

PUBLIC

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UA 160/08 Fear of Imminent Execution

JAPAN **MAKINO Tadashi (m), born 1950**

Death row prisoner Makino Tadashi has just had his appeal for clemency rejected, and so is at imminent risk of execution. He was sentenced to death in 1990 for murdering one woman and injuring two others. He is held in Fukuoka Detention Centre, where he is likely to be scheduled for execution before the end of June.

During his trial, before Fukuoka District Court, his lawyers argued that he lacked adequate mental capacity and could not be responsible for his crimes. However, the court sentenced him to death.

Makino appealed to the High Court but later withdrew his appeal. His lawyers challenged his motion to withdraw his appeal on the grounds that he was not fully aware of his actions. His lawyers appealed to the Fukuoka District Court for a retrial, but were rejected in September 2004. They then appealed to the Fukuoka High Court, but were rejected again in December 2005. They appealed to the Supreme Court for a retrial but were rejected in January 2006. They finally submitted an appeal for clemency to the Ministry of Justice. This appeal was rejected on 29 May 2008.

Makino was arrested in November 1993. He had served a life sentence for murder and attempted robbery committed when he was 19. He had been released on parole in 1987 after spending 16-and-a-half years in prison.

Justice Minister Hatoyama, appointed in August 2007, is a strong supporter of the death penalty. He has overseen the execution of 10 prisoners, who were put to death in December 2007, February and April 2008.

BACKGROUND INFORMATION

Seven executions have been carried out so far this year. They are typically carried out in secret. Executions are by hanging. Prisoners are given at most a few hours notice: this means they must spend their entire time on death row fearing they could be taken for execution at any time. Typically, a prisoner is notified on the morning of the day of the execution, although some are hanged without any warning. Their families typically receive no notice at all.

Amnesty International opposes the death penalty in all cases, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. There are currently 105 people on death row in Japan. At least 23 people who went on trial in 2007 were facing the death penalty: this is the highest number since 1962.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Japan, or your own language or your own language:

- calling on the Minister of Justice not to execute Tadashi Makino;
- calling on him to end the secrecy surrounding the death penalty in Japan by giving advance notice of executions to death row prisoners and their families.
- calling on him to order an immediate moratorium on the death penalty with a view to eventual abolition, and to commute all death sentences.

APPEALS TO:

HATOYAMA Kunio
Minister of Justice
Ministry of Justice
1-1-1 Kasumigaseki
Chiyoda-ku
Tokyo 100-8977, Japan

Fax: +81 3 3592 7088
+81 3 5511 7200 (via Public Information & Foreign Liaison Office)
Salutation: Dear Minister

COPIES TO:

FUKUDA Yasuo
Prime Minister
Prime Minister's Office
2-3-1 Nagata-cho
Chiyoda-ku
Tokyo 100-0014, Japan

Fax: +81 3 3581 3883
Salutation: Dear Prime Minister

Newspapers

Asahi Shimbun
5.3.2 Tsukiji, Chuo-ku
Tokyo 104-8011, Japan

Fax: +81 3 3545 0285
+81 3 3593 0438

Japan Times
5-4 Shibaura 4-chome, Minato-ku
Tokyo 108-0023, Japan

Email: opinion@japantimes.co.jp

Yomiuri Shimbun
1-7-1 Ohtemachi, Chiyoda-ku
Tokyo 100-0004, Japan

Fax: +81 3 3245 1277

and to diplomatic representatives of Japan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 July 2008.