

URGENT ACTION

RISK OF EXECUTIONS AFTER FINAL SENTENCE CONFIRMED

The execution of 13 members of Aum Shinrikyo could be carried out any moment following the completion of the trial for the final two other cult members who turned themselves in after 17 years on the run.

The **13 Aum Shinrikyo cult members** who were convicted and sentenced to death in separate trials between 2006 and 2011, for their respective roles in orchestrating and carrying out a sarin gas attack in the Tokyo subway in 1995 and other illegal activities, are now at risk of execution. While their cases have been finalized for many years, so far no one has been executed in line with Article 475 of the Criminal Procedure Code as the cases of other co-defendants were yet to be concluded.

Court proceedings for all 192 Aum Shinrikyo members charged with various crimes are now complete. In 2012, the remaining two cult members turned themselves in after 17 years on the run. On 25 December 2017, the Supreme Court upheld the High Court's decision to acquit Naoko Kikuchi on the grounds that she was unaware of the plot of the subway attack. One month later, on 25 January 2018, the Supreme Court further confirmed the life sentence of Katsuya Takahashi and his appeal to the Supreme Court was rejected a few days later.

Among the 13, a number of them are seeking retrials, but they may be executed before the court completes the examination of their requests. Execution of individuals with appeals or other proceedings still pending is against the UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. Furthermore, Article 457 (2) of Japan's Criminal Procedure Code implies that those requesting to restore the right to appeal shall not be executed within the timeline required by law. Between 1999 and 2016, no one seeking a retrial was executed, however in 2017, three prisoners who had their appeals for retrial pending before the courts were executed. Former and current Ministers of Justice Katsutomi Kaneda and Yoko Kamikawa, who signed execution orders in 2017, said that they do not believe those seeking retrials should be exempt from execution.

Please write immediately in Japanese, English or your own language urging the authorities to:

- Halt any planned executions and commute the death sentences of the 13 members of Aum Shinrikyo and all other prisoners, without delay;
- Explain that you consider all executions to be a violation of the right to life but are not seeking to excuse violent crime or downplay the suffering caused;
- Establish a moratorium on executions with a view to abolishing the death penalty and to encourage an informed national debate on the use of this punishment;
- Pending that, end the secrecy that surrounds the use of the death penalty in Japan and provide the prisoners, their family and lawyers and the public with notification of any scheduled executions.

PLEASE SEND APPEALS BEFORE 11 MAY 2018 TO:

Minister of Justice

Yoko Kamikawa
1-1-1 Kasumigaseki Chiyoda-ku
Tokyo, Japan 100-8977
Ministry of Justice
Fax: +81 3 3592 7008 / +81 3 3592 7393
Twitter: @MOJ_HOUMU

Salutation: Dear Minister

Prime Minister

Shinzo Abe
1-6-1 Nagata-cho Chiyoda-ku
Tokyo, Japan 100-8968
Fax: +81 3 3581 3883
Email: (via website)
https://www.kantei.go.jp/foreign/forms/comment_ssl.html
Twitter: @abeshinzo

Salutation: Dear Prime Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 213/16. Further information:

<https://www.amnesty.org/en/documents/asa22/4856/2016/en/>

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ADDITIONAL INFORMATION

The 13 members of the Aum Shinrikyo cult who have been convicted for their respective roles in orchestrating and carrying out the gas attack are; Seiichi Endo, Satoru Hashimoto, Kiyohide Hayakawa, Yasuo Hayashi, Kenichi Hirose, Yoshihiro Inoue, Chizuo Matsumoto (also known as Shoko Asahara), Kazuaki Miyamae, Tomomasa Nakagawa, Tomomitsu Niimi, Toru Toyota, Masami Tsuchiya and Masato Yokoyama. Charges are based on crimes including murder, kidnapping and physically harming as well as experimenting with chemical and biological weapons.

Japan has been carrying out between one to 15 executions per year for past three decades except in 2011, when no one was executed. The defendants in Japan have to decide whether he/she will appeal the sentence within 14 days. If they do not appeal, the prisoner immediately starts serving a 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 co-defendants be included in this."

Secret executions are in contravention of international law and standards on the use of the death penalty. UN bodies and experts have repeatedly criticized this and the lack of other adequate legal safeguards, such as mandatory appeals, for those facing the death penalty in Japan. While psychiatrists hired by the lawyers for the *guru*, Chizuo Matsumoto (also known as Shoko Asahara) raised concern about the deterioration of his mental health caused by detention in 2005 and 2006. Subsequently in 2007, Japan Federation of Bar Associations' recommendations for detention authorities to provide him with treatment was denied. Prisoners on death row are not allowed to talk to one another – a restriction enforced by strict isolation. Japan does not effectively assess the mental health state of prisoners' fitness for execution. According to one of Chizuo Matsumoto's daughters, for the past ten years no one outside including his family and lawyers were able to meet him which makes it even harder to understand his mental state. Japan continues to sentence to death and execute prisoners with mental and intellectual disabilities which is a clear violation of international law and standards.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the offender 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.

Name: Seiichi Endo, Satoru Hashimoto, Kiyohide Hayakawa, Yasuo Hayashi, Kenichi Hirose, Yoshihiro Inoue, Chizuo Matsumoto, Kazuaki Miyamae, Tomomasa Nakagawa, Tomomitsu Niimi, Toru Toyota, Masami Tsuchiya, Masato Yokoyama.
Gender: male

Further information on UA: 213/16 Index: ASA 22/7885/2018 Issue Date: 22 February 2018