. Indeed, Howard had foreshadowed that if he were to get the death penalty "*There won't be any protest from Australia*". No qualms either for the sentence passed on Iwan Darmawan, recently found guilty of the bombing of the Australian Embassy in Jakarta. And of course, Howard is on record as having positively supported the death penalty for Saddam Hussein, if he is ultimately convicted of war crimes in Iraq.

It seems the policy position now is that capital punishment is actually acceptable if it's the law of the foreign land and the victim is not an Australian.

With our government professing that some people are more worthy of saving from state execution than others, how can we claim to be leaders in our region, moral or otherwise? We are rightly open to scorn for lacking a consistent position. Do we believe that a human right as fundamental as the right to life should be protected from state execution regardless of colour, creed or geography, or don't we?

We don't know what was said behind closed doors when Howard argued Van's case. But I'd be willing to bet that our moral inconsistency was high on the Singaporeans' list of discussion points. Our Prime Minister should have maintained a consistent, unwavering opposition to the death penalty in all its forms whenever the opportunity arose. He should have provided strong moral leadership on this issue. If he had, the Singaporean authorities may have listened to him with more respect, solicitude and responsiveness when he belatedly came calling in the last days of Van's life. Van is a victim of politics as much as he is a victim of the noose.

The Australian Government must unequivocally voice its opposition to the death penalty, in all its guises and in all places for all people. This must occur before the next case, perhaps that of the Bali 9, shines a deathly glow on Australia's untenable current position.

By Pia Di Mattina, a Melbourne lawyer on the Executive of the human rights group, ReprieveAustralia.
www.reprieve.org.au

