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Japan: Death row inmate's retrial rejection is 'travesty of justice'

The Japanese Supreme Court's decision to deny a retrial to an 87-year old death row prisoner who was convicted of murder based on a forced confession is a "travesty of justice", Amnesty International said today after his latest appeal was rejected.

Okunishi Masaru, who has spent more than 40 years facing execution and is one of the oldest death row prisoners in the world, had his seventh request for a retrial turned down yesterday. It means he is likely to die in prison despite doubts over the soundness of his conviction.

"It is a travesty of justice that Okunishi Masaru was again denied the retrial his case unquestionably merits," said Catherine Baber, Asia Pacific Director for Amnesty International.

The octogenarian has been on death row since 1969, after being convicted of the murders of five women. He "confessed" to the crime after being interrogated by police for many hours over five days and with no lawyer present.

During his first trial he retracted his "confession" and was acquitted due to lack of evidence. However, a higher court reversed the verdict and sentenced him to death.

His latest retrial request was denied partly because the Supreme Court ruled that his initial "confession" still stood, even though he had retracted it.

Okunishi's lawyers are planning to submit an eighth request for a retrial, but that process can take several years.

"The flawed interrogation process in his case including lack of legal representation, which resulted in a forced confession, demands that there should be a retrial. This is all the more urgent in light of his precarious health", said Baber.

For more than four decades, Masaru has lived in constant fear that each day could be his last. Death row inmates in Japan are only informed hours ahead of their execution, which takes place in secret.

Like most prisoners facing execution, he has mainly been held in solitary confinement.

"Okunishi is not the only death row inmate convicted primarily on the basis of forced confessions. The Japanese authorities must urgently review these cases to ensure that time does not run out for them to see justice," said Baber.

There are currently more than 130 death row prisoners in Japan, one of the highest levels in over half a century.

There has been an alarming escalation in the use of the death penalty under Japan's Liberal Democratic

government. Six people have been executed since Prime Minister Shinzo Abe's took office in December 2012.

Longest-serving death row prisoner

One of the most pressing death penalty cases in Japan is that of Hakamada Iwao, who has been on death row since 1968.

Now aged 77, he is believed to be the longest-serving death row inmate in the world. He suffers from mental illness as a result of the decades he has spent in isolation.

Following an unfair trial, he was convicted of the murder of his boss, his boss's wife and their two children. Hakamada "confessed" after 20 days of interrogation by police. He retracted the confession during the trial and told the court that police had beaten and threatened him.

One of the three judges who convicted Hakamada has publicly stated he believes him to be innocent.

According to Hakamada's lawyers, recent forensic tests results show no match between Hakamada's DNA and samples taken from clothing the prosecution alleges was worn by the murderer.

"Hakamada is another prisoner who should be granted a retrial," said Baber.

"We also urge the Japanese authorities to improve conditions for all other death row inmates, including an end to solitary confinement."

Background

Amnesty International has called on the Japanese government to introduce a moratorium on executions as a first step towards abolition of the death penalty.

The Japanese justice system continues to rely heavily on confessions often obtained through torture or other ill-treatment. There are no clear limits on the length of interrogations which lawyers are also not permitted to attend.

Amnesty International has documented the routine use of beatings, intimidation, sleep deprivation and forcing detainees to stand or sit in a fixed position for long periods during interrogations.

The organization has repeatedly called for reforms of Japan's justice system in line with international standards.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, guilt, innocence or other characteristics of the individual or the method used by the state to carry out the execution. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.