

# AMNESTY INTERNATIONAL

## Public Statement

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### Japan: prison abuses must stop

Amnesty International called today on the Japanese authorities to initiate a thorough, public and independent investigation into the recent ill treatment of a 30 year old man, the death of another prisoner in May in Nagoya Prison, as well as prisoners' complaints regarding the use of force and ill-treatment by prison officials.

"All those responsible for such abuses should be brought to justice," Amnesty International stressed.

The organization urged the authorities to establish an independent body to inspect prisons, monitor the treatment of prisoners and general conditions of detention. The inspection body should be able to speak privately to prisoners, and report publicly on its findings. Doctors and psychiatrists should be members of this body.

"Japan should ensure that the rights of all prisoners and detainees - as guaranteed in international human rights standards to which Japan is a state party - are protected," Amnesty International said.

According to the organization penal facilities are overcrowded and secretive and abuse of prisoners is widespread.

Amnesty International also highlighted the lack of transparency regarding the internal regulations of penal facilities in Japan. Prison and detention centre governors are given wide discretionary powers to decide the rules of their institutions, and these are kept secret on grounds of maintaining "security".

All detention facilities in the country operate extremely strict disciplinary regimes with inmates forced to comply with arbitrary rules rigorously enforced by staff. Prisoners are often not allowed to talk with each other or even make eye contact. Punishment for flouting these rules includes being made to sit in the same position for hours at a time, sometimes over several months, and not being allowed to wash or exercise. Punishment also apply to all those who complain.

According to Amnesty International, some penal institutions still hold prisoners in a "protection cell" (*hogobo*) as means of punishment. *Hogobo* cells are special cells constructed for housing prisoners who are deemed to show certain aggravated signs of instability or vulnerability. Inmates are held in metal or leather handcuffs, which are kept on even while they eat. They are made to excrete through a hole cut in their pants (*mataware pants*).

"Such treatment is cruel, inhuman and degrading and must be stopped," the organization added.

While most prisons in Japan have cut down on punishments using the leather handcuffs, Nagoya Prison has reportedly increased their use from 53 cases last year to 148 this year. Amnesty International believes that the use of leather handcuffs and body belts in Japan has the same effect as a strait-jacket and must never be imposed as a punishment.

Amnesty International calls on the Japanese government to comply with international standards for the treatment of prisoners and to establish an independent mechanism for investigation of complaints. Amnesty International draws the government's attention to Article 33 of the Standard Minimum Rules for the Treatment of Prisoners, as well as international standards set out in the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the Istanbul Protocol)", the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

While Amnesty International has noted the 8 November arrest of five prison officials on charges of seriously injuring an inmate in Nagoya Prison, the organization is concerned that there are many more such cases throughout the country.

In 1997 and 1998 Amnesty International issued reports on Japan highlighting the ill-treatment of prisoners, the use of leather handcuffs which is likened to "medieval instruments of torture". In 1998 the United Nations Commission on Human Rights expressed concern about the frequent use of restrains or methods which amount to cruel treatment of prisoners, especially usage of leather handcuffs as punishment in Japan.

### **Background**

Prosecutors reportedly arrested five Nagoya Prison officials on 8 November this year for using restraining devices: leather handcuffs and manacles to restrain the 30 year old prisoner on 25 September. As a result, the prisoner suffered internal bleeding, and required hospital treatment. Recent reports suggest the same type of restraining devices and physical violence by Nagoya Prison officials were used against the 49 year old prisoner who died in May.

Article 33 of the Standard Minimum Rules for the Treatment of Prisoners, as well as international standards set out in the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the Istanbul Protocol)", International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, prohibit ill-treatment of prisoners.

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