

# MORE NUMEROUS, YET INVISIBLE

THE SITUATION OF PEOPLE SENTENCED  
TO DEATH IN INDONESIA

FACT-FINDING  
MISSION REPORT



WHY DO WE KILL PEOPLE  
.. WHO KILL PEOPLE  
TO SHOW THAT  
KILLING PEOPLE IS WRONG..

**EC  
PM** TOGETHER  
AGAINST  
THE DEATH  
PENALTY

**KontraS**  
Komisi untuk Orang Hilang dan Korban Tindak Kekerasan  
The Commission for the Disappearances and Victims of Violence

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## THE SITUATION OF PEOPLE SENTENCED TO DEATH IN INDONESIA

**FACT-FINDING  
MISSION REPORT**

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## PRESENTATION OF COORDINATING ORGANISATIONS



**Together Against the Death Penalty (ECPM)** has been campaigning since 2000 for the universal abolition of capital punishment through advocacy work, awareness raising initiatives and by uniting and bringing together the international abolitionist movement. As a founding member of the World Coalition Against the Death Penalty, ECPM organises the World Congress Against the Death Penalty every three years. ECPM supports the creation of national and regional coalitions, carries out educational activities for young people, conducts fact-finding missions on the realities of those sentenced to death, and provides capacity-building support to local stakeholders.



**The Commission for the Disappeared and Victims of Violence (KontraS)** is a human rights NGO based in Jakarta, Indonesia. KontraS has consistently undertaken efforts to campaign for abolition of the death penalty in Indonesia as one of KontraS focus issues. In order to get solid support for this movement, KontraS has taken an active role both in regional and global networks, namely the Anti-Death Penalty Asia Network (ADPAN) and the World Coalition Against Death Penalty (WCADP), to bring attention to the issue. By using different approaches, such as mainstream campaigns, human rights research and continuous advocacy, KontraS hopes to shift both the public and government paradigms on how to legitimately use the rule of law to address human rights issues in Indonesia.

## LIST OF ACRONYMS

|              |                                                                                                                                  |
|--------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>ECPM</b>  | Together Against the Death Penalty                                                                                               |
| <b>ICCPR</b> | International Covenant on Civil and Political Rights                                                                             |
| <b>IDR</b>   | Indonesian rupiah                                                                                                                |
| <b>KUHP</b>  | <i>Kitab Undang-Undang Hukum Pidana</i> (Criminal Code)                                                                          |
| <b>LBHM</b>  | <i>Lembaga Bantuan Hukum Masyarakat</i>                                                                                          |
| <b>NGO</b>   | Non-governmental organisation                                                                                                    |
| <b>OPCAT</b> | Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| <b>UN</b>    | United Nations                                                                                                                   |

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## FOREWORD

### Anti-Death Penalty Asia Network (ADPAN)

As a leading regional network of organisations and individuals working towards the abolition of the death penalty across the Asia-Pacific, the Anti-Death Penalty Asia Network (ADPAN) is pleased to introduce *More Numerous, Yet Invisible: The situation of people sentenced to death in Indonesia*, prepared by Together Against the Death Penalty (ECPM) and the Commission for the Disappeared and Victims of Violence (KontraS). KontraS has long been a valued member of ADPAN, and this report demonstrates the importance of sustained local documentation reinforced by regional solidarity. Across the Asia-Pacific, capital punishment remains deeply entrenched, but the regional picture is neither static nor uniform. Malaysia has abolished the mandatory death penalty and restored judicial discretion; Vietnam has considered further reductions in the range of capital offences. By contrast, Singapore continues to carry out executions, overwhelmingly for drug-related offences, while advocacy against capital punishment has faced increasing pressure. These developments show that progress is real, but neither linear nor irreversible. Punitive drug policy remains one of the principal barriers to abolition.

Indonesia stands at the centre of this tension. In July 2026, it will mark ten years since its last executions. ADPAN and its partners welcome this de facto abolitionist milestone while urging the Government to make it permanent in law. The anniversary is both an achievement and a warning. It shows that Indonesia can administer justice without executions; it also exposes the costs of leaving abolition unfinished. Indonesia has not declared a formal moratorium, courts continue to impose death sentences, and the number of people under sentence of death has more than doubled since ECPM and KontraS' previous fact-finding mission.

The new Criminal Code offers grounds for cautious hope. Its ten-year probationary framework and avenues for commutation create pathways away from execution. Yet uncertain implementing standards leave hundreds of people caught between an execution

that has not occurred and an abolition that has not yet arrived. Transitional reform is not abolition.

This is the report's distinctive contribution. It looks beyond execution figures to the people who continue to live under sentence of death. Continued sentencing makes this population more numerous; prolonged uncertainty, inadequate mental health support, separation from families, uneven detention conditions, and the absence of a regime responsive to their particular needs leave it largely invisible. Foreign nationals and people convicted of drug-related offences carry a disproportionate share of this burden. The report also shows how coercion, exploitation, and human trafficking may be obscured in capital cases involving women.

ADPAN commends ECPM and KontraS for this careful and necessary work. We hope it will assist policymakers, judicial and correctional authorities, diplomats, and abolitionist advocates throughout the region. The next steps are clear: formalise the moratorium; ensure transparent and equal access to commutation; stop seeking and imposing new death sentences; commute existing sentences; and remove capital punishment from Indonesian law. Indonesia has shown that ten years without executions is possible. It should now ensure that the pause becomes permanent and that no person remains condemned to live in uncertainty between life and death.

# INTRODUCTION

In 2026, Indonesia marks ten years since its last executions. Yet, the death penalty has not been abolished. Although executions have been halted, courts have continued to impose death sentences, transforming capital punishment into prolonged confinement.

In 2019, *Dehumanized*, a report published by Together Against the Death Penalty (ECPM) and KontraS, demonstrated that the suspension of executions did not signal a move towards abolition.<sup>1</sup> Instead, it resulted in men and women being held under death sentence for decades, deprived of any real prospect of a future.

Seven years later, this report shows that Indonesia is undergoing a transition in its approach to capital punishment. The adoption of a new Criminal Code and reforms introduced in 2026 mark a shift towards a more conditional and less irreversible approach to executions.

However, the death penalty remains a central component of Indonesia's criminal justice system. In recent years, courts have continued to impose death sentences and the number of people sentenced to death has significantly increased. By April 2026, 639 people were held under death sentence, more than twice the number recorded in 2019.

Building on the findings of *Dehumanized*, this report examines how the death penalty is currently enforced in practice. Drawing on interviews conducted in 2024 and 2025 with people sentenced to death, prison staff, and civil society representatives, it shows how, despite recent legal reforms, people sentenced to death continue to experience prolonged detention marked by uncertainty, causing deep psychological strain and leaving them largely invisible within a penitentiary system ill-equipped to address their specific needs.

<sup>1</sup> C. Berrih & KontraS, *Dehumanized: The prison conditions of people sentenced to death in Indonesia*, ECPM, 2019.

# METHODOLOGY

This report is based on qualitative field research conducted in Indonesia in 2024 and 2025. It combines semi-structured interviews and documentary analysis. Interviews were conducted by KontraS researchers with people sentenced to death held in several detention facilities. Additional interviews were carried out with prison staff and other relevant actors involved in the criminal justice and penitentiary systems. These materials were supplemented by reports produced by KontraS and other non-governmental organisations (NGOs), and by an analysis of judicial and penitentiary documents.

As was the case during the 2019 fact-finding mission, access to comprehensive and official data on the death penalty in Indonesia remains limited. There are no publicly available statistics on the number of death sentences imposed each year, nor on the total number of people sentenced to death or held in Indonesian prisons.<sup>2</sup> While official data provided to KontraS by the Directorate General of Corrections in 2025 offer updated figures on numbers and locations of men and women sentenced to death, significant gaps persist regarding gender, sentencing trends, procedural status, length of detention and conditions of detention across the country. Discrepancies also remain between official figures and civil society estimates. For example, while authorities reported fewer than 600 people held under death sentence in 2025, some human rights organisations estimated that more than 700 people sentenced to death were held in Indonesian prisons in 2023.<sup>3</sup>

People sentenced to death are not held in a dedicated type of facility. The site of detention depends on a range of factors including security classifications, type of offence and overcrowding. Detention conditions vary significantly. Understanding how men and women

<sup>2</sup> In breach of the United Nations (UN) Economic and Social Council (1989) Resolution 1989/64 on implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.

<sup>3</sup> Amnesty International, *Death sentences and execution 2023, 2024*, p. 21.



experience detention under death sentence therefore requires examining more than one type of prison.

For this reason, our research focused on several detention facilities selected to reflect different institutional settings. Particular attention was paid to the island of Nusakambangan, which occupies a specific place within the Indonesian penitentiary system. The island hosts several high- and super-maximum-security facilities and holds a significant proportion of those sentenced to death in the country.<sup>4</sup> The research also examined ordinary provincial prisons, where people sentenced to death are detained alongside other categories of prisoners in more heterogeneous carceral environments, with varying security levels. The detention facilities visited are summarised in Table 1.

Using this comparative approach, researchers conducted in-depth interviews with eight people sentenced to death across the selected sites, as well as with a dozen prison officers directly involved in

their management. Additional information on detention conditions in other prisons was provided through interviews with civil society representatives. The sample was designed to capture variation rather than to be exhaustive. By situating individual experiences within a broader institutional context, this report complements existing quantitative approaches.

**Table 1: Detention facilities visited**

| Prison                     | Location                                    |
|----------------------------|---------------------------------------------|
| Kembang Kuning (Class II)  | Nusakambangan Island, Central Java province |
| Besi (Class II)            | Nusakambangan Island, Central Java province |
| Kerobokan (Class II)       | Kerobokan, Badung Regency, Bali province    |
| Lapas Narkotika (Class II) | Nusakambangan Island, Central Java province |
| Pontianak (Class II)       | Pontianak, West Kalimantan province         |
| Surabaya (Class I)         | Surabaya, East Java province                |

<sup>4</sup> See below, Section “Conditions of detention for people sentenced to death”.

# OVERVIEW OF THE DEATH PENALTY IN INDONESIA

## THE NORMATIVE FRAMEWORK ON THE DEATH PENALTY

Indonesian law formally recognises the right to life while maintaining an extensive legal framework that allows the use of capital punishment. Article 28A of the Constitution guarantees that “everyone has the right to live and to defend his or her life and livelihood”.<sup>5</sup> However, this constitutional protection coexists with a broad range of legal provisions authorising the death penalty. Domestic legislation currently includes around fifty provisions carrying the death penalty, although its imposition is not mandatory. The death penalty can be applied to a wide spectrum of offences, including treason, aggravated murder, drug trafficking, corruption, terrorism, sexual violence against children, and certain international crimes.<sup>6</sup>

In recent years, several legislative proposals have sought either to expand or to reaffirm the scope of the death penalty in Indonesia, particularly for drug-related offences, corruption and serious crimes against the state. While no new capital offences were ultimately introduced, the revised Criminal Code (*Kitab Undang-Undang Hukum Pidana* – KUHP), adopted in 2022, preserved the death penalty for

<sup>5</sup> See also Article 4, Law No. 39/1999 on Human Rights, and the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia in 2006.

<sup>6</sup> See Appendix 2.

a wide range of crimes, including many that fall well beneath the “most serious crimes” threshold under international human rights law. The UN Human Rights Committee has consistently interpreted this threshold narrowly, limiting it to offences involving intentional killing and excluding drug-related crimes.<sup>7</sup> The reform thus consolidated the existing framework.

Nonetheless, the adoption of the KUHP, which entered into force in 2026, marks a shift in Indonesia’s legal approach to the death penalty. Capital punishment is reframed as a sanction of last resort rather than the ultimate penalty of the criminal justice system. Death sentences are now conceived as conditional: courts may impose them with a ten-year probationary period, during which the individual’s conduct becomes decisive for the future of the sentence. This shift was further reinforced by Law No. 1 of 2026 on Criminal Adjustment (*Penyesuaian Pidana*). Although it was primarily intended to harmonise statutes and regulations with the new KUHP framework, it also amended several provisions of the KUHP itself, including key articles governing the death penalty (see box below).<sup>8</sup>

#### THE NEW KUHP AND LAW NO. 1/2026: NEW PATHWAYS AWAY FROM EXECUTION, BUT PERSISTENT UNCERTAINTY

The new KUHP (Law No. 1/2023) and the Criminal Adjustment Law (Law No. 1/2026) create new legal pathways that may, in principle, limit the number of executions.

First, under Article 100 of the KUHP, as amended by Law No. 1/2026, every death sentence must now be imposed with a ten-year probationary period running from the date the conviction becomes final. If, during

that period, the person sentenced demonstrates “praiseworthy attitudes and conduct”, the death sentence is commuted to life imprisonment by Presidential Decree, after consideration by the Supreme Court. During the probationary period, the death sentence cannot be carried out.

Second, Article 101 of the KUHP, as revised by Law No. 1/2026, provides for the automatic commutation of a death sentence. If a clemency petition is rejected and the death sentence has not been carried out within ten years of that rejection, for any reason other than the convicted person’s escape, the death sentence is converted to life imprisonment. Unlike the mechanism under Article 100, this commutation does not depend on any behavioural assessment or Supreme Court advice.

While these two mechanisms may contribute to limiting executions, caution remains necessary regarding the interpretation and implementation of Article 100. The legal standard governing the possible commutation of a death sentence to life imprisonment after the probationary period remains broadly defined, relying on the notion of “praiseworthy attitudes and conduct”. To date, however, this concept has not been clearly operationalised, nor is it supported by transparent procedural safeguards.<sup>9</sup> In the absence of clear benchmarks or procedures, the Article 100 assessment mechanisms – which in practice rely heavily on the correctional authorities – raise serious concerns regarding consistency, discretion, and accountability.

At the same time, the reform has raised expectations among both prison staff and people sentenced to death. Several correctional officers interviewed expressed support for the new framework, emphasising their belief in the possibility of change and pointing to behavioural improvements they had observed among incarcerated individuals over time. People sentenced to death likewise described the reform as offering the prospect of a second chance. For some interviewees, however, the reform does not address the long-term social consequences of a death sentence. Irfan<sup>10</sup> underlined that it is not accompanied by any mechanism to restore a person’s reputation. He expressed concern that, even if released, he might not be accepted back into society, highlighting that the reform will not resolve the stigma attached to the death sentence.

Indonesian law provides for a limited number of exemptions from the death penalty. Children cannot be sentenced to death.<sup>11</sup> Pregnant women may not be executed until at least forty days after childbirth.<sup>12</sup> People with mental disabilities are excluded from capital punishment

7 Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 2018, §36.

8 Article 100 of the KUHP, as amended by Law No. 1 of 2026, now states: “(1) The judge imposes a death sentence with a probation period of 10 (ten) years as referred to in Article 99. (3) The ten-year probationary period shall commence one (1) day after the court decision has obtained permanent legal force. (4) If during the probationary period the convict exhibits praiseworthy attitudes and conduct, the death sentence is commuted to life imprisonment by Presidential Decree, after consideration by the Supreme Court. (6) During the probationary period, the death sentence cannot be executed.” Article 101, as revised by Law No. 1/2026, provides: “If a death-row convict’s clemency petition is rejected and the death sentence is not carried out for ten (10) years after the rejection – for reasons other than the convict’s escape – death sentence is, by operation of law, commuted to life imprisonment.”

9 KontraS, *Critical Note: The Death Penalty Situation in Indonesia Toward the Implementation of the New Criminal Code*, 2025.

10 In order to ensure the safety of respondents, their names have been changed.

11 Article 64(f), Law No. 35/2014 on the Revision of the Law on Child Protection; Article 81(6), Law No. 11/2012 on the Criminal Justice System for Children.

12 Article 7, Law No. 2/PNPS/1964.

when the offence is directly linked to their condition.<sup>13</sup> Nationality is not a relevant factor in the application of capital punishment: capital punishment applies equally to Indonesian citizens and foreign nationals. As will be discussed below, the sentencing of numerous foreign citizens to death has repeatedly generated diplomatic tensions. Under national law, executions may only be carried out by firing squad.<sup>14</sup>

## THE GROWING NUMBER OF PEOPLE SENTENCED TO DEATH IN INDONESIA

Although Indonesian law provides for the death penalty for a wide range of offences, its application has historically been selective. Since independence, executions have been carried out in relation to only four categories of crimes: subversion, aggravated murder, terrorism and drug-related offences. Subversion, which once played a central role in capital sentencing,<sup>15</sup> has since disappeared as a criminal offence. Over time, drug-related crimes have become the leading basis of death sentences in Indonesia.

This trend has intensified over the past decade, particularly in the context of the government's declared "war on drugs".<sup>16</sup> Since 2015, civil society organisations have consistently reported that more than two-thirds of all death sentences imposed each year are for drug-related offences.<sup>17</sup> This pattern is confirmed by official data from April 2026, according to which drug offences accounted for approximately 69% of all people under death sentence (441 out of 639). Murder cases constituted the second-largest category, with 165 people under death sentence. Other categories of offences included robbery (9 cases), terrorism (8), psychotropic offences (7), child protection offences (8), and violence against women and children (1).<sup>18</sup>

13 Article 44(1), KUHP.  
14 Law No. 2/PNPS/1964. Article 11, KUHP. Attempts by the semi-autonomous province of Aceh to introduce alternative methods of execution – including stoning in 2009 and beheading in 2018 – were never implemented and were ultimately rejected by the central government as contrary to national law. See C. Berrih and KontraS, *Dehumanized*, ECPM, 2019, op. cit.  
15 See below, Section "History of the death penalty in Indonesia: governing through perceived threats".  
16 Ibid.  
17 Amnesty International, *Death sentences and executions*, 2015-2024.  
18 Directorate General of Corrections Indonesia, official data communicated to KontraS, 30 April 2026.

Despite the halt in executions since 2016, capital sentencing has not declined. In 2024 alone, Indonesian courts imposed at least 71 new death sentences, the large majority for drug-related offences, placing Indonesia among the countries most actively resorting to capital punishment worldwide.<sup>19</sup>

Table 2: Evolution of death sentences in Indonesia 2007-2026<sup>20</sup>

|                                       | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018  | 2019 | 2020  | 2021 | 2022 | 2023 | 2024  | 2025 (August) | 2026 (April) |
|---------------------------------------|------|------|------|------|------|------|------|------|------|------|------|-------|------|-------|------|------|------|-------|---------------|--------------|
| Number of recorded death sentences    | 11 + | 10 + | 1    | 7 +  | 6 +  | 12 + | 16 + | 6    | 46 + | 60 + | 47 + | 48    | 41   | 40    | 31   | 82   | 42   | 71    |               |              |
| Number of people under death sentence |      |      |      |      |      |      |      |      |      |      |      | 308 + | 268  | 364 + | 401  | 483  | 525  | 546 + | 596           | 639          |

The sustained imposition of capital punishment has had a direct and cumulative effect on the size of the population under death sentence in Indonesia. Although reliable and comprehensive official statistics remain limited, and discrepancies between sources persist,<sup>21</sup> available data point to a clear upward trajectory. In July 2019, Indonesian authorities reported that 268 people were held under death sentence nationwide.<sup>22</sup> By April 2026, official figures released by the Directorate General of Corrections indicated that 639 people sentenced to death were held in Indonesian detention facilities.<sup>23</sup> In less than six years, the number of men and women sentenced to

19 ECPM data.  
20 2007-2018 data: Amnesty International, *Death sentences and executions*. 2019-2024 data: ECPM, *The death penalty in Indonesia*, 2024. 2025 data: Directorate General of Corrections, *Letter to KontraS "Penyampaian Informasi Data Jumlah Terpidana Mati Di UPT Pemasyarakatan"*, 19 August 2025. 2026 data: Directorate General of Corrections Indonesia, official data communicated to KontraS, 30 April 2026. The "+" notation used by Amnesty International is reproduced here to indicate that the data represent a minimum.  
21 See above, *Methodology*.  
22 Directorate of Correctional Institutions, *Letter to KontraS "Pemenuhan Permohonan Keterbukaan Informasi Publik Terkait Data Jumlah Terpidana Matidi Lembaga Pemasyarakatan di Indonesia"*, 2019.  
23 Directorate General of Corrections, official data communicated to KontraS, 30 April 2026.

death has therefore more than doubled. Foreign nationals are particularly affected by this expansion. Official data from 2025 indicate that 95 foreign nationals from a dozen countries were under death sentence, of whom 94 had been convicted of drug-related offences. By April 2026, the number of foreign nationals under death sentence had risen to 97. This overrepresentation has repeatedly generated diplomatic tensions with countries such as the United Kingdom, the United States and Australia. In several instances, including during the wave of executions carried out in the mid-2010s,<sup>24</sup> the countries concerned recalled their ambassadors, suspended bilateral cooperation, or issued formal diplomatic protests in response to death sentences and planned executions of their citizens.

Table 3: Nationality of foreign nationals under death sentence in Indonesia (April 2026)<sup>25</sup>

| Nationality | Number of people under death sentence |
|-------------|---------------------------------------|
| Afghanistan | 1                                     |
| China       | 16                                    |
| Hong Kong   | 6                                     |
| India       | 4                                     |
| Iran        | 12                                    |
| Malaysia    | 23                                    |
| Nigeria     | 12                                    |
| Pakistan    | 2                                     |
| Taiwan      | 20                                    |
| Zimbabwe    | 1                                     |
| Total       | 97                                    |

In 2024 and 2025, Indonesia concluded several bilateral agreements with countries, enabling the repatriation of a limited number of foreign nationals sentenced to death.<sup>26</sup> While these transfers attracted significant attention, they remain exceptional and do not alter the overall scale of foreign nationals currently held under death sentence in the country.

24 See below, Section “History of the death penalty in Indonesia: governing through perceived threats”.

25 Directorate General of Corrections, official data communicated to KontraS, 30 April 2026.

26 See below, Section “History of the death penalty in Indonesia: governing through perceived threats”.

The age distribution of people under death sentence is heavily concentrated among middle-aged adults. As of April 2026, the majority (438 out of 639) were between 36 and 60 years old, while 163 were aged between 18 and 35, and 38 people were over the age of 60.<sup>27</sup>

WOMEN, TRAFFICKING AND THE DEATH PENALTY IN INDONESIA

According to official data, there are currently nine women sentenced to death detained in Indonesia's cells.<sup>28</sup> Available documentation shows that women facing capital punishment in Indonesia are overwhelmingly convicted of non-violent drug-related offences, most often for acting as couriers at the lowest levels of trafficking networks.<sup>29</sup> This reflects a broader punitive approach that targets the most expendable actors in drug supply chains. Human rights organisations have documented patterns of deception, manipulation and coercion in cases involving women sentenced to death. Many report having been recruited through false promises, economic pressure or direct threats, raising serious concerns about the failure of criminal proceedings to identify and recognise situations of human trafficking.<sup>30</sup> Rather than being treated as potential victims, these women are prosecuted as principal offenders.

In Indonesia, the application of the death penalty in such cases illustrates how capital punishment intersects with gendered vulnerabilities, migration and transnational drug enforcement. Several emblematic cases have drawn international attention. Merri Utami, an Indonesian woman sentenced to death in 2001 after being arrested on her return from Nepal in possession of drugs, had been exploited by a drug trafficking syndicate operating across borders. After spending more than two decades under death sentence and facing imminent execution in 2016, her sentence was commuted to life imprisonment through presidential clemency in 2023. Mary Jane Veloso, a Filipina domestic worker convicted of drug trafficking in 2010 and widely regarded as a victim of human trafficking, spent nearly fifteen years under death sentence before being transferred to the Philippines in 2024 under a bilateral arrangement. Similarly, Lindsay Sandiford, a British national sentenced to death for drug trafficking in 2013, was repatriated to the United Kingdom in 2025 after spending more than a decade under death sentence. She consistently maintained that she had acted under threats from a criminal gang.<sup>31</sup>

27 Directorate General of Corrections, official data communicated to KontraS, 30 April 2026.

28 Ibid.

29 J. Hutton & L. Harris, “International Women’s Day 2021: Women, Drug Trafficking & The Death Penalty in Southeast Asia”, 2021.

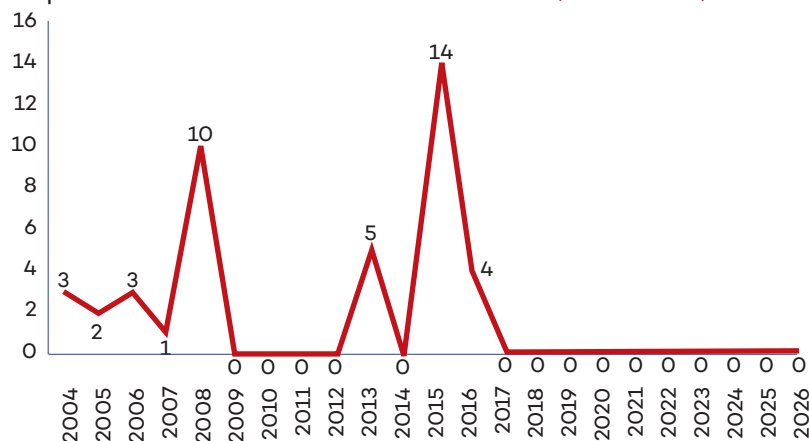
30 Lembaga Bantuan Hukum Masyarakat (LBHM) & Harm Reduction International, *Submission to The Human Rights Committee, 140<sup>th</sup> Session (4-28 March 2024): Country review of Indonesia*, 2024.

31 E. Tarigan, “UK and Indonesia agree to send home a British woman facing death penalty for drugs”, *AP News*, 22 October 2025.

## EXECUTIONS IN INDONESIA

Indonesia has never declared an official moratorium on the death penalty. While executions have periodically been suspended, these interruptions have remained informal and reversible. After a pause between 2009 and 2012, executions resumed, with the most recent carried out in 2016. Since 2010, a total of 23 people have been executed in Indonesia. The overwhelming majority were convicted of drug-related offences, many of them foreign nationals.

Graph 1: Evolution of executions in Indonesia (2004-2025)



At the international level, Indonesia has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty and has consistently abstained from voting on UN General Assembly resolutions calling for a global moratorium on the use of the death penalty.

### 2016: INDONESIA'S MOST RECENT EXECUTIONS

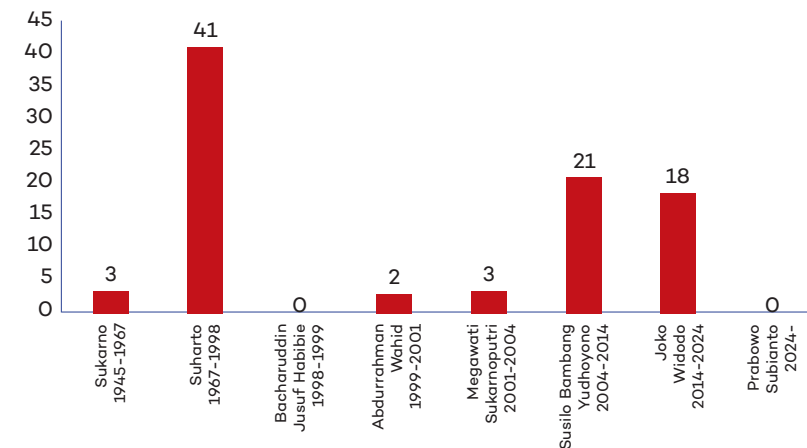
On 29 July 2016, four people convicted of drug-related crimes were executed by firing squad on Nusakambangan Island. They were Freddy Budiman, an Indonesian national, and three foreign nationals: Humphrey Ejike and Michael Titus, both Nigerian citizens, and Seck Osmane, who held Senegalese nationality.

The Indonesian authorities justified these executions by invoking the scale of the country's drug problem and the need for a strong deterrent response. The executions triggered widespread international criticism. The European Union publicly condemned the use of the death penalty and reiterated its opposition to capital punishment in all circumstances. The then United Nations Secretary-General, Ban Ki-moon, also expressed his disapproval, calling on Indonesia to reconsider its use of the death penalty.

# HISTORY OF THE DEATH PENALTY IN INDONESIA: GOVERNING THROUGH PERCEIVED THREATS

The death penalty has long been a central component of Indonesia's legal system, emphasising the interplay between law, power, and penal populism.<sup>32</sup>

Graph 2: Executions under each president



<sup>32</sup> For more details on the period before independence and, more generally, on the history of the death penalty in Indonesia: C. Berrih and KontraS, *Dehumanized*, ECPM, 2019, op. cit.

## INDEPENDENCE AND EARLY STATE-BUILDING (1945-1955)

At independence, Indonesia inherited a legal system in which the death penalty was normalised. The 1945 Constitution, adopted in urgent circumstances, made no reference to the right to life. This silence left the colonial logic of punishment intact and preserved the state's discretion to use capital punishment as a sovereign tool. In the immediate post-independence period, there was no debate on abolition or restriction, with use of the death penalty remaining largely unquestioned.

The replacement of the colonial criminal code with the Indonesian Criminal Code (KUHP) in 1946 did not alter this position. The KUHP retained capital punishment for a range of offences, including treason, insurgency, premeditated murder, and certain forms of extortion. Execution by firing squad remained the prescribed method of execution, symbolically anchoring the death penalty in a militarised conception of justice. Capital punishment was reasserted as part of the legal identity of the new state.

During this period, executions were rare, but this restraint should not be interpreted as signalling a move towards abolition. Rather, the death penalty functioned primarily as a reserve power, available to the state in a context marked by political fragility. Its presence in the law signalled that challenges to authority – real or perceived – could be met with the ultimate sanction.

## THE GUIDED DEMOCRACY AND THE EXPANSION OF THE LEGAL FRAMEWORK ON CAPITAL PUNISHMENT (1956-1965)

The shift to the Guided Democracy fundamentally altered the role of the death penalty. As President Sukarno concentrated power and dismantled parliamentary constraints, capital punishment evolved from a residual sanction into an explicit instrument of political control. A series of regulations extended the death penalty to economic crimes, subversion, espionage, and acts deemed to threaten national security. These offences were defined broadly, often vaguely, allowing for flexible interpretation. For example, the 1963 Anti-Subversion

Decree, drafted in vague terms, allowed for the prosecution and conviction of individuals whose statements were considered disruptive to public order or state institutions, criminalising intentions, opinions and associations.

At the same time, institutional safeguards collapsed. Judicial independence was explicitly denied, extraordinary military courts were created, and the separation of powers was rejected in the name of unity. Although executions remained limited in number, the legal architecture was transformed. The death penalty was ready to be deployed on a large scale.

## THE NEW ORDER AND THE EXPANSION OF EXECUTIONS (1966-1998)

Under General Suharto's New Order, the death penalty was operationalised as part of a broader system of repression. His rise to power was accompanied by mass killings, arbitrary detention and the systematic repression of real or perceived communists. While many were killed extrajudicially, dozens were sentenced to death through military and ordinary courts, often in trials widely regarded as politically motivated.

Over time, the function of the death penalty expanded beyond political repression. New capital offences were introduced for crimes related to aviation, drugs and psychotropics. From the late 1970s onward, executions resumed for ordinary crimes, particularly murder, and later for subversion and religious extremism. Capital punishment was periodically activated to respond to perceived social threats such as rising crime or political unrest. Throughout this period, the Indonesian authorities consistently rejected international criticism, portraying the death penalty as a sovereign matter essential to national security.

## REFORMASI AND NORMATIVE AMBIGUITY (1998-2014)

The fall of Suharto created an expectation of rupture. The repeal of the Anti-Subversion Law removed one of the most notorious tools of political repression, yet no structural reassessment of capital

punishment followed. Instead, the *Reformasi* period reframed the death penalty within a human-rights discourse that remained internally contradictory.

The 1999 Law on Human Rights formally recognised the right to life but carved out an explicit exception for executions carried out pursuant to a court decision. At the same time, new legislation expanded the scope of capital offences. New laws adopted during this period retained or expanded capital punishment for terrorism, corruption, drug-related offences, genocide and crimes against humanity.

While the number of offences punishable by death remained high, terrorism and drug-related offences gradually emerged as the primary justifications for executions. Following the 2002 Bali bombings, anti-terrorism legislation introduced the death penalty as a central sanction. The definition of terrorism was broad, and safeguards were weak, allowing capital punishment to be imposed in cases where procedural guarantees were fragile. Executions also resumed intermittently, often clustered around politically sensitive moments.

## THE “WAR ON DRUGS” AND THE POST-2016 PARADOX

From 2014 onwards, the death penalty entered a new phase under Joko Widodo. Executions peaked between 2015 and 2016, almost exclusively targeting people convicted of drug-related offences, including high-profile cases involving foreign nationals. Drug trafficking was framed as a “national emergency”. This policy relied on two pillars: deterrence and sovereignty. Authorities repeatedly asserted that executions were necessary to protect the population, despite the absence of credible evidence that the death penalty has a deterrent effect. At the same time, international criticism was dismissed as illegitimate interference.

Yet this hardline stance coexisted with signs of hesitation. Executions were halted after 2016, although no formal moratorium was declared, and discussions on criminal law reform reopened the issue of capital punishment.

## A NEW ERA?

The revised KUHP formally classified the death penalty as an alternative rather than a primary sentence and introduced the possibility of commutation after a probationary period. The KUHP entered into force on 2 January 2026, on the same day as Law No.1 of 2026, which further refined the framework by introducing an automatic commutation mechanism after ten years of non-execution following the rejection of a clemency petition (revised Article 101). These reforms signal a clear legislative intention to reduce the irreversibility of death sentences without abolishing capital punishment.

However, the reforms have not curtailed prosecutorial or judicial reliance on capital punishment. Prosecutors have continued to seek death sentences in a wide range of cases, particularly for drug-related offences. KontraS recorded 35 prosecutorial requests for death sentences between October 2023 and September 2024, a pattern that the NGO interprets as merely a response to public demand for harsh punishment.<sup>33</sup>

By April 2026, 97 foreign nationals were under death sentence, representing more than 15% of all people under death sentence in Indonesia. In this context, a new dynamic has begun to emerge: the increasing use of bilateral agreements to transfer foreign nationals sentenced to death to their countries of origin.<sup>34</sup> Observers explained that these arrangements respond to diplomatic considerations and Indonesia’s interest in maintaining stable bilateral relations. By facilitating the transfer of some foreign nationals, the authorities have attempted to reduce tensions with partner states that oppose capital punishment, while leaving the domestic legal framework unchanged.

Conversely, Indonesia has adopted an active diplomatic posture to protect its own nationals facing capital punishment abroad, driven in part by the significant number of Indonesian citizens concerned. As of August 2025, 157 Indonesian citizens were facing the death penalty overseas, the vast majority in Malaysia (147), followed by Laos (4), the United Arab Emirates (3), Saudi Arabia

<sup>33</sup> KontraS, *The Failure of Nawacita: Stagnation in the Abolition of the Death Penalty in Indonesia. Report on the 2024 World Day Against the Death Penalty*, 2024, p. 8.

<sup>34</sup> See box below.

(2), and Vietnam (1). Drug-related offences accounted for 111 of these cases.<sup>35</sup>

The Indonesian authorities have mobilised considerable diplomatic and legal resources to prevent these executions, highlighting a persistent asymmetry between the continued use of capital punishment in Indonesia and the government's efforts to shield its citizens from its application abroad.

#### DIPLOMATIC TRANSFERS OF PEOPLE SENTENCED TO DEATH

While Indonesian law continues to provide for capital punishment, a small but growing number of cases involving people under death sentence have recently been managed through diplomatic transfers. Mary Jane Veloso, a Filipina national sentenced to death for drug trafficking, was transferred to the Philippines in December 2024. Her execution had been suspended in 2016. Serge Atlaoui, a French welder sentenced to death in Indonesia in 2007, was transferred to France in February 2025. More recently, Lindsay Sandiford, a British national sentenced to death in 2013, was transferred to the United Kingdom in November 2025 under a bilateral transfer arrangement. Her deteriorating health condition was cited as a contributing factor to the transfer.<sup>36</sup> Diplomatic transfers remain limited in scope and are not governed by a comprehensive national policy applicable to all people sentenced to death. The letter received from Mary Jane Veloso and the interview with her mother, conducted through the organisation *Migrante International* (see below) illustrate both the hopes raised by these transfers and their limitations. Mary Jane remains incarcerated in the Philippines.

<sup>35</sup> Data provided by the Indonesian Ministry of Foreign Affairs in response to a public information request submitted by KontraS.

<sup>36</sup> Ibid.



Jaringan Anti Hukuman Mati (JATH)

#### LETTER FROM MARY JANE VELOSO

28 January 2026

Good morning everyone, I am Mary Jane Fiesta Veloso, and I would like to express my gratitude for all the help and support you have given me and my family. I may not know you all well, but I feel your care and love as if you were my family. You are all here fighting alongside me since the very beginning until now. You continue to help me attain justice and my freedom. I know that through God's guidance, you have been one of the reasons why the execution of my death sentence was stopped, and it is because of all of you who support me [that] I was sent home by our dear President Ferdinand "Bongbong" Marcos Jr, which paved the way for me to return to our country on 18 December 2024. This gave me renewed hope and I continue to have faith in God and hope that it will not take a long time before I am reunited with my loved ones again.

I want you to know how difficult it has been for me to see my parents who are already of old age, travelling all the way from Nueva Ecija, for 8-10 hours just to visit me. And they have to find money for transport fares and food they can bring for me. They put aside their own health conditions and their old age to ease their longing for me. But for some reason, after one year, I am still here in prison even though I have not committed any wrongdoing, even in our country.

To all of you who continue to support me, wherever country or community you are from, I continue to ask for your help. I wish for nothing more than to be with my family who have been separated from me for more than 16 years. I hope to be given the opportunity to take care of my parents while they are still alive and especially my children whom I did not have the chance to watch grow up. I want to make them feel that they have a mother who loves them very much.

I am very grateful for all of you who support me, you who are truly genuine in spirit, ready to help me attain my immediate freedom. Thank you very much and may God repay your kindness to me and my family.  
GOD BLESS US.

*Translated into English by Migrante International*

**INTERVIEW WITH MS. CELIA VELOSO, MOTHER  
OF MARY JANE VELOSO, CONDUCTED BY KAREN GOMEZ DUMPIT**  
February 2026

I am Celia Veloso, mother of Mary Jane Veloso.

When Mary Jane was jailed in Indonesia, I had the opportunity to go to many places, including Europe. I was happy to meet a lot of people like in the World Congress against the Death Penalty because I know that they can help my daughter Mary Jane get released from prison.

When Mary Jane was sentenced to death, after about 10 years, we were hopeful that when her recruiter surrendered, I thought my daughter will be released already but this didn't happen and she is still in jail.

But in December 2024, the whole family was so happy to receive the news from the NGO *Migrante* and church people that my daughter would now be able to come back to the Philippines. Our family went to the airport to see her arrive and to be able to hug her, but we did not get to see her then, we only got to see her in the jail facility instead. At the time, we were under the impression that she will just be in quarantine for 5 days and stay in detention for another 15 days before we got to see her home, but again, this did not happen.

In Indonesia, we got to visit Mary Jane only once a year. While we are happy that she is already here in the Philippines, it has become very difficult for us to travel and visit her nowadays. Before, we get to visit her twice a month, but now we only see her once a month. Our visits have been less frequent because we don't have the money to go see her. We live in the province in Natividad, Nueva Ecija and she is in the Correctional Institute of Women in Mandaluyong City in Metro Manila (Nueva Ecija is about 3 hours away from Metro Manila). I get dizzy riding the bus from our place in the province to the jail.

Mary Jane is asking for all to help bring her home as she longs to be with her children. She is also now suffering from ailments herself. Before, while in Indonesia, Mary Jane earned from her batik designed fabrics and she could give some money to her family when they get to visit. While she is also busy in the correctional institute with work like washing in bulk as well as cleaning toilets, she can no longer give her children money as she doesn't get to earn while in detention.

It has been more than a year since she arrived in the Philippines, and she has not been released. It's painful for me as mother as well as her children to go through this. I really want to be with my daughter already because her father and I are getting old and have many ailments already. Her children have grown up but they had faced many difficulties as a result of Mary Jane being jailed as they were bullied in school.

My advice to the overseas Filipino workers or those who want to work abroad, is for all to learn from the experience of Mary Jane who was sentenced to death and is still in jail even if she really did nothing wrong.

They should be careful and wary of people around them and not to trust anyone so that it will not happen to them. If this does, they must not lose faith and always pray to God.

Lastly, I also beg our President to look at Mary Jane and her children with compassion as she suffered so much already. Mary Jane longs to be with her children. I long to be with my daughter. We hope that she can be released already. My wish is before we die, we get to see Mary Jane free and living with us and her children, especially. We are asking for everyone's help to bring her home so we could finally be with Mary Jane.

*Translated into English by Migrante International*

# CONDITIONS OF DETENTION FOR PEOPLE SENTENCED TO DEATH

Examining the conditions of detention of people sentenced to death in Indonesia is challenging, as their situations vary widely from one facility to another. They are not held under a single, distinct detention regime: the 639 individuals currently under death sentence are dispersed across the national prison system and held in facilities with widely different levels of security, capacity, staffing, and access to services.<sup>37</sup>

The most emblematic site is Nusakambangan, an island off the southern coast of Central Java, where many of the country's most restrictive detention regimes are located. Nusakambangan is not a single prison but a cluster of prisons with distinct classifications, ranging from super-maximum to medium security.<sup>38</sup> Together, they hold more than 250 people sentenced to death. This concentration far exceeds that observed in other regions, where even the largest provincial prisons rarely hold more than 50 people under death sentence.<sup>39</sup>

Until 2018, Indonesian prisons were primarily divided into two administrative categories: Class I prisons, generally located in larger provinces and designed for higher capacity, and Class II prisons, located in smaller provinces and housing fewer detainees. Class I prisons encompassed facilities intended to accommodate the most serious categories of prisoners, including, in principle, those sentenced to death. While Indonesia has not formally abandoned this classification, its practical relevance has been significantly reduced. Ministerial Regulation No. 35/2018 on the revitalisation of correctional

<sup>37</sup> See Appendix 3 for regional breakdown.

<sup>38</sup> See focus on Nusakambangan below.

<sup>39</sup> See Table 4.

institutions introduced a new security-based classification system, dividing prisons into super-maximum, maximum, medium, and minimum security. In practice, this security-based system now determines the actual conditions of detention, while the former class-based framework remains largely administrative. The coexistence of these two systems has produced an opaque prison landscape, particularly visible in Nusakambangan, where facilities with the same official classification operate under radically different security regimes.

Table 4: Main detention sites for people sentenced to death in Indonesia (August 2025)

| Detention facility                                   | Classification                                                | Number of people sentenced to death |
|------------------------------------------------------|---------------------------------------------------------------|-------------------------------------|
| Permisan Prison                                      | Class II. Medium security                                     | 57                                  |
| Kembang Kuning Prison                                | Class II. Medium security                                     | 48                                  |
| Narkotika Nusakambangan                              | Class II (Narcotics). Maximum security                        | 44                                  |
| Besi Prison                                          | Class II. Maximum security                                    | 38                                  |
| Karanganyar Prison                                   | Class II. Super-maximum security                              | 32                                  |
| Ngaseman Prison                                      | Class II. Maximum security                                    | 19                                  |
| Gladakan Prison                                      | Class II. Maximum security                                    | 17                                  |
| Batu Prison                                          | Class I. Super-maximum security                               | 8                                   |
| Pasir Putih Prison                                   | Class II. (Terrorism-related offences) Super-maximum security | 1                                   |
| Sub-total for the Nusakambangan prisons listed above |                                                               | 264                                 |
| Medan Prison                                         | Class I                                                       | 51                                  |
| Banda Aceh Prison                                    | Class II                                                      | 47                                  |
| Cipinang Prison                                      | Class I                                                       | 23                                  |
| Surabaya Prison                                      | Class I                                                       | 14                                  |
| Batam Prison                                         | Class II                                                      | 11                                  |
| Tangerang Prison                                     | Class I                                                       | 10                                  |
| Semarang Prison                                      | Class I                                                       | 10                                  |
| Palembang Prison                                     | Class I                                                       | 10                                  |
| Pontianak Prison                                     | Class II                                                      | 8                                   |

FOCUS ON NUSAKAMBANGAN

Nusakambangan Island is often referred to as Indonesia’s “prison island”. Access is strictly controlled by the prison authorities and entry requires special authorisation. Historically, the island was used during the Dutch colonial period to isolate detainees deemed dangerous or undesirable,<sup>40</sup> a function that has continued since independence.

The island hosts a range of facilities, including prisons classified as super-maximum security, maximum security, and medium security, as well as facilities specifically designated for drug-related offences within this classification framework. When the investigating team visited Nusakambangan in 2024, the super-maximum-security prisons were Karanganyar Prison, Batu Prison and Pasir Putih Prison, the latter being specifically designated for terrorism-related offences. Maximum-security facilities included Besi Prison, Narkotika Prison, Gladakan Prison and Ngaseman Prison, while medium-security prisons included Kembang Kuning Prison and Permisan Prison. During the research mission, the authorities stated that they were considering downgrading the Narkotika Prison to medium security.

These prisons hold a wide range of categories of detainees, including people sentenced to death, people convicted of high-level drug trafficking, and people convicted of terrorism-related offences, alongside others serving long sentences considered less politically sensitive.

Nusakambangan has become a powerful symbol of Indonesia’s penal policy, particularly following the 2016 executions of four people sentenced to death for drug trafficking, which attracted sustained attention from international diplomatic actors and human rights organisations.<sup>41</sup> At the same time, the concentration of high-security facilities within a closed island space has prompted criticism regarding transparency, conditions of detention, and access for external actors (families, lawyers, and independent observers). In this context, insularity functions not only to separate prisoners from the outside world, but also to limit external scrutiny of how these prisons operate.

40 K. Stutje, “From Across the Water: Nusakambangan and the Making of a Notorious Prison Island”, *International Review of Social History*, 2019.  
41 See above, Section “Overview of the death penalty in Indonesia”.

## INSTITUTIONAL ORGANISATION OF DETENTION

### CELLS AND SHARED SPACE

In Indonesia, there is no specific regime for people sentenced to death. Their placement and living arrangements depend on the prison where they are held rather than on the nature of their sentence. As a result, people sentenced to death may be held in markedly different conditions, ranging from single-occupancy cells to shared cells accommodating several dozen prisoners.<sup>42</sup>

These differences are particularly visible in Nusakambangan. Dedi, detained at Karanganyar Prison, reported being held alone in a single-occupancy cell. By contrast, in Narkotika Prison, Teguh shared a cell with eight other prisoners. In Kembang Kuning Prison, a medium-security facility, Irfan stated that he was held in a room shared with around 20 people.

Similar disparities were observed outside Nusakambangan. In Surabaya Prison, the people sentenced to death who were interviewed explained that they were held in single-occupancy cells. In Pontianak Prison, however, Hadi and Eko, who were sentenced to death in 2017 and 2018 respectively, stated that they were held together with other prisoners. They described shared cells housing around 35 people, including both people under death sentence and others serving life sentences. In this facility, accommodation is determined by the type of offence rather than the sentence imposed, with a designated block for people convicted of drug-related offences.

In Kerobokan Prison, collective living is the standard arrangement. Rizal, who has been held there under death sentence for 13 years, lives in the same block as other prisoners serving long custodial sentences. He explained that rooms in his block typically house around 20 people. The situation is similar for women. Daily life

<sup>42</sup> While overcrowding, as discussed below, plays an important role in shaping everyday living conditions in some facilities, it does not in itself determine how people sentenced to death are accommodated. Some prisons, such as Surabaya, operate under significant population pressure – holding 1,569 detainees for an official capacity of 1,050 – yet still accommodate people sentenced to death in single-occupancy cells. Occupancy rates vary considerably between prisons. Some facilities, such as Besi, operate within their official capacity (holding 333 detainees for an official capacity of 365), while others face strong population pressure. Kerobokan Men's Prison, for example, held 1,616 detainees for an official capacity of 810, while Pontianak Prison held 1,178 detainees for an official capacity of 500.

– sleeping, eating, resting – unfolds in permanent proximity, with no spatial separation based on sentence or length of detention. Citra, incarcerated at Kerobokan Women's Prison, indicated that she shares her room with 15 other people. She attributed this situation to chronic overcrowding in the facility, stating: "The prison is over capacity, probably even double."

This constant proximity has tangible consequences for everyday life. As Citra noted, "We have learned to be more patient, appreciative and tolerant. Without such attitudes, constant friction would occur among inmates." Self-discipline, conflict avoidance, and the careful management of interpersonal relationships thus become coping strategies. For people sentenced to death, collective detention requires continuous regulation of behaviour and emotion.

Prison officers interviewed in Kerobokan and Pontianak presented the absence of differentiated treatment between people sentenced to death and other detainees as a guarantee of equality within the prison system. From their perspective, accommodating people sentenced to death alongside prisoners serving other sentences reflected a form of institutional neutrality. While this approach means that people sentenced to death are not in theory subjected to additional restrictions, it may also obscure the particular challenges associated with living under a death sentence. In light of the prolonged uncertainty and psychological strain described by those concerned, this raises questions as to whether a strictly uniform approach to detention may, in practice, overlook their specific needs and vulnerabilities.

### TRANSFERS BETWEEN PRISONS

Transfers play a central role in the management of detainees in Indonesia and have become a large-scale and systematic practice. According to the Directorate General of Corrections, they aim to reduce the circulation of drugs inside prisons and to restore order by isolating individuals classified as "high risk".<sup>43</sup> People sentenced to death are directly affected by this practice. Interviews conducted

<sup>43</sup> Since the beginning of the current mandate of the Ministry of Immigration and Corrections, around 1,000 detainees have been transferred to high-security and super-maximum-security prisons, mostly to facilities on Nusakambangan Island. In January 2025 alone, 100 people convicted of drug-related offences were transferred from North Sumatra under heavy security escort to super-maximum-security facilities on the island. See, "1.000 Narapidana Sudah Dipindahkan ke Lapas Super Maximum Security Nusakambangan", *Tempo*, 15 June 2025.

during the mission indicate that transfers between facilities – including transfers between different prisons on Nusakambangan Island – are frequent. For those transferred to Nusakambangan, relocation means placement in a geographically isolated environment that is difficult and costly for families and lawyers to access. However, transfers do not always result in a deterioration of detention conditions. In some cases, they may lead to an improvement. Irfan, for example, was initially detained at Besi Prison, a maximum-security facility where conditions – particularly access to water – were described as poor. He was later transferred to Kembang Kuning Prison, classified as medium security. This transfer gave him greater freedom in daily activities, including religious practice, and resulted in a relative improvement in his detention conditions.

## ► EVERYDAY CONDITIONS

The living conditions described in this section do not reflect the situation of all people sentenced to death in Indonesia. As noted above, detention conditions vary considerably. The prisons in which interviews were conducted for this study include facilities where material conditions are not consistently among the most restrictive. Notably, the research team did not visit any super-maximum-security establishment during the mission. In the facilities visited, access to food, water, healthcare and daily activities appeared relatively stable in some cases. While these observations should not be interpreted as representative of detention conditions across the prison system, they nonetheless reflect the experiences of people sentenced to death and form part of the day-to-day reality of how capital punishment is enforced in Indonesia.

## ► FOOD, WATER AND SANITATION

Across the facilities visited, people sentenced to death reported being subject to the same material conditions as other prisoners, with no specific arrangements based on the nature of their sentence. Overall, the provision of food was described as adequate by those interviewed in the medium- and maximum-security facilities visited. Prisoners receive three meals per day in all facilities visited. However, the quality and variety of food is constrained by limited budgets. According to prison staff, the daily food allocation amounts to 21,000 Indonesian rupiah (IDR) per person (approximately USD 1.24

or EUR 1.06), covering all three meals. Irfan, detained at Kembang Kuning Prison, explained that when he wishes to supplement the meals provided by the institution, he has to purchase goods sold inside the prison, where prices are significantly higher than outside. A packet of instant noodles, for example, costs IDR 7,000 (approximately USD 0.41 or EUR 0.35), more than double the market price outside the prison.

Access to water and sanitation also varies considerably between facilities. In Surabaya and Kerobokan, people sentenced to death reported that access to drinking water and sanitation facilities was generally satisfactory, although temporary disruptions to the water system were occasionally reported in Kerobokan. However, in Besi Prison, prison officers acknowledged that access to drinking water is problematic. Irfan, who was previously detained at Besi Prison, described the water there as chalky and unsuitable for regular consumption.

Beyond access to water and sanitation infrastructure, daily hygiene depends on the availability of basic hygiene items, which are not consistently or sufficiently provided by the prison administration. In some facilities, these gaps in provision are partially mitigated by the involvement of civil society and religious actors. In Kembang Kuning Prison, for example, external organisations regularly distribute hygiene products such as soap to detainees.

Maintaining cleanliness in shared cells requires collective organisation. In Kerobokan Prison, both in the men's and women's sections, detainees organise rotating cleaning duties for living spaces. Rizal described a structured system including designated responsibilities for bathroom cleaning and waste disposal. Individuals unable to perform these tasks on a given day are replaced by others, ensuring continuity.

## ► DAILY ROUTINES AND ACTIVITIES

In the prisons visited, daily life is structured by fixed institutional schedules organised around activities. According to prison staff, people sentenced to death follow the same daily routines and are granted access to the same activities as other prisoners. As one correctional facility officer explained, “all services and rehabilitation programmes provided to other prisoners are also provided to those sentenced to death. There is no difference in treatment.”

In Surabaya Prison, cells are opened from 6:15 A.M., and activities such as sports or gardening begin from 7:00 A.M. Bima, detained in

this facility, explained that he works in a papaya garden and had previously raised poultry inside the prison. The prison also offers deradicalisation programmes for people convicted of terrorism-related offences, which Bima attended. Rama, also detained in Surabaya, works as an assistant in the prison cooperative and helps other prisoners learn to read the Qur'an.

Religious activities play an important role in the daily lives of many people sentenced to death. Daily prayer, the study of religious texts, and participation in collective worship provide structure and a sense of meaning. In Pontianak Prison, where prisoners leave their cells at 7:30 A.M. and return at 5:00 P.M., Hadi and Eko take part in religious activities according to their faiths – Hadi attends church, while Eko attends the mosque. Hadi also completed a theology programme while in detention. In addition to religious activities, people detained in Pontianak have access to a range of collective activities, including sports such as badminton, volleyball, table tennis, and football.

Daily routines are similarly structured in Kerobokan Prison. In the women's facility, activities are scheduled from 7:00 A.M. to 11:30 A.M. and from 1:00 P.M. to 4:30 P.M. In the men's prison, Rizal explained that morning exercises begin at 7:00 A.M. He coordinates a workshop as part of the rehabilitation activities offered and described these activities as "good and supportive".

## ► PHYSICAL HEALTHCARE

People sentenced to death in Indonesia are typically held in detention for long periods, often spanning decades. In this context, physical health issues associated with ageing become increasingly prominent. Interviewees described gradual deterioration of their health over time. Irfan, for example, uses a hearing aid to follow conversations and religious sermons due to declining hearing ability.

Overall, access to basic physical healthcare was described as adequate by most people interviewed. Where medical services are not available on site, detainees may be referred to external healthcare facilities. This was reported in prisons such as Pontianak, Kerobokan, and Surabaya. In Surabaya Prison, a memorandum of understanding was signed with the national health insurance system, which enables regular medical check-ups for prisoners considered vulnerable, including people sentenced to death. Rama, detained in this facility, explained: "Health facilities are excellent. I received treatment twice, including during COVID-19 in 2021. Medical services

were outstanding. I also receive regular check-ups, particularly for infectious diseases such as tuberculosis, and ongoing treatment for diabetes." Bima, also detained in Surabaya, reported that he received immediate hospital treatment when he suffered from appendicitis. Similarly, Rizal described the clinic at Kerobokan Prison as "very good" and meeting basic standards. However, access to healthcare is not uniform across facilities. Some prisons holding people sentenced to death are not fully integrated into the national health insurance system. This is the case, for example, in Narkotika Prison on Nusakambangan Island, where there is no access to the national health insurance system.

## ► MENTAL HEALTHCARE

Mental healthcare remains a major structural gap. As documented in the 2019 fact-finding mission, access to psychological and psychiatric care is extremely limited. To compensate for this absence, some prisons have developed ad hoc partnerships. In Pontianak Prison, for example, cooperation with *Universitas Muhammadiyah Pontianak* allows students to provide occasional psychological support. These initiatives, however, remain sporadic, unstructured, and confined to individual facilities. Prison staff themselves expressed concern about this gap. As one officer in Kerobokan, where no formal mental health services are provided, explained: "Currently, no official psychological service exists. Staff rely on informal support systems and personal coping methods."

Limited mental health support leaves many people sentenced to death in a state of psychological vulnerability. Citra described recurring feelings of fatigue and psychological strain. Her main coping strategies involve engaging in religious reading and focusing on spiritual calm. For Rizal, the most difficult aspect is "waiting in uncertainty". His primary motivation is to remain healthy for the sake of his family.

This lack of structured mental health care is compounded by the absence of specific training for prison staff on managing people sentenced to death. Officers interviewed reported receiving no guidance from the Directorate General of Corrections on how to address the psychological impact of capital sentences, despite the existence of specialised training for other categories of prisoners, such as deradicalisation programmes for terrorism-related offences. This gap reflects a detention model focused on

security considerations rather than on the specific needs of the individuals incarcerated.

### ► GRADUAL DISCONNECTION WITH FAMILIES

Over time, prolonged uncertainty about the future affects not only psychological well-being but also gradually reshapes social and family ties. Several interviewees explained that family visits had become increasingly rare, primarily due to geographical distance and the costs associated with travel. Bima reported that he now rarely receives family visits, while Hadi and Eko explained that visits are infrequent because their families live far from the prison. Although access to communication tools such as telephones and video calls remains available, these forms of contact do not fully compensate for the decline in in-person visits.

### ► VIOLENCE

Civil society monitoring has documented numerous incidents of violence in Indonesian correctional institutions, including torture, inhuman treatment, and deaths in custody. These findings establish that violence remains a structural feature of the prison system.<sup>44</sup>

By contrast, the limited number of people sentenced to death interviewed for this report did not describe systematic physical violence in their daily interactions with prison staff. Relations between prison officers and detainees were generally described as correct and respectful. These observations reflect the accounts gathered from a limited number of interviews and cannot be extended to the prison system as a whole, nor to super-maximum-security establishments, which were not visited during this mission and where the 2019 fact-finding mission documented instances of violence.

The absence of reported systematic physical abuse in the facilities visited should not, however, be understood as an absence of violence altogether. Rather, people sentenced to death continue to experience forms of structural harm, linked to the conditions of detention, including the lack of psychological support.<sup>45</sup> Incidents of violence between detainees were reported. While Rizal described conflict as “normal in a prison setting”, these incidents were at times severe.

<sup>44</sup> KontraS, *Trapped behind bars: A Portrait of the Situation of Correctional Institutions in Indonesia*. (KontraS’ Field Study on 4 Correctional Institutions), 2025.

<sup>45</sup> Ibid.

Such violence appears to be linked less to the sentence itself than to broader dynamics within the prison population. In Surabaya Prison, Bima reported that he had been attacked several years earlier by a group of around 12 detainees affiliated with prison gangs. At the time, he explained, rival groups linked to terrorism-related networks and drug trafficking operated within the prison, generating tensions and violent confrontations between cell blocks. These dynamics created an environment in which violence between detainees could escalate rapidly. However, according to Bima, the situation in Surabaya has since changed. He described the prison as safer and more stable than in the past.



# CONCLUSION

In Indonesia, the experience of the death penalty is governed less by clearly defined rules than by uncertainty. The men and women sentenced to death remain largely invisible to prison authorities: they do not have a specific penitentiary status recognising the particular nature of their sentence. As a result, their specific vulnerabilities – especially in relation to mental health – are not addressed through dedicated safeguards or support mechanisms.

Held within the ordinary prison system, people sentenced to death are subjected to prolonged detention without tailored support, contributing to deep psychological strain and the gradual weakening of family ties, particularly when detention locations are far from relatives.

Against this backdrop, the continued imposition of death sentences and the steady growth in the number of people sentenced to death are producing an expanding group of detainees whose situation remains unrecognised within the penitentiary system. By maintaining capital punishment without a framework capable of addressing its specific consequences, the Indonesian authorities are effectively creating a growing invisible population, held in limbo between life and death.

# RECOMMENDATIONS

Based on the interviews conducted and the research findings, we make the following recommendations:

## TO THE STATE OF INDONESIA

### ▶ COMMIT TO THE ABOLITION OF THE DEATH PENALTY

- Formally recognise the suspension of executions as a state policy and ensure that no executions are carried out;
- Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty;
- Support the UN Resolution calling for a universal moratorium on use of the death penalty.

### ▶ REMOVE THE DEATH PENALTY FROM ALL DOMESTIC LAWS AND REGULATIONS

- Bring national legislation into line with international standards, by removing from the scope of the death penalty all offences that are not the “most serious crimes”, particularly drug-related crimes.

### ▶ ENSURE LEGAL CERTAINTY IN THE IMPLEMENTATION OF THE NEW CRIMINAL LAW FRAMEWORK

- Adopt clear implementing regulations defining the criteria, procedures and timelines governing the ten-year probationary period attached to death sentences under Article 100 of the KUHP;
- Issue official guidance on the implementation of the automatic commutation mechanism set out in Article 101 of the KUHP, as amended by Law No. 1/2026, including procedures for identifying eligible cases and notifying affected individuals;

- Guarantee that people sentenced to death are informed, in writing and in a language they understand, of the conditions governing possible commutation of their sentence;
- Ensure that the provisions of the new criminal law framework relating to sentence review and commutation are applied equally to all people sentenced to death, including those classified as high-risk prisoners;
- Ensure that all decisions relating to the maintenance or commutation of death sentences are subject to judicial oversight.

#### ▶ ADDRESS MENTAL HEALTH NEEDS ASSOCIATED WITH PROLONGED DETENTION

- Establish systematic psychological and psychiatric support programmes for people sentenced to death, implemented by qualified professionals;
- Provide specific training to prison staff on the situation of people sentenced to death, including a focus on the psychological impact of prolonged detention under death sentence and legal uncertainty;
- Ensure that transfers and placement decisions do not exacerbate isolation, psychological distress or barriers to family contact.

#### ▶ PUBLISH DATA ON THE DEATH PENALTY

- Publish comprehensive, disaggregated data on people sentenced to death, including length of detention, place of detention, nationality, gender, health status and sentence outcomes;
- Publish information on decisions taken under the 2026 Criminal Code regarding commutation or maintenance of death sentences.

### ▶ TO UNITED NATIONS BODIES AND INTERNATIONAL PARTNERS

- Maintain sustained high-level advocacy in favour of the abolition of the death penalty in Indonesia;
- Support independent monitoring of detention conditions;
- Encourage transparency and sentence review mechanisms.

# APPENDIX

## APPENDIX 1: RATIFICATION STATUS OF HUMAN RIGHTS INSTRUMENTS<sup>46</sup>

| Treaty                                                                                                                                           | Signature date | Ratification date, Accession date (a) |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------------|
| CAT – Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                                                   | 23 Oct 1985    | 28 Oct 1998                           |
| OPCAT – Optional Protocol of the Convention against Torture                                                                                      |                |                                       |
| ICCPR – International Covenant on Civil and Political Rights                                                                                     |                | 23 Feb 2006 (a)                       |
| ICCPR-OP2-DP – Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty |                |                                       |
| CED – Convention for the Protection of All Persons from Enforced Disappearance                                                                   | 27 Sep 2010    |                                       |
| CEDAW – Convention on the Elimination of All Forms of Discrimination against Women                                                               | 29 Jul 1980    | 13 Sep 1984                           |
| CERD – International Convention on the Elimination of All Forms of Racial Discrimination                                                         |                | 25 Jun 1999 (a)                       |
| CESCR – International Covenant on Economic, Social and Cultural Rights                                                                           |                | 23 Feb 2006 (a)                       |
| CMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families                              | 22 Sep 2004    | 31 May 2012                           |
| CRC – Convention on the Rights of the Child                                                                                                      | 26 Jan 1990    | 05 Sep 1990                           |
| CRC-OP-AC – Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict                      | 24 Sep 2001    | 24 Sep 2012                           |
| CRC-OP-SC – Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography     | 24 Sep 2001    | 24 Sep 2012                           |
| CRPD – Convention on the Rights of Persons with Disabilities                                                                                     | 30 Mar 2007    | 30 Nov 2011                           |

<sup>46</sup> Office of the United Nations High Commissioner for Human Rights [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN) (accessed on 11/01/2026)

## APPENDIX 2: LAWS AND REGULATIONS PROVIDING FOR THE DEATH PENALTY

|                                                                                                                                                                                                                                       |                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KUHP<br>Law No. 1/2023, as amended by Law No. 1/2026                                                                                                                                                                                  | Articles 104, 111(2), 124(3), 127, 140, 340, 365(4), 368(2) and 444                                                                                                                                    |
| Military Criminal Code                                                                                                                                                                                                                | Articles 64, 65, 67, 68, 73(1) to 73(4), 74(1) and 74(2), 76(1), 82, 89(1) and 89(2), 109(1) and 109(2), 114(1), 133(1) and 133(2), 135(1) and 135(2), 137(1) and 137(2), 138(1) and 138(2) and 142(2) |
| Emergency Law No. 12/1951 relating to firearms                                                                                                                                                                                        | Article 1(1)                                                                                                                                                                                           |
| Presidential Decree No. 5/1959 on the Authority of the Attorney General in Terms of Aggravating the Threat of Punishment against Acts that Endanger the Implementation of Food and Clothing Supplies                                  | Article 2                                                                                                                                                                                              |
| Government Regulation in lieu of Law No. 21/1959 on increasing the Punishment for Crimes against the Economy                                                                                                                          | Articles 1(1) and 1(2)                                                                                                                                                                                 |
| Law No. 4/1976 on the Ratification and Addition of Several articles in the Criminal Code in relation to the extension of the implementation of Law on Aviation Crimes and Crimes against the Facilities / Infrastructures of Aviation | Article 479(k)(2) and 479(o)(2)                                                                                                                                                                        |
| Law No. 5/1997 on Psychotropic Drugs                                                                                                                                                                                                  | Article 59(2)                                                                                                                                                                                          |
| Law No. 26/2000 on Human Rights Courts                                                                                                                                                                                                | Articles 36, 37, 41 and 42(3)                                                                                                                                                                          |
| Law No. 20/2001 on Corruption                                                                                                                                                                                                         | Article 2(2)                                                                                                                                                                                           |
| Law No. 23/2002 on Child Protection (as amended in 2016)                                                                                                                                                                              | Article 89(1)                                                                                                                                                                                          |
| Law No. 15/2003 on Combatting Criminals Acts of Terrorism (as amended in 2018)                                                                                                                                                        | Articles 6, 8, 9, 10, 14, 15 and 16                                                                                                                                                                    |
| Law No. 35/2009 on Narcotics                                                                                                                                                                                                          | Articles 113, 114, 116, 118, 121 and 133                                                                                                                                                               |

## APPENDIX 3: DISTRIBUTION OF PEOPLE SENTENCED TO DEATH BY REGIONAL CORRECTIONAL OFFICE (APRIL 2026)

| Regional Correctional Office | People sentenced to death |
|------------------------------|---------------------------|
| Aceh                         | 72                        |
| Bali                         | 1                         |
| Banten                       | 14                        |
| Bengkulu                     | 2                         |
| D. I. Yogyakarta             | 3                         |
| DKI Jakarta                  | 24                        |
| Jambi                        | 1                         |
| Jawa Barat                   | 32                        |
| Jawa Tengah                  | 305                       |
| Jawa Timur                   | 22                        |
| Kalimantan Barat             | 8                         |
| Kalimantan Selatan           | 7                         |
| Kalimantan Tengah            | 2                         |
| Kalimantan Timur             | 5                         |
| Kepulauan Riau               | 23                        |
| Lampung                      | 2                         |
| Maluku                       | 1                         |
| Maluku Utara                 | 2                         |
| Nusa Tenggara Barat          | 4                         |
| Nusa Tenggara Timur          | 4                         |
| Papua Barat                  | 1                         |
| Riau                         | 5                         |
| Sulawesi Selatan             | 10                        |
| Sulawesi Utara               | 2                         |
| Sumatera Barat               | 2                         |
| Sumatera Selatan             | 13                        |
| Sumatera Utara               | 72                        |
| <b>TOTAL</b>                 | <b>639</b>                |

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WHY DO WE KILL PEOPLE  
.. WHO KILL PEOPLE  
TO SHOW THAT  
KILLING PEOPLE IS WRONG..



**MORE NUMEROUS,  
YET INVISIBLE**  
THE SITUATION OF PEOPLE SENTENCED  
TO DEATH IN INDONESIA  
FACT-FINDING  
MISSION REPORT

*“We have learned to be more patient, appreciative and tolerant.  
Without such attitudes, constant friction would occur among inmates.”*

**– Citra, incarcerated at Kerobokan Women’s Prison**

*“Currently, no official psychological service exists.  
Staff rely on informal support systems and personal coping methods.”*

**– Officer in Kerobokan Women’s Prison**

This report is the result of a fact-finding mission carried out in Indonesia between October 2024 and December 2025 by the Indonesian organisation KontraS and ECPM. The team of investigators visited 6 prisons, meeting 8 people sentenced to death, a dozen prison staff member as well as civil society representatives.

Carole Berrih, PhD in Public Administration and author of this report, draws on the testimonies gathered by the research team and contextualises them against the backdrop of the limited progress made on the death penalty in Indonesia despite there having been no executions in the past decade. This report follows on from the 2019 fact-finding mission, “Dehumanized”, and forms part of the series “Fact-Finding Missions on Death Row”, which provides an overview of the living conditions of people sentenced to death in various countries around the world. The aim is both to report on the reality of death row and to engage the authorities and public opinion.



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