



**International Commission
against the Death Penalty**
President

Navanethem (Navi) Pillay

Vice-Presidents

Ruth Dreifuss

Ibrahim Najjar

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Marc Bossuyt

Helen Clark

Marzuki Darusman

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Marta Vilardell

Founding Members

Rodolfo Mattarollo,

(1939-2014)

Asma Jilani Jahangir

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Bill Richardson (1947-2023)

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Statement by the International Commission against the Death Penalty: Mission to Indonesia

A delegation of the International Commission Against the Death Penalty (ICDP or Commission) led by Commissioners Gloria Magapagal Arroyo, Ruth Dreifuss and Marzuki Darusman concluded its mission to Indonesia. The mission, which was conducted in Jakarta from 15 to 18 September, focused on issues related to the practice of the death penalty in the country. During their visit, the delegation engaged with the Minister of Law and Human Rights Yasonna Laoly and principal stakeholders to understand the implications of recent legal changes related to the death penalty in Indonesia.

The new Criminal Code, Law No. 1 of 2023, augurs in important changes with relation to the death penalty in Indonesia. Article 98 defines death penalty as an alternative punishment. This new formulation should clearly be understood in the sense that death penalty represents the ultimate sentence, in other words, it remains an exceptional sentence. Article 100 introduces an automatic 10-year probation period for individuals sentenced to death. During this probation period, those people under sentence of death have the opportunity to demonstrate good behavior and rehabilitation, potentially leading to the commutation of their death sentences. These decisions will be implemented after the regulations come into force in 2026. Considering that no executions have been carried out in Indonesia since 2016, ICDP strongly hopes that there will be a continuation of a moratorium on executions.

ICDP recognizes the importance of this new approach to capital punishment and the potential for significant changes in its application. As Indonesia moves closer to implementing the new Criminal Code, there is an opportunity to further address human rights concerns and promote the principles of justice, fairness, rehabilitation and human dignity. The Commission acknowledges the efforts made by Indonesia to review its death penalty policies, including the introduction of the 10-year probationary period. While this represents a step towards a more nuanced approach to sentencing, ICDP remains committed to follow with great interest the practical consequences of this important decision.

Background

Composed of 23 Commissioners of high international standing following decades' long, highly respected experiences in public service and



North-South Prize
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representing all regions of the world, ICDP acts with total independence under the leadership of President Judge Navi Pillay.

The Commission promotes the abolition of capital punishment in law in States that observe a *de facto* moratorium on the use of the death penalty and promotes moratoriums on executions in States that retain capital punishment. ICDP works with the United Nations and other international and regional organizations, governments and nongovernmental organizations to advocate for worldwide abolition of the death penalty.

The work of ICDP is supported by a geographically diverse group of 23 Member-States who are committed to the abolition of the death penalty. Its Secretariat is based in Madrid and is responsible for the day-to-day work of the Commission.



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