

EXTERNAL (for general distribution)

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Further information on UA 90/93 (ASA 22/05/93, 29 March 1993) - Death Penalty

JAPAN:TACHIKAWA Shujiro, KAWANAKA Tetsuo, KONDO Seikichi

Amnesty International has learnt that Kawanaka Tetsuo, one of three prisoners executed in March in Tokyo and Osaka, was suffering from mental illness prior to his execution. Kawanaka's mental condition had apparently deteriorated in recent months. In response to inquiries from his lawyer, the doctor at Osaka Detention House had said that the prisoner was "on the verge" of becoming schizophrenic and was showing signs of hallucinating.

Japanese law forbids the execution of prisoners suffering from psychiatric illness. It is reportedly uncommon for prison authorities to admit that a prisoner about to be executed is mentally ill. The statement made by the Osaka Detention House doctor to Kawanaka's lawyer deepens Amnesty International's concern that Kawanaka's execution may have been illegal.

Further, Kawanaka was about to submit a request for retrial. Shortly before his execution, he had given to his lawyer powers of attorney to apply for a request - a fact which, according to Kawanaka's lawyer, the Osaka Detention House authorities were aware of. It would therefore appear that Kawanaka was executed before all avenues for review or commutation of his sentence were exhausted.

The executions of Tachikawa Shujiro, Kawanaka Tetsuo and Kondo Seikichi drew widespread criticism from many sectors of society, including lawyers, politicians, academics and civic groups working against the death penalty. The executions also led to extensive debate in both the international and domestic media.

The Minister of Justice, Masaharu Gotoda, responded to the criticism by saying that Japanese society was not ready for the abolition of the death penalty. He said that ordering executions was part of his job and was necessary to keep law and order and appeared to criticise his predecessors who had failed to order executions out of personal conviction: "Judges hand down capital punishment sentences under the existing system and it is wrong for justice ministers not to carry out sentences out of a political decision". However, he said that the death penalty "as an institution" should be reviewed.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English, Japanese or your own language:**

- expressing continued concern about the resumption of executions in Japan after a three-year moratorium;
- expressing particular concern about the legality of the execution of Kawanaka Tetsuo, in view of his mental condition;
- stating that Kawanaka, like all prisoners under sentence of death, should have been allowed to make full use of all avenues for review or commutation of his sentence;
- reiterating Amnesty International's unreserved opposition to the death penalty as a violation of the right to life and the ultimate form of cruel and inhuman

punishment.

**APPEALS TO**

1) Mr Masaharu GOTODA  
Minister of Justice  
Ministry of Justice  
1-1 Kasumigaseki  
Chiyoda-ku  
Tokyo 100  
Japan

**Telegrams: Minister Gotoda, Chiyoda-ku, Tokyo 100, Japan**  
**Faxes: +81 3 3592 7011 (c/o Public Information and Foreign Liaison Office)**

**Salutation: Dear Minister Gotoda**

2) Mr Kiichi Miyazawa  
Prime Minister  
1-6 Nagata-cho  
Chiyoda-ku  
Tokyo 100  
Japan

**Telegrams: Prime Minister Miyazawa, Chiyoda-ku, Tokyo 100, Japan**  
**Faxes: +81 3 3581 2548**

**Salutation: Dear Prime Minister Miyazawa**

**COPIES OF YOUR APPEALS 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 5 July 1993.