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Japan: Prisoners executed without warning after decades on death row

Elderly and mentally ill prisoners are among those waiting decades on Japan's death row -- only to be executed without warning and in secret. Death sentences are often handed down after unfair trials, with suspects having "confessed" to crimes they did not commit after lengthy interrogations, threats and violence.

This is the reality of the death penalty in Japan according to an Amnesty International report, released as activists and experts on the death penalty from across Asia-Pacific meet in Hong Kong to debate the region's high rate of executions compared to the rest of the world.

"Japan is one of the few industrialised countries which still carry out state killings," said Suki Nagra, East Asia Campaigner at Amnesty International. "By abolishing the death penalty Japan would provide leadership to the Asia-Pacific region, which is currently bucking the global trend towards abolition."

One hundred and twenty-five countries across the world have abolished the death penalty in law or in practice, with the Philippines the latest Asian country to do so in June. There have also been positive developments in neighbouring South Korea, where a bill to abolish the death penalty is currently being considered by parliament.

"As a first step towards abolition, we urge the Japanese government to end the secrecy currently surrounding its use of the death penalty," said Suki Nagra. "The government cannot justify this inhuman punishment on the basis of public opinion when it conceals the reality of the death penalty from people and so stymies public debate."

In Japan there are no vigils outside prisons on the day of an execution -- only the authorities know that an execution will take place. The prisoner is notified on the morning of the day of their death. In some cases they are not notified at all.

This secrecy means that prisoners live -- under a harsh prison regime and in solitary confinement -- with the ever-present fear of execution. They never know if each day will be their last.

The legal process in Japan is so slow that appeals take decades and prisoners wait for years to be executed. Okunishi Masaru is one of a number of very elderly prisoners on Japan's death row. He was sentenced to death in 1961 for poisoning five women and is now 80 years old. In April 2005, the Nagoya High Court granted a retrial citing new evidence that could prove his innocence. His supporters are urging that his retrial begin soon: in March 2006 he is said to have told visitors, "Please clear my false charge while I am alive."

The risk of executing the innocent is particularly high in Japan because of its pre-trial detention system using police custody, or *daiji kangoku*, as a substitute prison. Suspects can be held in police cells for up to 23 days and are vulnerable to long periods of interrogation. Akahori Masao was sentenced to death in 1958 aged 25 on charges of rape and murder. He always claimed he was innocent and had confessed under duress, saying, "the interrogators hit me on the head, almost strangled me with their hands and kicked me... I decided to agree with all their questions because I could not put up with the torture." It was not until 1987, after four court applications, that his retrial began. He was acquitted aged 59, having spent over 34 years in detention.

Background

To see the report, "*Will this day be my last?*" The death penalty in Japan, please go to: <http://web.amnesty.org/library/index/engasa220062006>.

Approximately 87 prisoners currently remain on death row in Japan. The last execution took place on 16 September 2005, when Kitagawa Susumu was hanged for two murders. Since 2000, 11 prisoners have been executed.

The oldest prisoner facing the death penalty is 85-year-old Tomizo Ishida.

Conditions on death row are extremely harsh, with no communication allowed between prisoners, and are detrimental to the mental health of inmates.

All executions in Japan are carried out by hanging.

Public Document

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