

AMNESTY
INTERNATIONAL



CHANGING TIDES

REFORM AND RESISTANCE ON THE
DEATH PENALTY IN ASEAN

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Cover: The cover uses a handprint as a 'stop' symbol, with people forming the fingers and the ASEAN map within the palm. It represents the halting of executions in parts of the region. The background gradually shifts from dark and distressed at the bottom to lighter at the top, reflecting the changing use of the death penalty.
Illustration by Colin Foo

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1. INTRODUCTION

A wave of recent reforms across several of the 11 member states of the Association of Southeast Asian Nations (ASEAN) has been redefining the picture of the death penalty in this region. Although the retention and use of this cruel punishment have long varied across ASEAN, a growing number of states have achieved significant milestones on their path towards abolition in recent years.

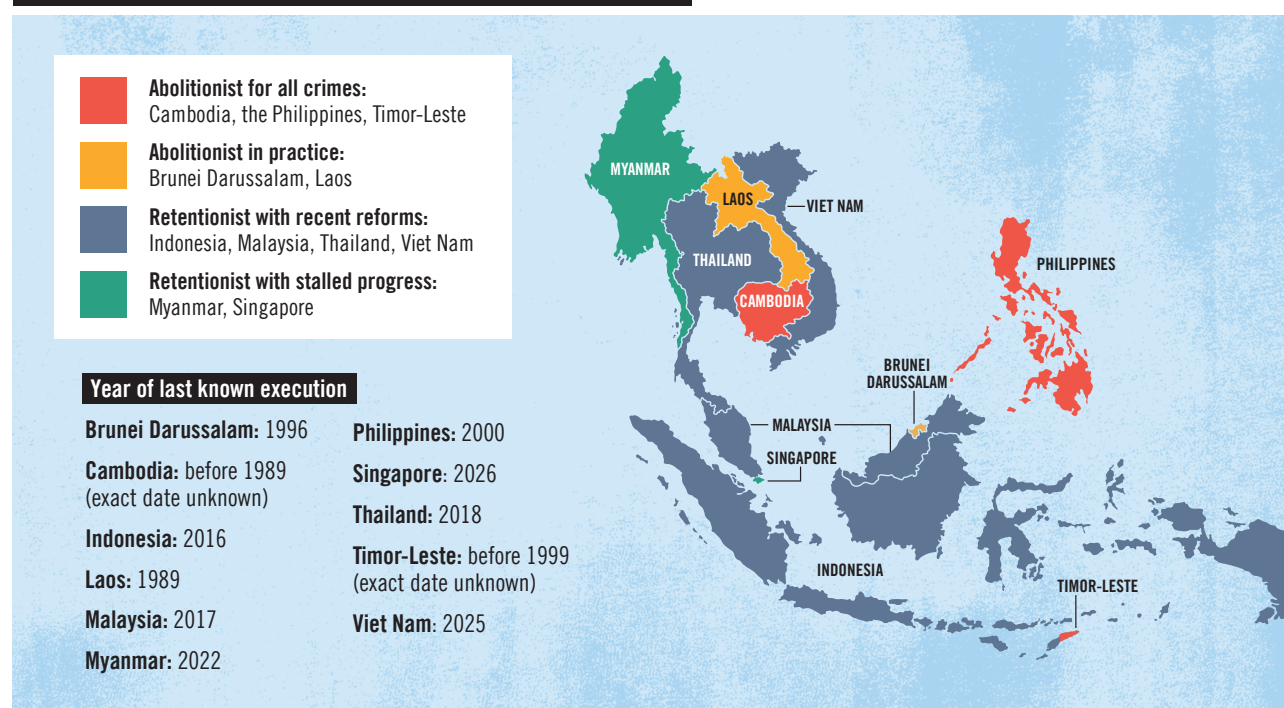
As these developments gather momentum, claims that the death penalty acts as a uniquely effective criminal justice measure have been subjected to increasing scrutiny. The continued human rights violations associated with its use, together with its disproportionate impact on those most marginalized and disadvantaged in society, underscore the urgency of abolition as a necessary imperative for the protection of human dignity and the progressive development and enjoyment of human rights for all people in ASEAN.

The 24th World Day Against the Death Penalty, a global day of activism against this cruel punishment observed on 10 October 2026, offers a timely opportunity for reflection. The World Day is an initiative coordinated every year by the World Coalition Against the Death Penalty, of which Amnesty International is a founding member.

This briefing examines the changing tides of the death penalty in ASEAN, analyzing historical and more recent trends on its use, as well as some of the prevailing human rights concerns associated with its retention in several countries. It also considers forthcoming opportunities at regional and international levels to build on the momentum and gain further advances towards its full abolition.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The organization campaigns for total abolition of the death penalty, as a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment.

THE STATUS OF THE DEATH PENALTY IN ASEAN

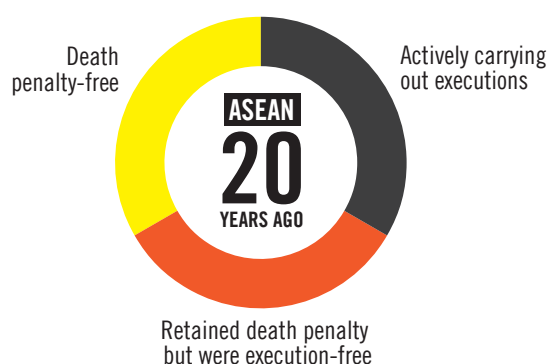


Source: Amnesty International

2. CHANGING TIDES IN THE USE OF THE DEATH PENALTY

The picture of the death penalty across ASEAN member states has never been uniform.

Two decades ago, ASEAN could broadly be described as divided into three groups: approximately **one-third** of its now 11 member states were fully death penalty-free; just under **one-third** retained this cruel punishment but were execution-free; and just over **one-third** were actively carrying out executions.



In June 2006, the Philippines became the third – and, to date, the last – ASEAN country to abolish the death penalty, joining long-term abolitionist Cambodia, which repealed this punishment in 1989; and Timor-Leste, which did so following its independence in 1999 and which joined ASEAN as a full member in 2025.

At the opposite end of the spectrum, in 2006 four countries – Indonesia, Malaysia, Singapore and Viet Nam – were carrying out executions every year or close to every year. In addition, Thailand had also carried out executions annually in previous years, but had just begun to suspend executions from 2004, with three known exceptions to its hiatus since then: two executions were carried out in 2009 and one in 2018.

Three countries occupied a middle ground at that time, continuing to impose death sentences while observing prolonged periods without executions: Brunei Darussalam, where the last known execution was carried out in 1996; Lao People's Democratic Republic (Laos), which observed a hiatus since 1989; and Myanmar, which at that point had remained execution-free for close to two decades.

Today, that picture has changed significantly.

Although no new countries have abolished the death penalty in the past two decades, a significant shift has been documented with regard to the implementation of executions. On 29 July 2026, Indonesia marked 10 years without executions, while Malaysia and Thailand are poised to do so in 2027 and 2028, respectively. The impact of reforms, which will be discussed in the next section, have led or are likely going to lead to significant reductions in the number of people on death row.

Brunei Darussalam and Laos have also maintained their hiatuses in executions, with death sentences imposed sparingly in recent decades.

This leaves Myanmar, Singapore and Viet Nam as the only three countries where Amnesty International recorded executions in the five-year period 2022-2026. Even within this group, the trends are quite varied. In a major setback, the military authorities in Myanmar resumed judicial executions in 2022, after more than three decades without any; and have expanded the scope of the death penalty in 2025 and 2026.

In Viet Nam, where the official secrecy that surrounds execution makes confirmation challenging, executions have been recorded of people convicted of murder during this period. It is possible that executions were carried out also for other offences, or that could have been paused as recent legislative reforms were adopted and implemented, but this information has not been made publicly available.

Singapore remains an outlier in the region. The authorities have overseen a sharp increase in the number of executions, with the 2025 total (17) close to doubling that of the previous year (9). As of 30 September, the 2026 tally has already overtaken the yearly total of 2025 (19).

SINGAPORE

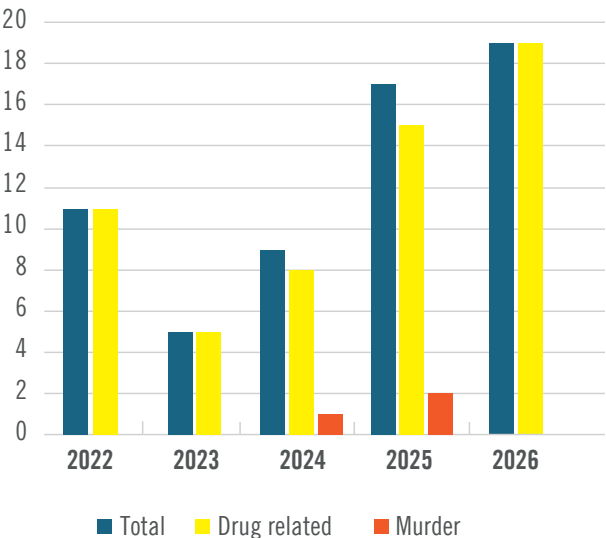
REMAINS THE ONLY ASEAN MEMBER STATE KNOWN TO
CARRY OUT EXECUTIONS REGULARLY
 AND WHERE NO RECENT REFORMS HAVE TAKEN PLACE

Singapore remains the only ASEAN member state known to carry out executions regularly and where no recent reforms have taken place, placing it increasingly at odds with broader regional and global trends towards restriction and abolition. Since 2016, it has also been the only country in ASEAN where Amnesty International could confirm drug-related executions.

The comparison of the status and use of the death penalty in ASEAN countries over the 20-year period shows that, despite the resumption of executions in Myanmar in 2022, the number of countries where Amnesty International recorded executions has fallen from five to three. At the same time, the number of retentionist states with no recorded executions for a sustained period has increased from three to five.

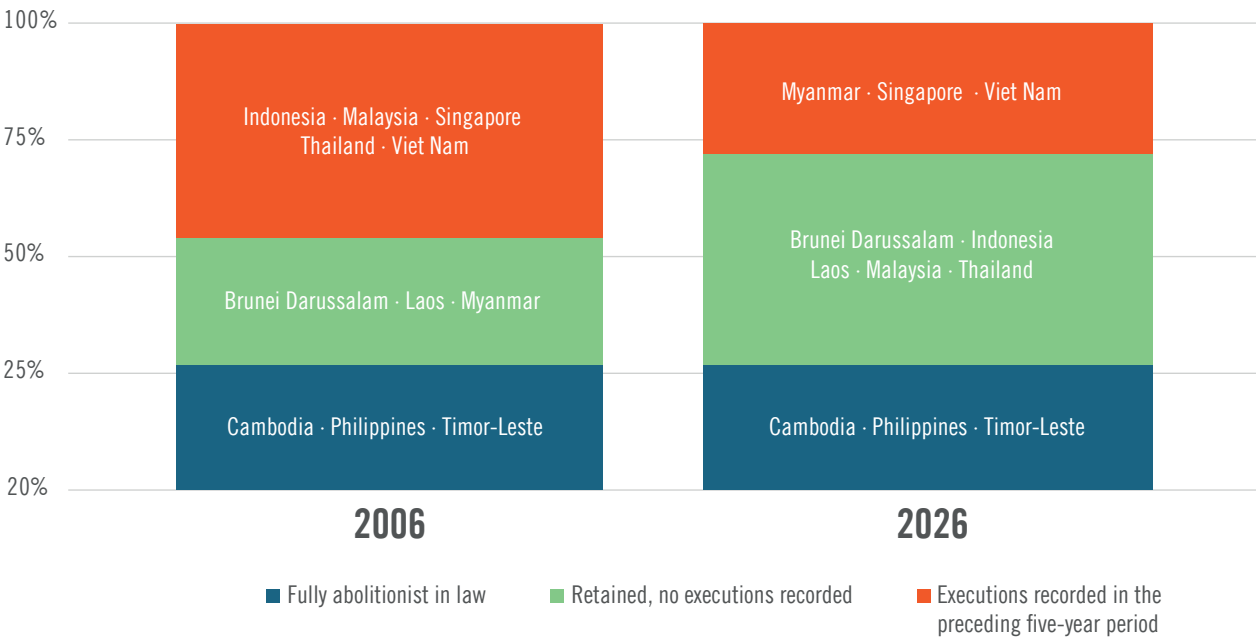
This shift underscores the growing isolation of states that continue to carry out executions, and of Singapore within this group, while highlighting the importance of consolidating execution hiatuses into formal moratoriums and, ultimately, full abolition in law.

Executions in Singapore 2022–2026



Source: Singapore Prison Service reports

ASEAN death penalty practice: shift away from executions 2006–2026



3. CHANGING TIDES: MAPPING OF RECENT REFORM PROGRESS IN ASEAN

In recent years, significant movement away from the death penalty has taken place in several ASEAN countries. This change has not yet resulted in its full abolition, but significant reforms in some retentionist states have changed the outlook of its implementation: the narrowing of the scope of capital offences, the removal of mandatory death sentences, resentencing processes and new policy commitments to review or reduce this cruel punishment.

This reform trend has been most visible in Indonesia, Malaysia, Thailand and Viet Nam, where recent laws have reduced, or are likely to reduce, the number of people that would be sentenced to death or remaining on death row. These developments also demonstrate that retentionist states are increasingly recognizing the need to limit its scope and implementation.

In Thailand, the [Act Promulgating the Narcotics Code B.E. 2564 \(2021\)](#), which entered into force on 9 December 2021, reduced the circumstances in which the death penalty can be imposed for drug-related offences. It reserved this punishment to those found to have played a leading role in the offence, or in situations impacting public security or national security; and expanded sentencing discretion by allowing guilt to be inferred based on the quantity of drugs found, only for possession for personal consumption. [Guidance](#) subsequently issued by the Court of Justice clarified that, where an offence had previously attracted the death penalty but the new law no longer permitted capital punishment for that conduct, the sentence must be treated as commuted to the highest punishment available under the new law. However, the law fell short of abolishing the death penalty, retaining it for offences that do not meet the threshold of the “most serious crimes”, or offences involving intentional killing, to which the imposition of this punishment must be restricted under international human rights law and standards. The number of people under sentence of death reached at the end of 2025 the highest figure recorded since 2018, underscoring the need for further reforms towards full abolition.

In Malaysia, recent [legislative reforms](#) have substantially transformed the country’s death penalty framework. The Abolition of Mandatory Death Penalty Act 2023 (Act 846), which came into effect on 4 July 2023, repealed the mandatory death penalty and removed this punishment entirely for seven offences. The Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of the Federal Court) Act 2023 (Act 847), which came into effect on 12 September 2023, gave the Federal Court special jurisdiction to resentence people under sentence of death who had already exhausted ordinary judicial proceedings. The ensuing resentencing process, concluded in 2024, together with the implementation of the amended laws,



An activist from Amnesty International Malaysia holds an anti-death penalty sign at a candlelight vigil held in July 2023 in front of the High Commission of Singapore in Kuala Lumpur, Malaysia. © Asyraf Abdul Samad



Amnesty International activists hold a banner in solidarity with Pannir Selvam, a Malaysian man sentenced to death for drug trafficking outside Singapore's High Commission in Kuala Lumpur, Malaysia, in May 2025. © Hari Anggara/NurPhoto, Getty Images

contributed to a sharp decline in the number of people under sentence of death, from more than 1,200 in 2023 to approximately 100 by the end of 2025. Notably, the Federal Court has not upheld death sentences for drug trafficking following the reforms. Official figures provided to Amnesty International showed a further decline in death sentences imposed by High Courts in 2025, with the total number falling by one third from 24 in 2024 to 15 in 2025, while drug-related death sentences declined from nine to seven.

A new Criminal Code (Law No. 1 of 2023) came into effect in **Indonesia** on 1 January 2026. While retaining the death penalty under 11 Articles including drug-related offences, the Code introduces a new view of the death penalty as a “special punishment” to be applied alternatively and as a last resort. Whenever imposed, death sentences are now subject to a 10-year probationary period, after which they may be commuted to life imprisonment if the person under sentence of death demonstrates good conduct or potential for rehabilitation. This framework could contribute to a significant reduction in the number of people facing execution, which stood at 500 at the end of October 2025, although further implementing regulations are needed. In 2025, the Ministry of Law proposed new legislation on execution procedures, including the possible introduction of lethal injection or the electric chair alongside the existing method of firing squad; and providing a framework for decision on executions in cases where the clemency request has been rejected. As debates in Parliament on this bill have continued

throughout 2026, the implementation of provisions in the new Criminal Code on the death penalty remains uncertain.

In **Viet Nam**, Law No. 86/2025/QH15, effective 1 July 2025, amended the Penal Code reducing the number of capital offences from 18 to 10, including illegal transportation of drugs; embezzlement of property; and receiving bribes. Further legislative and judicial guidance published in the second half of the year aimed at clarifying the circumstances in which death sentences can be commuted. These circumstances included death sentences imposed for crimes for which the death penalty was repealed under the new law, as well as those relating to individuals found guilty of drug production and trafficking under certain amounts and if the perpetrator did not have a role in organizing the trade or does not have two or more aggravating circumstances; and those receiving commutations from the President. In August 2026, the Ministry of Public Security introduced further legislative amendments at the National Assembly to reduce the scope of the death penalty from 10 offences to 4, with the proposal of retaining the death penalty for treason, murder, “terrorism” and illegal production of drugs. While short of abolition and still inconsistent with restrictions to the use of the death penalty set out under international law and standards, it is very likely that these reforms will lead to a major decrease in the number of death sentences imposed. However, the continued classification of information on executions as a state secret prevents scrutiny on executions and an independent assessment of the impact of the reforms.

INCREASED UNDERSTANDING OF THE DEATH PENALTY AS A HUMAN RIGHTS ISSUE BY STATE OFFICIALS

As more governments in the region adopt legislative reforms that restrict the scope or use of the death penalty, it is possible to trace a gradual shift in how states in the region frame this punishment: not only as a matter of criminal justice policy, but increasingly as a human rights issue.

In Malaysia, during the parliamentary debate on the amendments to abolish the mandatory death penalty on 3 April 2023, the then Deputy Minister for Law, Ramkarpal Singh, speaking on behalf of the government, explicitly linked death penalty reform to the protection of the right to life. This framing situated Malaysia's reforms within a broader human rights framework.

Similar language has emerged in Viet Nam. In explaining the Ministry of Public Security's proposal to further narrow the scope of the death penalty, Deputy Director of the Department of Legal Affairs and Administrative and Judicial Reform, Colonel Ngo Duc Thang, stated that the general policy of the Party and State was to reduce the death penalty and eventually abolish it, while following a roadmap appropriate to national conditions and informed by scientific, practical assessment and international experience. Importantly, the authorities also acknowledged that the death penalty is not the sole determining factor in preventing crime. This recognition is significant because it challenges the assumption that capital punishment is indispensable for crime control and links reform to the humanisation of criminal policy and Viet Nam's international human rights obligations.

Thailand has also reflected this changing discourse, though policy commitments have not yet translated into concrete abolitionist measures. Its National Human Rights Plan for 2023–2027 includes a commitment to conduct a study to review capital laws to amend or abolish death penalty, ratify a key international treaty on abolition and promote public awareness. The same commitment to advance towards abolition was reiterated during Thailand's third review under the Universal Periodic Review at the UN Human Rights Council in November 2021.

The Deputy Prime Minister and Minister of Justice of Cambodia, Koeut Rith, announced in June 2026 that the government of Cambodia was pursuing the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The move was noted as an indication of Cambodia's continued engagement with international human rights mechanisms, while reinforcing its commitment to protecting the right to life. The other two abolitionist countries, the Philippines and Timor-Leste, have been state parties to the treaty since 2007 and 2003, respectively.

These examples suggest that the regional discourse is slowly moving away from viewing the death penalty as a purely domestic criminal justice tool and towards recognising it as a question of human dignity, the right to life and compliance with international human rights law.

These developments depict a region in which death penalty reforms are advancing unevenly, but meaningfully. While they have led to improved—though still partial—compliance with restrictions on the use of the death penalty under international law and standards, they do not remove the urgent need for full abolition. **Importantly, they also show that the link between abolition and the advancement of human rights is becoming increasingly embedded in debates in the region.**

4. GROWING ISOLATION OF EXECUTING COUNTRIES OPPOSING DEATH PENALTY REFORMS

Against the recent wave of reforms witnessed in several countries, Myanmar and Singapore stand out as the two ASEAN countries where recent developments point in the opposite direction: renewed or intensified executions, expanded scope of the death penalty and curtailed human rights safeguards.

In Myanmar, the military authorities have used the death penalty as a tool of repression since taking power in 2021. Martial Law Order 3/2021 transferred the trial of civilians to military tribunals for a wide range of offences, including capital crimes, through summary proceedings and without a right to appeal. Amnesty International recorded more than 100 new death sentences imposed in 2021 and 2022 in proceedings that raised serious fair trial concerns, including trials carried out without the defendant present (in absentia) and cases involving people who were children at the time of the alleged offence or individuals who had psychosocial disabilities.

The resumption of executions in July 2022, when four men, including two prominent political opponents, were executed in secret after grossly unfair proceedings, marked a grave setback after more than three decades without known executions. The four men were convicted of offenses involving explosives, bombings and financing terrorism under the Anti-Terrorism Law – charges that Amnesty International believes to have been politically motivated. The authorities have since expanded the scope of the death penalty through a series of broad security-related laws. The Military Secrets Preservation and Protection Law, adopted as SAC Law No. 44/2025 in July 2025, makes death the discretionary punishment for current or former defence personnel, or anyone found guilty of performing tasks or using any military secret for a foreign country or military organization without authorization.

On 29 July, the State Administration Council (SAC) enacted Law No. 48/2025, “Law on Protecting Multi-Party Democratic General Elections from Obstruction, Hindrance, and Destruction”, under Section 419 of the Constitution of the Republic of the Union of Myanmar.

The stated aim of the law was to prevent interference in the electoral campaign and process in 2025. Section 27 provides for the mandatory death penalty to punish offences under this law when they result in death.

In 2026, the Anti-Online Scam Law further extended the scope of the death penalty to offences connected with online scam operations, including torture, unlawful detention or cruel treatment used to force people to participate in online scams, with the mandatory death penalty as the designated punishment where such conduct results in death.

Although more than 200 death sentences were commuted in April 2026, the death penalty remains available across an expanding range of offences in a context of severe repression and politicization of its use.

Singapore remains the only ASEAN country known to carry out executions regularly and openly oppose substantive reform. As of 30 September 2026, the authorities had carried out 19 executions during the year, all for drug-related offences, already exceeding the 17 executions recorded in 2025 and more than double the nine recorded in 2024. During the period 2022-2025, Amnesty International recorded that death sentences continued to be imposed as a mandatory punishment for drug-related offences, placing Singapore increasingly at odds with regional and global trends towards restriction, reform and abolition.

Recent legal and administrative developments have also narrowed the space for people on death row to challenge convictions, death sentences or execution dates. The Post-appeal Applications in Capital Cases Act 2022, in force since June 2024, effectively restricts the grounds and circumstances for post-appeal applications, including requests for stays of execution.

MYANMAR AND SINGAPORE

STAND OUT AS THE **TWO ASEAN COUNTRIES** THAT RENEWED OR INTENSIFIED EXECUTIONS, OPPOSED REFORMS TOWARDS ABOLITION AND CURTAILED HUMAN RIGHTS SAFEGUARDS.



The Administration of Justice (Protection) (Amendment) Act, 2024 took effect on 28 January 2025. It expanded the scope of the circumstances that could amount to contempt of court under the Administration of Justice (Protection) Act 2016, to include any party or advocate, or any other person supporting a party or an advocate to begin a court proceeding, or multiple or successive court proceedings, when they know or ought to know that the proceedings are deceptive, fictitious or manifestly groundless or without foundation; or involve the process of the court being employed for some ulterior motive or improper purpose.

These amendments have effectively created further obstacles for those on death row that could significantly restrict their ability to file applications to stay their executions and seek the review of their convictions and death sentences. While regulation of judicial appeals to some degree can help protect against malicious litigation, these amendments have stifled the support that those facing the death penalty could get with the preparation of the applications, including from family members or others in the prison. This is especially concerning in death penalty cases: even when this irrevocable punishment of death is imposed, the Singapore authorities seem to apply greater weight to the principle of finality of judgment and execution of the sentence, over reviews and testing of process safeguards that could result in a different sentencing outcome and greater protection for human rights.

On 3 October 2024, the Court of Appeal stated that in June 2024 the Ministry of Home Affairs reviewed the practice of providing notification of execution, to shorten the notice period for those who had previously been issued an execution warrant and had received a stay after half of their notification period had passed, limiting time to seek legal remedies and deepening the cruelty of the process for those facing the death penalty and their families.



Pannir Selvam Pranthaman, a Malaysian national executed in Singapore in October 2025. © Private

HARASSMENT AND INTIMIDATION OF ANTI-DEATH PENALTY ACTIVISTS

Singaporean authorities have increasingly used restrictive laws and administrative measures to intimidate and silence anti-death penalty and human rights activism, contributing to a broader climate of fear around public advocacy against the use of this cruel punishment.

In September 2026, activist Jolovan Wham and at least 10 other human rights defenders were charged in connection with peaceful public activities, including candlelight vigils for people facing execution, public assemblies, processions and other acts of solidarity. The charges, brought under laws including the Public Order Act, Penal Code and Protection from Harassment Act, reflect the authorities' repeated use of Singapore's permit regime to criminalize or restrict peaceful gatherings, including small-scale vigils and protests, in violation of international human rights law and standards.

The authorities' requests that prior police authorization be sought under the Act, even for small-scale protests and other forms of public advocacy, is inconsistent with Singapore's obligations to respect and protect the rights to freedom of expression, peaceful assembly and with calls made by states during Singapore's Universal Periodic Review in May 2026 to safeguard civic space and protect human rights defenders from reprisals.

Of additional concern is the unprecedented use of Section 179 of the Penal Code against activists for refusing to answer police questions, which raises profound concerns about the protection of the right to a fair trial, particularly in a system where individuals are denied access to legal counsel during police questioning. Authorities have also used the Protection from Online Falsehoods and Manipulation Act to issue "correction directions" against activists associated with the Transformative Justice Collective and the Anti-Death Penalty Asia Network, with the effect of limiting criticism of Singapore's death penalty process. In October 2024, the Infocomm Media Development Authority also refused to grant the Transformative Justice Collective a licence to show a multimedia exhibition on the death penalty around World Day Against the Death Penalty, stating that the materials painted a misleading picture of Singapore's use of capital punishment and undermined public institutions.

Amnesty International calls on the Singapore authorities to end the harassment and intimidation of anti-death penalty activists, drop charges arising solely from peaceful advocacy, and ensure that any restrictions on the rights to freedom of expression and peaceful assembly are provided by law, and be necessary and proportionate to a legitimate aim.

5. ONGOING HUMAN RIGHTS VIOLATIONS

Despite some progress to restrict the use of the death penalty and move towards its abolition, international safeguards and restrictions guaranteeing protection of the rights of those facing the death penalty have also been frequently violated in the name of public safety and the so-called “war on drugs”. This section provides an overview of additional concerns documented by Amnesty International on the use of the death penalty in the ASEAN region in recent years.

DEATH PENALTY FOR DRUG-RELATED OFFENCES

The death penalty is applicable for drug-related offences in all eight ASEAN member states that retain this punishment in law, but even in this respect there are significant differences in its application. In most countries, the death penalty has been imposed only in limited circumstances or in cases involving aggravating factors.

As of 2025, amended laws in Viet Nam have repealed the death penalty for drug transportation, but death sentences have continued to be imposed in 2026 for drug trafficking, including on 11 defendants convicted in a mass trial in September 2026. Reforms announced in 2026 are likely to restrict this cruel punishment to the production of drugs.

In Malaysia, following the recent introduction of sentencing discretion, courts appear to have restricted its imposition to the most serious cases, with drug-related death sentences imposed by High Courts usually commuted on appeal.

For Brunei Darussalam and Myanmar, Amnesty International has been able to gather very limited information relating to the imposition of the death penalty for drug-related offences in recent years.

Death sentences for drug-related offences continue to constitute a significant proportion of the total number recorded annually in Indonesia and Laos. In the period 2023–2025, Indonesian courts imposed approximately 80% of recorded death sentences for drug-related offences, while in Laos all recorded death sentences were drug-related. In Thailand, 73% of all those on death row at the end of 2025 had been convicted of drug-related offences.

Singapore is the only country in ASEAN in which executions for drug-related offences have been recorded – All executions recorded in the first nine months of 2026 related to drug related offences.



Amnesty International activists hold a banner in solidarity with Pannir Selvam Pranthaman, a Malaysian man sentenced to death for drug trafficking, outside Singapore's High Commission in Kuala Lumpur, Malaysia, in May 2025. He was executed in Singapore in October 2025. © Hari Anggara/NurPhoto, Getty Images

RECORDED EXECUTIONS AND DEATH SENTENCES FOR DRUG-RELATED OFFENCES IN ASEAN MEMBER STATES (2021-2025)

ASEAN member	2021	2022	2023	2024	2025
Brunei Darussalam	Executions: 0 Death sentences: 0	Executions: 0 Death sentences: 0	Executions: 0 Death sentences: 0	Executions: 0 Death sentences: 0	Executions: 0 Death sentences: 0
Indonesia	Executions: 0 Death sentences: 94 out of at least 114, 82%	Executions: 0 Death sentences: 105 out of at least 112, 94%	Executions: 0 Death sentences: 99 out of 114, 86%	Executions: 0 Death sentences: 64 out of at least 85, 75%	Executions: 0 Death sentences: 56 out of 68, 82%
Laos	Executions: 0 Death sentences: 0	Executions: 0 Death sentences: 5 out of at least 5, 100%	Executions: 0 Death sentences: 4 out of at least 4, 100%	Executions: 0 Death sentences: 2 out of at least 2, 100%	Executions: 0 Death sentences: 6 out of 6, 100%
Malaysia	Executions: 0 Death sentences: 5 out of at least 14, 36%	Executions: 0 Death sentences: 8 out of at least 16, 50%	Executions: 0 Death sentences: 20 out of at least 38, 53%	Executions: 0 Death sentences: 9 out of 24, 38%	Executions: 0 Death sentences: 7 out of 15, 47%
Myanmar	Executions: 0 Death sentences: 0 out of at least 86	Executions: 0 out of 4 Death sentences: 0 out of at least 37	Executions: 0 Death sentences: 0 out of at least 19	Executions: 0 Death sentences: 0 out of at least 7	Executions: 0 Death sentences: 0 out of at least 6
Singapore	Executions: 0 Death sentences: 8 out of 10, 80%	Executions: 11 out of 11, 100% Death sentences: 5 out of 5, 100%	Executions: 5 out of 5, 100% Death sentences: 6 out of 6, 100%	Executions: 8 out of 9, 89% Death sentences: 5 out of 5, 100%	Executions: 15 out of 17, 88% Death sentences: 2 out of 2, 100%
Thailand	Executions: 0 Death sentences: figure by crime not available Death row: some recorded, but no full figure available	Executions: 0 Death sentences: figure by crime not available Death row: 121 out of 195 convicted of drug-related offences, 62%	Executions: 0 Death sentences: figure by crime not available Death row: 199 out of 325, convicted of drug-related offences, 61%	Executions: 0 Death sentences: figure by crime not available Death row: 252 out of 364, convicted of drug-related offences, 69%	Executions: 0 Death sentences: figure by crime not available Death row: 313 out of 429 convicted of drug-related offences, 73%
Viet Nam	Executions: likely that drug-related executions were carried out, but no confirmation available Death sentences: 93 out of at least 119, 78%	Executions: likely that drug-related executions were carried out, but no confirmation available Death sentences: 80 out of at least 102, 78%	Executions: likely that drug-related executions were carried out, but no confirmation available Death sentences: 100 out of at least 122, 82%	Executions: likely that drug-related executions were carried out, but no confirmation available Death sentences: 121 out of at least 150, 81%	Executions: likely that drug-related executions were carried out, but no confirmation available Death sentences: 100 out of at least 138, 72%



PENDING ABOLITION, DEATH PENALTY ONLY FOR “MOST SERIOUS CRIMES”

Article 6(2) of the International Covenant on Civil and Political Rights and Safeguard No.1 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted through UN Economic and Social Council resolution 1984/50, provide that the imposition of the death penalty must be restricted to the “most serious crimes”. The UN Human Rights Committee has stated that “The term ‘the most serious crimes’ must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. Crimes not resulting directly and intentionally in death, such as [...] drug and sexual offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty. [...]” 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, UN Doc. CCPR/C/GC/36, 30 October 2018, para.35.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has similarly stated that “The death penalty may not be imposed for drug-related offences unless they meet this requirement.” Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (2012), UN Doc. A/67/275, para.122.

The UN system coordination Task Team on the Implementation of the UN System Common Position on drug-related matters has reiterated in unequivocal terms that the application of the death penalty for drug-related offences does not respect the spirit of the UN Drug Conventions and has the potential to become an obstacle to effective cross-border and international cooperation against drug trafficking. The International Narcotics Control Board (INCB), an independent body set up to monitor the implementation of the UN Drug Conventions has also noted that “States’ actions that violate human rights in the name of drug control policy are inconsistent with the international drug control conventions”, and has called on States that still retain the death penalty for drug-related offences to consider abolishing it for such offences and commuting death sentences that have already been imposed. More broadly, the INCB has stressed that respect for human rights is a prerequisite for the implementation of the UN Drug Conventions, and that measures adopted with the purported aim of furthering drug policy that are inconsistent with universally recognized human rights norms are a violation of the UN Drug Conventions.

LEGAL PRESUMPTIONS OF GUILT AND MANDATORY DEATH SENTENCES

Brunei Darussalam, Myanmar and Singapore retain the mandatory death penalty in their legislation for various offences, but it has mostly been imposed in recent years for offences involving murder and drug-related offences.



ARBITRARY NATURE OF MANDATORY DEATH SENTENCES

Mandatory death sentences are prohibited under international human rights law regardless of the offence as they remove the ability of the courts to consider relevant evidence and potential mitigating circumstances when sentencing an individual.

“In all cases involving the application of the death penalty, the personal circumstances of the offender and the particular circumstances of the offence, including its specific attenuating elements must be considered by the sentencing court. Hence, mandatory death sentences that leave domestic courts with no discretion on whether or not to designate the offence as a crime entailing the death penalty, and on whether or not to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature.”

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, UN Doc. CCPR/C/GC/36, 30 October 2018, para.37.

Legal presumptions of guilt that contravene the right to be presumed innocent continued to be in place in Brunei Darussalam, Malaysia and Singapore. These presumptions, when invoked, allow the prosecution to automatically infer without having to prove the case that a defendant was in possession of drugs when these were found in their bag or car, or if they had keys to a premise or vehicle containing drugs; or that a defendant had knowledge of the drugs when found in possession of them; or to infer that a defendant intended to traffic the drugs when the amounts in their possession go beyond statutory minimums.



LEGAL PRESUMPTIONS OF GUILT THAT CONTRAVENE THE RIGHT TO BE PRESUMED INNOCENT CONTINUED TO BE IN PLACE IN

BRUNEI DARUSSALAM MALAYSIA



SINGAPORE

When these legal presumptions are invoked, the burden of proof is shifted onto the defendant to be rebutted to the higher legal standard of “on a balance of probabilities”. Legal presumptions of guilt violate the presumption of innocence and other fair trial rights because, as required under international human rights law, the burden of proving the charge should rest on the prosecution. In addition to undermining the right to a fair trial, presumptions of guilt have also had the effect of lowering the threshold of evidence needed to secure a conviction in capital cases.

In a recent decision, the Federal Court of Malaysia further undermined the right to a fair trial by deciding that the judge does not have to disclose whether a finding at the end of the prosecution’s case on a drug trafficking charge is based on actual evidence or a statutory presumption of guilt. This is particularly alarming, as when the presumption is invoked, the

onus to rebut the charge is placed on the defendant, which has to show their innocence on the balance of probabilities, as opposed to raise a reasonable doubt, that the offence was not committed.

SINGAPORE’S UNFAIR CERTIFICATE OF SUBSTANTIVE ASSISTANCE

A distinctive feature of Singapore law, long denounced by Amnesty International, further exacerbates the inherent arbitrariness of the death penalty in the country. The requirement for a prosecution-issued Certificate of Substantive Assistance needed for individuals to be spared the death penalty is of great concern. Following amendments to the Misuse of Drugs Act in 2013, there are two scenarios that allow for limited sentencing discretion: first, where a person is found to be a “courier” and to have a mental or intellectual disability that meet the legal threshold of “abnormality of the mind” which substantially impaired their mental responsibility for their acts and omissions in relation to the offence; or second, where a person is found to be a “courier” and the prosecution issues a Certificate of Substantive Assistance confirming that they assisted the Central Narcotics Bureau in disrupting further drug trafficking activities. In respect of the second scenario, without the Certificate of Substantive Assistance, the court has no option but to impose the mandatory death penalty.

This certificate requirement effectively shifts the sentencing decision to the Public Prosecutor. This violates the right to a fair trial, as it effectively places the decision between a life-or-death sentence in the hands of an official who is not a neutral party in the trial and should not have such powers; it undermines the independence of the judiciary, breaking down the separation that must exist between prosecution and court; and violates the principle of “equality of arms,” namely the equal powers of prosecution and defence before the courts.

Amnesty International has also long denounced the lack of transparency that surrounds this process, as well as the fact that the decision on the assistance is based on statements made by the defendant during interrogation without a lawyer present, and limited information shared on the outcome of the investigations into the submitted information. The Certificate of Substantive Assistance requirement introduced a systemic disparity and compounded unfairness in the determination of life and death decisions in capital cases.

DISCRIMINATION CONCERNS AS CERTAIN GROUPS OVERREPRESENTED ON DEATH ROW

The systemic violations of human rights associated with the death penalty are frequently compounded by multiple and intersecting layers of discrimination to which those facing the ultimate cruel, inhuman and degrading punishment are subjected, including in their experience of criminal justice. Whenever there is discrimination in its application, the use of the death penalty is rendered arbitrary.

Amnesty International has documented many cases over the years in which people facing the death penalty have experienced discrimination, particularly on the basis of socio-economic status. Many came from marginalized or disadvantaged backgrounds and had little or no means to pay for legal assistance. Inadequate legal assistance not only exposed them to a heightened risk of torture or other ill-treatment to extract “confessions” after arrest, but also increased their vulnerability to exploitation and violence that may have brought them into conflict with the law.

Amnesty International has also found that people on death row for drug-related offences were frequently convicted after being found in possession of or transporting relatively small quantities of drugs, without having committed or been involved in any violence. Many were at the low end of the drug supply chain. Often referred to as “drug couriers”, they typically come from marginalized groups and are often driven to it by poverty or economic hardship.

For example, in [Singapore](#), most recorded cases of people sentenced to death for drug trafficking, or convicted and awaiting sentencing, between 2013 and 2017 involved people carrying less than 50 grams of diamorphine (heroin).

Official figures provided to Amnesty International indicate that, in 2025, courts of first instance in Thailand imposed 119 new death sentences, including on 17 women and on seven foreign nationals. As of 31 December, 429 people remained under sentence of death, including 53 women and 15 people whose death sentences had been confirmed by the Supreme Court. Of these, 313 people, or 73%, had been convicted of drug-related offences. Women under sentence of death were overwhelmingly convicted of drug-related offences: 52 of the 53 women on death row, or 98%, had been convicted of these offences, compared with one woman convicted of another crime.

Indonesian civil society organizations have argued that the death penalty disproportionately affects people living in poverty and other socio-economically marginalized groups. The Institute for Criminal

Justice Reform [noted](#) that poverty and disadvantaged social and economic backgrounds can increase the risk of becoming entangled in capital cases, while insufficient access to effective legal representation further undermines equal access to justice. These concerns are particularly acute in drug-related cases, which account for the overwhelming majority of death sentences recorded in Indonesia.



INTERNATIONAL STANDARDS

DEATH PENALTY AND DISCRIMINATION: “ARBITRARY IN NATURE”

“The right to life must be respected and ensured without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or any other status, including caste, ethnicity, membership of an indigenous group, sexual orientation or gender identity, disability, socioeconomic status, albinism and age. Legal protections for the right to life must apply equally to all individuals and provide them with effective guarantees against all forms of discrimination, including multiple and intersectional forms of discrimination. Any deprivation of life based on discrimination in law or fact is ipso facto arbitrary in nature.”

UN 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, 30 October 2018, para.61.

Amnesty International has also found that people on death row for drug-related offences were frequently convicted after being found in possession of or transporting relatively small quantities of drugs, without having committed or been involved in any violence.

DISCLOSURE OF INFORMATION

Although some information on the use of the death penalty in the region is published by the media and the judiciary, full and comprehensive figures on the use of the death penalty are not publicly available in countries that retain this punishment. In 2025, the authorities of Viet Nam continued to conceal information on the execution of criminal judgments as a state secret, despite amendments to the Law on Protection of State Secrets. Some greater efforts towards transparency have been made in recent years: the Singapore authorities publish confirmation of executions after they are carried out, as well as annual figures in the Singapore Prison Service; the government of Malaysia routinely answers parliamentary questions on the death penalty and provides figures; the Department of Corrections of Thailand publishes figures on people under sentence of death on its website. In Laos and Myanmar, some information on death sentences imposed in individual cases is published through state accounts.

However, these efforts still fall short of international standards requiring States to disclose comprehensive and disaggregated data on the use of the death penalty; and do not allow for independent assessment of the use of the death penalty. They also make it challenging to identify and assess patterns of discrimination, among other concerns.



INTERNATIONAL STANDARDS

WHAT INFORMATION SHOULD STATES MAKE PUBLIC?

In its most recent resolution on a moratorium on the use of the death penalty, the UN General Assembly called on states to:

“make available relevant information, disaggregated by sex, age, disability, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the location of their detention, and the number of executions carried out, the number of death sentences reversed or commuted on appeal or in which amnesty or pardon has been granted, and according to which procedure, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty.”

UN General Assembly resolution 79/179 of 17 December 2024

CALLS FOR THE DEATH PENALTY AMONG FLAWED SECURITY NARRATIVES

In several countries, the authorities have on occasions continued to invoke the death penalty in narratives around security, which Amnesty International has repeatedly denounced as unsupported by evidence and as failing to adequately respect the human rights of those facing the death penalty.

Among other examples, in April 2026, Senator of the Philippines, Robin Padilla, called to restore the death penalty, arguing that rising crime justified its return and calling for discussion on which offences should be covered. In December 2024, the Coordinating Minister for Political and Security Affairs of Indonesia, Budi Gunawan, called for expedited executions as a tool to combat drug networks.

Speaking in Parliament, in May 2024 the Minister for Home Affairs and Minister for Law of Singapore, K Shanmugam, defended the death penalty as necessary “to protect our people, prevent the destruction of thousands of families, and prevent the loss of thousands of lives”. In 2025, he was reported as stating on social media that “Removing the death penalty will save the lives of drug traffickers. But it will encourage more people to traffic drugs into Singapore”.

This approach not only ignores the human rights violations that have long been documented in the use of the death penalty in those countries, but also fails to recognize the international human rights law and standards framework relating to the death penalty.

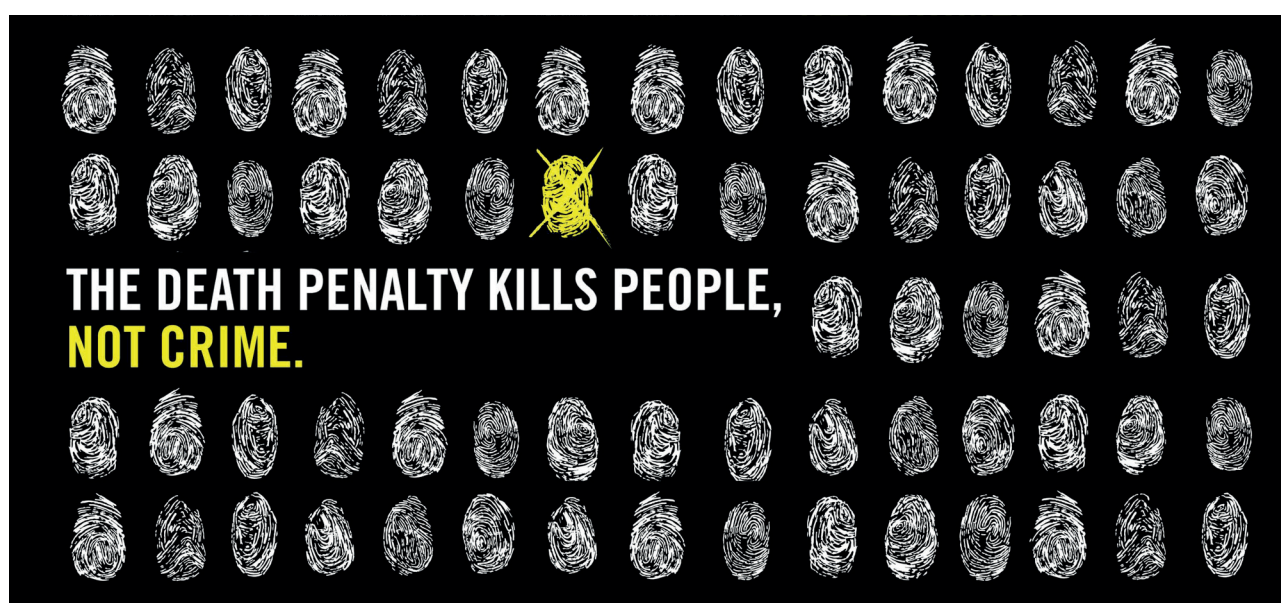
The argument that the death penalty has a unique deterrent effect on crime has long been challenged, among a lack of convincing evidence in its support and, more critically, its failure to address the human rights of those sentenced to death and their relatives. In recent years, the whole paradigm underlining the “war on drugs” has come under increased scrutiny of international human rights mechanisms that have documented the negative impact of punitive drug policies on human rights. Many states, including old-time supporters of punitive policies, have also acknowledged in recent years that this punitive framework has failed to deliver on its promise of protecting the health and rights of the population.

6. INTERNATIONAL AND REGIONAL OPPORTUNITIES

Close to two decades since its inauguration in October 2009, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has been developing common positions and tools to advance the promotion and protection of human rights in the region. However, to date it has made no public pronouncements against the death penalty or included this issue among the areas identified as a priority in its workplans.

However, in more recent years the death penalty has become a regular feature in discussions on various human rights issues. For example, the [2026 Annual Report](#) on the activities undertaken by the AICHR between June 2025 and June 2026 highlights how the death penalty was included as part of exchanges among AICHR Representatives “on recent human rights developments in the region and their respective countries, including new laws and national action plans, regulatory and policy frameworks, and initiatives related to human rights”. The use of the death penalty for drugs was also discussed in October 2025 as part of a [two-day regional training](#) bringing together AICHR representatives, key ASEAN law enforcement stakeholders and civil society representatives, among others. The workshop focused on the intersection of drug policies with human rights and health, highlighting the need for drug policies to be grounded in “the right to health and aligned with broader socio-economic considerations such as poverty, discrimination, and access to education”, as stated by the Malaysian Representative to the AICHR, convening the workshop.

The AICHR has recently adopted a [common position](#) to “advance the right to development, the right to enjoy peace, and inclusive and sustainable development in the region through an ASEAN-led, ASEAN-owned, and whole-of-ASEAN approach”. This Declaration offers a unique opportunity for the AICHR to engage in conversations around the use of the death penalty in the region. As part of its work to advance this right and the framework protected by the UN Sustainable Development Goal no.16, it is imperative on this regional human rights body to promote peaceful and inclusive societies for sustainable development by ensuring equal access to justice; public access to information on the implementation of criminal justice laws and policies, particularly in relation to laws and punishments with discriminatory impacts on the most marginalized sectors of society; and advocate for the repeal of criminal justice laws and policies that have a discriminatory impact and violate international human rights law and standards. The retention of the death penalty, particularly where it contravenes international law and standards, is in direct opposition to these goals.



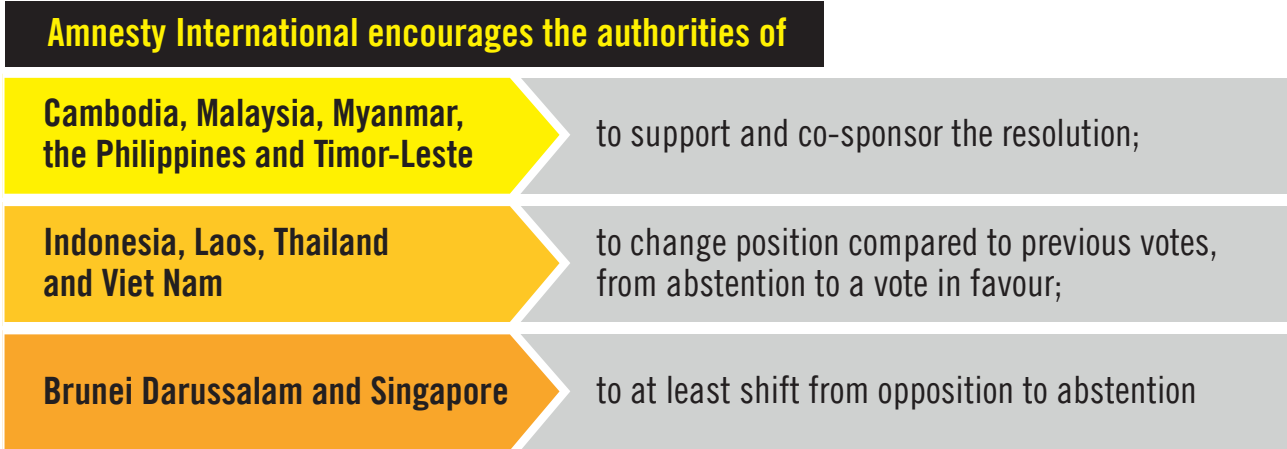
At the UN level, ASEAN member states have additional opportunities to continue to advance commitments towards abolition and the protection of human rights. Since 2007, the UN General Assembly (UNGA) has adopted ten resolutions calling on member states to establish a moratorium on executions with a view to abolishing the death penalty. The first moratorium resolution (resolution 62/149), adopted on 18 December 2007, constituted a landmark achievement, as for the first time the UNGA – the main deliberative body of the UN – called on member states to end executions. Since 2008, nine other resolutions on these issues have been adopted, on a biennial basis. The votes in favour of the moratorium resolutions have continued to rise, from 104 in 2007 to 130 in 2024 – two thirds of all UN member states.

To date, ASEAN member states’ positions on the UN General Assembly resolutions on a moratorium on executions reflect both the region’s diverse stance on the death penalty, as well as its gradual movement towards abolition.

Since the first resolution was adopted in 2007, Cambodia and Timor-Leste have been the most consistent supporters, voting in favour of all resolutions and co-sponsoring several of them. The Philippines has also generally supported the resolutions, despite abstaining in 2016 and 2018, when the then administration attempted to reintroduce the death penalty and carried out extrajudicial executions in the name of the “war on drugs”.

Malaysia’s shift from voting against the resolutions to supporting them from 2018 marked an important regional turning point, coinciding with its official moratorium and subsequent reforms to abolish the mandatory death penalty. Myanmar has also moved from opposition to abstention and, more recently, support, voting in favour in 2022 and 2024. By contrast, Indonesia, Laos, Thailand and Viet Nam have generally abstained, despite long execution hiatuses or recent reform efforts, while Brunei Darussalam and Singapore have consistently opposed the resolutions.

In late 2026, the UN General Assembly is expected to consider a new draft resolution on a moratorium on the use of the death penalty.





The logo of the 46th ASEAN summit displayed on the front of the Petronas Twin Towers in Kuala Lumpur. The Summit was held in Malaysia in May 2025. © Faris Hadziq/SOPA Images/LightRocket/Getty Images

7. RECOMMENDATIONS

Significant progress to restrict the scope and use of the death penalty has been made over the past 20 years in the ASEAN region. Yet, its current application, including for drug-related offences, presents a significant degree of variation among countries.

Importantly, the perception of the death penalty in the region, and debates on this issue, are slowly but steadily moving away from viewing the death penalty as a purely domestic criminal justice tool and towards recognising it as a question of human dignity and compliance with international human rights law. The present challenge remains to convert this changing discourse into concrete measures to secure the prompt and full abolition of the ultimate cruel, inhuman and degrading punishment.

Amnesty International calls on governments of ASEAN member states that still retain the death penalty to immediately establish, or maintain, an official moratorium on executions and take urgent steps to fully abolish this cruel punishment.

Pending full abolition, states are encouraged to:

- Bring provisions in national legislation that allow for the use of the death penalty in line with international law and standards, including by:
 - removing from the scope of the death penalty drug-related and any other offences other than intentional killing;
 - ensuring that proceedings meet the highest standards for a fair trial, from the time of arrest;
 - and repealing legal presumptions of guilt and mandatory death sentences.
- Review all cases where people have been sentenced to death with a view to commuting the death sentences. In particular:
 - review all cases where the death penalty has been imposed for drug-related offences or where the trial did not meet the most rigorous international fair trial standards;
 - in cases where the procedures were seriously flawed, offer a fair retrial without resort to the death penalty.
- Remove provisions from national legislation that have a disproportionate impact on those from less advantaged socio-economic backgrounds, women, young people, ethnic minorities and foreign nationals.
- Put in place a wide set of gender-sensitive and holistic socio-economic protection measures to ensure that drug laws and policies contribute to overcoming structural sources of vulnerability, stigma and discrimination that lead people – especially women and those belonging to marginalized and disadvantaged groups – to engage in the drug trade. These sources include ill-health, denial of education, unemployment, lack of housing, poverty.
- Regularly publish comprehensive and detailed information, disaggregated at least by gender, nationality and ethnic background, about the use of the death penalty which can contribute to public debates on the issue. The data should include: the number of persons sentenced to death and for what offences; the number of prisoners appealing the sentences and at what level; location of detention; information on past and scheduled executions; the total number of persons under sentence of death; the number of death sentences reversed or commuted on appeal; and the number of instances in which pardons have been granted.
- Implement alternatives to the criminalization of other minor, non-violent drug-related offences that do not cause harm to others. When determining whether to make or maintain a specific drug-related conduct as a criminal offence, ensure that the crime is clearly defined in law, that the proscribed conduct is aimed at addressing a specific problem directly associated with the possible harmful use of a particular drug and that the conduct puts others at risk of sufficiently serious harm.
- Ensure that criminal justice systems are adequately resourced so that the most rigorous internationally recognized standards for fair trial are respected, particularly in proceedings where the death penalty might be imposed.
- Ensure that consular assistance to own nationals facing the death penalty in other countries is readily available, adequately resourced and effective.
- Ensure that human rights violations committed in the name of drug control are halted; and any international cooperation, including through the provision of technical and financial assistance, does not contribute, or carry a real risk of contributing, to the use of the death penalty or the commission of human rights violations. Any such cooperation must be halted if used, or if there is a real risk of it being used, to commit human rights abuses or violations, either directly or indirectly.



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