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Japan: Cease all executions

Amnesty International welcomed today the initiatives taken by the Abolition of Death Penalty Diet Members League and Japanese Bar Association to bring the issue of the death penalty to public debate. On 22 November the League issued a report, which outlines two draft bills due to be submitted to the next Diet session beginning in January.

The bills include:

- an amendment to the criminal code to change the period to apply for parole
- a draft bill to establish a special committee under the cabinet to deal with death penalty issues

Amnesty International calls on the Diet members to urge the government to declare an immediate moratorium on executions. The organization is particularly concerned that the Japanese government tends to carry out executions in December - a period of parliamentary recess and holidays - to avoid publicity.

On the same day, 22 November, the Japan Bar Association submitted a recommendation on the death penalty.

The Association mainly recommends:

- a declaration of a moratorium on the death penalty and a public debate on the issue of the death penalty
- a disclosure to the public of all information on death penalty

"The recommendations by the JFBA calling for a moratorium on the death penalty and for an end to the secrecy surrounding the death penalty in Japan are a significant step towards generating a public debate for the abolition of the death penalty in Japan," Amnesty International said.

"We call on the Japanese government to cease all executions, to commute all death sentences and take practical steps towards abolition of the death penalty in law and practice," the international human rights organization added.

"The death penalty is a violation of most basic human right - the right to life. It is an irrevocable act of violence by the state and the risk of executing the innocent can never be eliminated," Amnesty International stressed.

The death penalty has never been shown to deter crime more effectively than other punishments.

It brutalises those involved in the process of executions and the wider society as a whole. Amnesty International also has concerns about the way in which the death penalty is carried out in Japan.

"Japan continues to go against the world wide trend towards abolition of the death penalty," Amnesty International said.

More than half of the world's countries have abolished the death penalty in law or practice. International bodies, including the European Union and the United Nations, have made calls endorsing and promoting the global trend towards abolition of the death penalty.

Background

Executions in Japan are arbitrary and are carried out in secret. The Japanese government has repeatedly carried out executions during periods of parliamentary recess, parliamentary elections and holiday periods. Amnesty International believes that the government chooses these periods to avoid debate within parliament and to minimize publicity.

Execution is by hanging and there is a trend to carry out more than one execution at the same time. Executions are carried out in secret and on an arbitrary basis. Under the Code of Criminal Procedure "the death penalty shall be executed under an order from the Minister of Justice" (Article 475). Once an order is given, "such execution shall be carried out without five days" (Article 476). Between November 1989 and March 1993 two Japanese Ministers of Justice declined to sign execution orders because of their personal opposition to the death penalty. Executions recommenced in March 1993.

A number of prisoners on death row have been held in solitary confinement for a decade or more, with limited contact with the outside world. Prisoners can only meet close relatives and may only correspond with those allowed to meet them. In most cases prisoners under finalized sentence of death are not permitted to receive letters from friends and supporters. Some relatives by adoption have filed law suits alleging that they were prohibited from meeting prisoners under sentence of death. The authorities state this practice is justified as it helps to keep the prisoner emotionally "stable".

Prisoners are told less than two hours before execution that they are going to be executed. Families and lawyers are never told in advance of the decision to carry out the execution. The practice of not informing prisoners until the last hour of their execution deprives them of the opportunity to meet with family for final farewells, and makes it impossible for lawyers to file last-minute appeals. Most prisoners under sentence of death have been imprisoned for many years and endure considerable mental distress.

There are at least 118 people under sentence of death in Japan, some 50 of them have had their sentences upheld by the Supreme Court (or become final in the lower courts) and can be executed at any time. The oldest prisoner is 85 years old and has been under death sentence for some 35 years.

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