

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Amnesty International and ADPAN call for Japanese prisoner on death row for 43 years to be granted a stay of execution and removed from death row**

Amnesty International and the Anti-Death Penalty Asia Network (ADPAN) call on the Minister of Justice to grant a stay of execution for Hakamada Iwao in accordance with Article 479 of the Code of Criminal Procedure and for him to be taken off death row. Article 479 provides for a person to be granted a stay of execution in cases where the person is found to be suffering from mental illness.

Hakamada Iwao, who celebrates his 75th birthday on 10 March, has been on death row since 1968. He was convicted after an unfair trial of the 1966 murder of the managing director of the factory where he worked, and the man's wife and two children.

Within months of the finalization of his death sentence, Hakamada began to show signs of seriously disturbed thinking and behaviour. The Prison authorities have refused access to Hakamada's medical records, even to his family members and his legal representatives. Hakamada's mental health condition continues to be of concern.

Hakamada confessed after 20 days of interrogation by police without a lawyer present but later retracted his confession saying that he had been beaten and threatened during the interrogations. One of the judges who convicted Hakamada, Kumamoto Norimichi, stated publicly in 2007 that he believed Hakamada was innocent but that he had been outvoted in the decision.

Visitors to Hakamada in recent months have found him to be "confused, disorientated and rambling". He has been known to refuse his medication for hypertension and he suffers from diabetes.

His legal team, family and supporters are calling for Hakamada to be granted a stay of execution and removed from death row. They also continue to press his claim for a retrial based on concerns about the soundness of evidence against him. Japan has not commuted a death sentence since 1975.

Amnesty International further calls on the Government of Japan to initiate an immediate independent review of all cases where there is credible evidence that prisoners may be mentally ill and could fall within the scope of Article 479.

Executions in Japan are by hanging and are typically carried out in secret. Death row inmates are only notified on the morning of their execution and their families are usually informed only after the execution has taken place.

This means that prisoners live in constant fear of execution. Enduring these conditions for years or even decades has led to depression and mental illness among death row inmates.

Amnesty International opposes the death penalty as a violation of the right to life in all cases without exception, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution. It calls on the government of Japan to immediately commute all death sentences and introduce an official moratorium on executions as a first step towards abolition of the death penalty.

The Anti-Death Penalty Asia Network (ADPAN) is a regional network of over 50 members including lawyers, NGOs, journalists, human rights defenders and activists from 23 countries across the Asia Pacific region. ADPAN campaigns for an end to the death penalty across all countries in the region.

A study group on the death penalty established by the former Justice Minister Ms Chiba Keiko is continuing to work under the current Justice Minister, Mr. Eda Satsuki. No date for its report has been announced.

ENDS/

Public Document

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