

<p>Death row  08/22/2006  <a href="http://bulletin.ninemsn.com.au/bulletin/site/articleIDs/2EE02DFA6A85672BCA2571C500284970">http://bulletin.ninemsn.com.au/bulletin/site/articleIDs/2EE02DFA6A85672BCA2571C500284970</a></p>		
Type	Text	Coment
Strap/ Standfirst	The convictions of the Bali bombers will be quashed. As the final round of appeals begins, relatives of the victims fear that the three mass-murderers will walk free. Paul Toohey and Cindy Wockner report.	The strap is not always written by the journalist it is often added by the sub-editor. It can often act like or compliment the “billboard” para
Introductory anecdote	In early 2003, Kevin Paltridge got himself a tattoo. It was the face of his dead son, Corey, located high on his left arm. At the time he wanted to find some words to put beneath the image but couldn’t think of anything appropriate. Now he has found those words: “Corey. My mate, my son. 6-11-81 – 12-10-02.”	This makes an essentially technical legal story personal and emotional
Introductory facts	Like many of those who lost family to the October 12, 2002, Bali bombings, Paltridge, from Perth, is confused about what fate awaits the three death-penalty candidates – brothers Amrozi and Mukhlas, and mastermind Imam Samudra. The three have begun their final appeal process, and their scheduled August 22 execution has been set back.	Sets out the major facts and moves nicely from Paltridge to the event
Introductory quote	“I’ve made jest-like remarks that I’ll pack my bags full of marijuana, go to Indonesia, get arrested and find them that way,” he says. He wants them shot dead. No in-betweens. He says he’d be pleased to do the job himself.	This completes the introductory sequence with a quote from the character introduced in the first para

Sub-head	Island of lost souls	This sub head added by the sub-editor separates the intro paras from the body of the article
Fact development and background	<p>With legal experts claiming the bombers will win their appeals, it is not surprising Paltridge is distressed.</p> <p>The possibilities of a monumental legal disaster seemed to be confirmed in 2004 when Indonesia's newly formed Constitutional Court ruled in the case of one of the lower-ranking bomber-accomplices, Maskur Abdul Kadir, that he had been unlawfully tried under a retroactive anti-terror law – that is, a law that had been passed after the crime had been committed.</p>	With the link para we move from the personal experience of Paltridge to the background detail of the appeal
Expert comment	University of Melbourne Asian law professor, Tim Lindsey, has said the “uncertainty over how the Kadir decision is to be implemented has created chaos”. While Kadir’s story has largely passed under the Australian public’s radar, it has not escaped the notice of Canberra.	<p>Expert is used to begin analysis – move the story from fact and background to interpretation and explanation</p> <p>Note the way the link is established between this para and the next. The reference to Canberra sets up the intor of the Attorney General who brings the next para</p>
Political background	Attorney-General Philip Ruddock has refused to comment, because to do so would be seen as interfering in another country’s judicial system. But his office confirmed they are watching the events with interest and great concern because it	Political background is introduced

	<p>involves the lives of so many Australians, dead and alive.</p> <p>After the Papuan refugee affair so rapidly turned ugly between Australia and Indonesia, a moratorium on publicly bagging or discussing each other's governmental processes appears to have been enforced (as evidenced by the refusal by Indonesia to comment on the granting of refugee status to the 43rd Papuan asylum-seeker in the past fortnight).</p>	
Transitional para	<p>Information has been hard to come by. Paltridge has been watching Indonesian and Australian commentators debate the cases. One of the more alarming – or alarmist – claims, made by Lindsey, is that the appeal process could see Amrozi, Mukhlas and Samudra walk free.</p>	<p>This is a transitional or bridging para which gathers together the facts and takes us to the next section. Paltridge is brought back as is Lindsey.</p>
Character quotes	<p>“When I first went up to Bali for the trial I was so rapt,” says Paltridge. “Everything seemed to be happening as it should be. I left the trials quite happy we’d see some sort of justice done in a relatively short time. I’ve written letters to John Howard saying I wanted to be at the executions – knowing full well, of course, I wouldn’t be given that right.</p> <p>“I’ve heard the date was August 22 but I know it won’t happen – it’ll get put off again. I plan to be up there on that date for the hell of it, for my own peace of mind. I just want to see the end of the</p>	<p>These extended quotes break from the informational tone of the preceding paras and introduce the key character of Paltridge in more depth. While Lindsey is the expert who acts as some kind of guide through this legal maze. Paltridge is the key character, he becomes the touchstone for the readers reactions, the guide through the emotional maze.</p>

	<p>buggers, that’s all. I’ve lost my son, I’ve also lost my business because I couldn’t cope, and I’m not working at the moment because I can’t get a job.</p> <p>“I took to the bottle, and thankfully my wife grabbed me by the hair and pulled me out of all that. But it’s not the same as before Bali happened and it never will be. I lost my mate. I remember Amrozi – how he came into court, wanting to be a martyr. But now he’s appealing. To me he’s turned out to be the coward that he really is.”</p>	
Deep background	<p>Amrozi, 43, Ali Gufron, aka Mukhlas, 46, and Samudra, 36, were seniors in a group of 30 people who all played a part in the 2002 Bali bombings, which saw 202 mostly young people, including 88 Australians, die in near-simultaneous late-night blasts in Kuta’s Sari Club and neighbouring Paddy’s Bar.</p> <p>Of this deadly band, some were mere bit-players, who received jail terms of varying lengths; others more deeply involved avoided death by showing contrition or assisting police in unravelling the operation. Amrozi, Mukhlas and Samudra only ever showed regret that more Americans (seven died) were not killed.</p>	<p>This is deep background – although most readers will know the story of the Bali Bombings this just clarifies the background and makes sure the main facts are clear. Note how this is done well into the article not at the beginning.</p> <p>It also acts as a rhythmic break.</p>
Transitional para	<p>Samudra was specifically anti-Australian, citing the “anti-Muslim” 1999 East Timor intervention as one reason Australians deserved to die. Theirs</p>	<p>Samudra is the link between the two paras</p>

	<p>were not so much confessions, as detailed justifications for their actions. The three were sentenced to death in 2003. But Amrozi, Mukhlas and Samudra have strong grounds for appeal: the anti-terror laws under which he and his comrades were prosecuted are illegal. Indonesia's constitution is unshakeable on the point.</p>	
<p>The legal issues</p>	<p>The bombers – and their many accomplices – were prosecuted under legislation raced through by then President Megawati Sukarnoputri six days after, and in direct response to, the Bali bombings. The new law allowed for the execution of people found guilty of terrorist acts. But Indonesian law says no person can be prosecuted under a retroactive law. That is, the state cannot legislate to make an act illegal after that act was committed.</p> <p>The bombers could have, and should have, been tried under existing law as premeditated mass-murderers. Their accomplices could have, and should have, been charged with aiding and abetting them, also under existing law. They were not.</p> <p>The argument – as it has been so far presented – seems to be that if they win their appeals on the retroactive law grounds, they would be sent for retrial. But, goes argument which has exercised legal brains in both countries, the retrials would fail because double jeopardy – which forbids the</p>	<p>More detail is given on the legal facts</p>

	prosecution of a defendant for a criminal offence for which he has already been tried – would come into play.	
Analysis	The Bulletin understands the cases need not, and will not, head down any such path. While the Indonesian Supreme Court – the final word on the law in that country – may indeed find that the retroactive laws are unconstitutional, theirs is a very powerful court: they can simply quash the original convictions, enact the penal code and send them straight to their deaths for having committed (mass) murder. It's not how we'd do things here. But there will not be too many complaints from Australia, or even from Indonesia – the Balinese took the second highest death count after Australia.	<p>The facts are interpreted,</p> <p>Note the use of “The Bulletin understands...” This is used to indicate that investigations or sources that cannot be quoted directly are the source of this information</p> <p>The use of “we” (“It's not how we do things here...”) is unusual but fits with the ongoing narrative of the Bali bombings as an “Australian tragedy”</p>
Expert analysis	<p>An American-born attorney practising in Jakarta, Andrew Sriro, who compiles and annually updates the respected Desk Reference of Indonesian Law, says he can see no way that the bombers can lose their final appeals on retroactive law. But nor can he see them just walking free.</p> <p>“Look at the Corby case,” says Sriro, “the decision after appeal was 15 years. It was reviewed on appeal by the Supreme Court and she got 20. They have a fact-finding role at every level. They</p>	The expert is introduced to further develop the possible legal outcomes

	<p>have broad discretion to review the entire case, to find guilt or innocence – it’s all in their discretion.”</p>	
<p>Legal arguments</p>	<p>Lawyers for the bombers were at pains to explain to The Bulletin that they were not using the appeals to free the trio. Wirawan Adnan was one of the lead lawyers in all the main 2002 Bali bombing trials and at the trials of Abu Bakar Bashir, the Muslim cleric who served just over two years for giving his blessing to the bombers. Adnan says the point of seeking a judicial review of the cases is not about showing sympathy toward the bombers – it is about due diligence when it comes to the laws of Indonesia. “What we are doing [by lodging judicial review] is not defending the criminals, we are defending the law. It is about the legality of the application of the law. It is not about sympathy. It is about carrying out what is best for our legal system.”</p> <p>Adnan, and the fellow members of the Muslim Lawyer Team, want to see the law advance. At the same time he says he can appreciate Australian reaction to the judicial review. “I can understand the emotion of people in Australia – I would probably go through the same emotions if that happened to my family,” he says.</p> <p>But, he says, all legal avenues must be exhausted “before you can kill someone in the name of</p>	<p>Legal arguments are explored indepth from the perspective of the bomber’s lawyers – this is obviously an attempt to balance the article and a way of exploring the legal possibilities more thoroughly</p>

	<p>justice and in the name of God.</p> <p>“If we are talking about what they want, they are ready to die tomorrow. They have said ‘I am ready to die anytime’,” says Adnan. “It is not about killing Amrozi.” Or, indeed, setting him free. Adnan has no doubt Amrozi and the others are guilty. He says their confessions prove that. He only wants to see the laws of Indonesia develop. Fellow lawyer Mahendradatta agrees, saying: “Our judicial review is not related to the life and death of Amrozi. It is about the struggle to defend our constitution.”</p>	
background	<p>Some Australians may think the lawyers have shown bad taste in using the bombers to run their test case. But it must be remembered that Indonesian law, inherited from their former Dutch rulers, only began to find its feet with the enactment of the constitution in 1945. In the decades that followed, Indonesian judges did not so much enforce law as do the bidding of their political leaders. Seen in those terms, real law was only born in Indonesia after the fall of Suharto in 1998.</p>	<p>A background para that steps out of the argument for a moment to give some history that explains the situation.</p> <p>Again it provides facts but also is rhythmically significant as a break and a transition between parts of the article</p>
Summary of possible outcomes	<p>Indonesia’s Attorney-General, Abdul Rachman Saleh, has already said an application for judicial review would see the executions postponed. His spokesman, Wayan Pasek Suartha, a former Balinese prosecutor, agrees that if the Supreme</p>	<p>This para tries to bring the preceding analysis of likely scenarios into a summary and a “most likely” scenario</p>

	<p>Court were to quash the convictions and set the trio free, double jeopardy would technically apply. So too does Putu Indriati, the woman who prosecuted Mukhlas. But conventional thinking in Jakarta is that the Supreme Court would simply review the case, convict them all of mass murder and re-sentence them to death.</p>	
Circle back	<p>Kevin Paltridge does not need to fill his bags with marijuana just yet.</p>	Circle back to Paltridge
New Character	<p>An Australian such as Paltridge does not think too differently to Haji Bambang Priyanto, an Islamic traffic officer who was one of the first rescue officials on the scene at the Sari Club and also involved in rescuing victims after last year's Bali suicide bombings. Bambang agrees that the trio should be executed.</p> <p>"I very much agree. This is not about revenge. They must be executed, especially since they have already admitted they are guilty. Like or dislike [capital punishment] they must be executed.</p> <p>"Our God teaches us not to bear a grudge," Bambang says, but he believes if the executions do not go ahead the people of Indonesia will lose all respect for the laws of their country.</p> <p>As a witness at the trials, Bambang gave compelling and tearful evidence of what confronted him when he arrived at the Sari Club</p>	<p>Another character is introduced again to add some kind of balance – an Indonesian who shares Paltridge's distress over the bombing and sides with his views.</p> <p>It may have worked better earlier.</p> <p>This section and the next seem to intrude at a point when the rhythm of the story seems to be reaching a natural end point.</p> <p>I would have cut one or the other of them or moved them.</p>

	<p>after riding his bicycle to the scene. Remembering it still brings tears to his eyes. And he was in tears at the scene of the Raja restaurant bomb last year, the blood of victims staining his fingernails.</p>	
<p>Political issues</p>	<p>Tim Lindsey has argued we must urge Indonesia to spare the bombers, saying to do otherwise would be “morally reprehensible” and prove our double standards as we seek clemency for Australian death-penalty candidates: the Bali Nine’s Andrew Chan and Myuran Sukumaran. But until Foreign Affairs opens an office firing off letters urging every country to desist from every execution, it is not our role to plead for the bombers. Nor is it ours to encourage any execution.</p> <p>John Howard and Alexander Downer have only said they would not intervene on their behalf. It is hard to see how this compromises Chan and Sukumaran.</p>	<p>This seems to be a bit awkward here and introduces a whole new argument very late in the piece. Even though it does circle back to the earlier mention of Canberra’s concerns</p>
<p>Conclusion</p>	<p>The only question is when, not if, the three bombers will die. That will be known when the Supreme Court decides whether it will hear the judicial review. Whatever happens, it seems they only have months to live.</p>	<p>Reaffirms the conclusion of the most likely scenario</p>