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Minister Nagase Jinen
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Japan

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OPEN LETTER TO THE MINISTER OF JUSTICE OF JAPAN, THE HON. NAGASE JINEN

Dear Minister,

I am writing on behalf of Amnesty International and the Anti-Death Penalty Asia Network (ADPAN)¹ to register our grave concern at the executions of four prisoners (Hidaka Hiroaki, 44, Hiroshima; Fukuoka Michio, 64, Osaka; Akiyama Yoshimitsu, 77, Tokyo; Fujinami Yoshio, 75, Tokyo) which took place on 25 December 2006.

This retrograde step runs counter to the universal protection of human rights and is at odd with the international trend away from the use of the death penalty. Very few countries currently carry out executions: provisional figures compiled by Amnesty International indicate that only 20 of the United Nation's 193 member states carried out state killings in 2006. These executions in Japan, after a 15 month hiatus, will send a discouraging signal to nations in the Asia-Pacific region at a time when others – South Korea and Taiwan for example – are considering the abolition of the death penalty.

On his appointment in October 2005, your predecessor, the former Minister of Justice Sugiura Seiken, refused to sign execution orders due to his personal beliefs. This is not the first time a Minister of Justice in Japan has refused to sanction hangings. Former Minister of Justice Sato Megumu also refused to sign execution orders because of his religious beliefs.

¹ **The Anti-Death Penalty Asia Network (ADPAN)** was launched on 10 October 2006. ADPAN consists of lawyers, parliamentarians and activists from 16 countries: Australia, Hong Kong, France, India, Indonesia, Italy, Japan, South Korea, Malaysia, Mongolia, Philippines, Singapore, Taiwan, Thailand, UK and USA. ADPAN has 33 members, including 13 organizations: Hong Kong Society and Community Organization, Commission for Disappearances and Victims of Violence (KONTRAS) (Indonesia), Forum 90 (Japan), Catholic Human Rights Committee (South Korea), Malaysians against the Death Penalty and Torture (MADPET), Murder Victims' Families for Human Rights (USA), Philippine Human Rights Information Center (Philrights), Think Centre (Singapore), Taiwan Alliance to End the Death Penalty (TAEDP), FORUM-ASIA (Thailand), Comunità di Sant'Egidio (Italy), World Coalition against the Death Penalty and Amnesty International. See: <http://asiapacific.amnesty.org/>

During the four-year informal moratorium on death penalty between 1989 and 1993, homicides in Japan reached some of the lowest rates in modern times with 1,215 murders reported in 1991, well below recent figures such as the 1,419 homicides reported in 2004. Such figures contradict the argument that the death penalty is a uniquely effective deterrent against serious crime. The experience of other countries also shows that an absence of executions does not lead to an increase in homicide rates.

The four executions on 25 December run counter to a growing trend towards the abolition of the death penalty and a lessening in the number of executions; this global trend away from the use of capital punishment was highlighted in our recent report on the death penalty in Japan published in July 2006, "*Will this day be my last?*": The death penalty in Japan" (AI Index: ASA 22/006/2006) The death penalty has already been abolished in Cambodia, Nepal, Timor Leste and recently in the Philippines. Currently the National Assembly of South Korea is giving serious consideration to abolition and the authorities in Taiwan have also indicated their desire to remove capital punishment from their laws. Japan seeks to become a permanent member of the UN Security Council; steps towards abolition of death penalty would demonstrate that Japan is progressing towards the full protection of human rights and showing strong leadership on this important matter.

We note your comments reported in various media sources that "...nearly 80 per cent of the people of this country have no objection to the existence of the death penalty". After over 30 years researching the death penalty, Amnesty International believes that public support for the death penalty is overwhelmingly based on a desire to be free from crime as well as the erroneous belief that executions prevent murders. Amnesty International recognizes the right of citizens to create laws via their elected representatives; such laws must be formulated with respect for human rights. History is littered with human rights violations that had the support of the majority but in modern times are looked upon with horror. Slavery, racial segregation and lynching all had widespread support in the societies where they occurred but constituted gross violations of the victims' human rights. In more recent times, grave violations of human rights in Bosnia, Rwanda and East Timor all had the support of large sections of the population in those countries but were no less unacceptable because of such popularity.

Amnesty International's opposition to the death penalty does not in any way distract from the sympathy the organization and others feel towards the victims of violent crime and their loved ones. As an organization dedicated to working for the victims of human rights violations, Amnesty International is fully aware of the suffering caused by violent crimes. We believe that everyone in society should work to lessen violent crime and that all those impacted upon by such appalling acts as murder, rape and other crimes should be supported and helped as they rebuild their lives after suffering such trauma.

Amnesty International and the Anti-Death Penalty Asia Network (ADPAN) urge the Japanese government to:

- Stop further executions;
- Commute all death sentences and impose an immediate moratorium on executions, pending abolition of the death penalty;
- End secrecy around the application of the death penalty and initiate a public and parliamentary debate on abolition of the death penalty by making available all information regarding the use of the death penalty;
- Implement procedural safeguards around the right to life and respect the rights of detainees, by improving prison conditions, allowing families, friends and lawyers greater access to prisoners, and ensuring prisoners have access to medical facilities.

I look forward to hearing from you on this important matter.

Yours sincerely,

Irene Khan
Secretary General

Enclosed: Amnesty International Report: “*Will this day be my last?*”: The death penalty in Japan” (AI Index: ASA 22/006/2006)