

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Amnesty International urges Japan to halt executions

Human Rights Council adopts Universal Periodic Review outcome on Japan

Amnesty International is alarmed at the continued use of the death penalty in Japan, including the two most recent executions on 19 December 2017.¹ These acts breach the right to life and the right to live free from torture.² The organization is deeply disappointed at Japan's rejection of recommendations on the death penalty; this shows an unwillingness by the authorities to engage on this important human rights issue.³

Last year Minister of Justice Yoko Kamikawa signed two execution orders, even though both inmates had appeals for retrial pending before the courts; this is in direct contravention of safeguards established under international law and not in keeping with Japan's Code of Criminal Procedure.⁴

Japan continues to carry out executions in secret and without informing the prisoner, their family or their legal representatives in advance. This is in violation of Article 7 of the International Covenant on Civil and Political Rights. Thirteen members of the Aum Shinrikyo

¹ Teruhiko Seki, 44, who was convicted of murder and robbery, and Kiyoshi Matsui, 69, who was convicted of murder, were executed on 19 December 2017 at Tokyo Detention Centre. Seki was 19 years old when the crime was committed. Both were seeking retrials at the time of execution. Amnesty International, *Japan: Two hanged as secretive executions continue*, 19 December 2017. See: <https://www.amnesty.org/en/latest/news/2017/12/japan-two-hanged-as-secretive-executions-continue> accessed 12 February 2018.

² Right to life and right to live free from torture are enshrined in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in December 1948. It recognizes each person's right to life and categorically states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

³ At most recent cycle, 40 recommendations were made on the death penalty: Human Right Council, *Report of the Working Group on the Universal Periodic Review – Japan, A/HRC/37/15*, 4 January 2018, paragraphs 161.3 (Slovenia), 161.4 (Argentina), 161.5 (Montenegro, Spain, Sweden, Togo), 161.6 (Croatia, Germany), 161.7 (Mongolia), 161.8 (Uruguay), 161.9 (Guatemala), 161.95 (Cyprus, Italy), 161.96 (Republic of Moldova), 161.97 (Norway, Rwanda), 161.98 (Bolivarian Republic of Venezuela), 161.99 (New Zealand, France, Mexico), 161.100 (Iceland, Belgium, Sweden, Finland, Spain, Brazil, Netherlands, Denmark, Australia), 161.101 (United Kingdom of Great Britain and Northern Ireland), 161.102 (Timor-Leste), 161.103 (Liechtenstein), 161.104 (Colombia), 161.105 (Paraguay, Portugal), 161.106 (Panama), 161.197 (Switzerland), 161.108 (France), 161.109 (Austria) and 161.110 (Canada).

⁴ No.8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, by Economic and Social Council resolution 1984/50 of 25 May 1984 states, "Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence." Article 475 (2) of Japan's Criminal Procedure Code states, "The order set forth in the preceding paragraph shall be rendered within six months from the date when the judgment becomes final and binding; provided, however, that, where a request to restore the right to appeal or a request for a retrial, an extraordinary appeal, or an application or request for a pardon is made, the period before these proceedings have finished shall not be included in this period. Neither shall the period before the judgment becomes final nor binding for persons who are codefendants be included in this."

cult are currently at imminent risk of execution for their involvement in the sarin gas attack in 1995, and Amnesty International once again calls on the government of Japan to introduce an official moratorium on executions as a first step toward the abolition of the death penalty.⁵

Amnesty International is encouraged by progress in several municipalities in Japan to address discrimination based on sexual orientation or gender identity. Six municipalities have introduced written instruments to recognize same-sex partnerships.⁶ The Tokyo Metropolitan Government also introduced an ordinance in line with the principals of the Olympic Charter, which prohibits discrimination on all grounds.⁷

Amnesty International welcomes this progress, and calls on Japan to build on this by introducing comprehensive anti-discrimination legislation at the national level, in line with UPR recommendations made to Japan, to provide equal protection against discrimination for all persons and on all grounds, including sexual orientation, gender identity and sex characteristics.⁸

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Japan on 19 March 2018 during its 37th session. Prior to the adoption of the report of the review Amnesty International delivered this oral statement. Amnesty International also contributed to the information basis of the review through its submission on country:

<https://www.amnesty.org/en/documents/asa22/6544/2017/en/>

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⁵ Amnesty International, *Japan: Further information - Risk of executions after final sentence confirmed* (ASA 22/7885/2018)

⁶ Most recently, Fukuoka City also announced their plan to introduce. The Mainichi Shimbun (毎日新聞), "Fukuoka City to introduce same-sex partnership from next financial year (福岡市 同性カップル認証へ 来年度導入)", 8 February 2018, See: <https://mainichi.jp/articles/20180208/k00/00m/040/204000c> accessed 12 February 2018. None of the written instruments have legal binding power.

⁷ TV Asahi News (テレ朝ニュース), "Governor Koike aims to create an ordinance reflecting principal of the Olympic Charter (オリンピック憲章の理念“条例化”へ 小池都知事)", 7 December 2017 See: http://news.tv-asahi.co.jp/news_society/articles/000116091.html accessed 12 February 2018. The Olympic Charter is the codification of the fundamental principles of Olympism, and the rules and by-laws adopted by the International Olympic Committee. Its Article Six states, "The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, color, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status. International Olympic Committee, Olympic Charter, See: https://stillmed.olympic.org/Documents/olympic_charter_en.pdf accessed 15 February 2018.

⁸ Recommendations were made to combat discrimination or enhance action to eliminate discriminatory action: A/HRC/37/15, 161.58 (Mexico), 161.68 (Italy), 161.74 (Colombia), 161.78 (Uzbekistan), 161.79 (Cuba), establish anti-discrimination law or take steps to achieve that: paragraphs 161.59 (Netherlands), 161.60 (Sierra Leone), 161.61 (Norway), 161.62 (Côte d'Ivoire), 161.63 (Germany), 161.64 (Haiti), 161.65 (Honduras), 161.66 (Iraq), 161.67 (Kenya), 161.68 (Italy), 161.72 (United States of America), 161.73 (Canada), 161.75 (Ireland), tackle discrimination based on sexual orientation and gender identity: 6.70 (New Zealand), 161.71 (Switzerland), 46.73 (Canada) and to provide training to public service personal to achieve non-discrimination: paragraph 161.55 (Bangladesh).