



Center for Prisoners' Rights Japan
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On Thursday July 13rd, , Japan's Justice Minister Katsutoshi Kaneda ordered the executions of Masakatsu Nishikawa and Koichi Sumida, at the Osaka Detention Center and Hiroshima Detention Center respectively, for the second time during his term of office since August 2016.

Sumida, sentenced to death in lay judge trial held in February 2013, had withdrawn an appeal to the High Court and made his sentence finalized the following month. This is the third execution of an inmate whose death sentence was imposed by lay judges and finalized without exhausting his right of appeal and the proclamation that the Japanese government would continue to execute its citizens regardless of the vulnerability of conviction or sentencing. Instead of keeping forcing its citizens to take the responsibility of retaining capital punishment, citing the result of opinion polls and the system of lay judge trial, the government should introduce the mandatory appeal system and commence review of the entire death penalty system.

Today's execution reminds us urgent necessity for introduction of mandatory appeal system for death sentences. Many death sentences have been finalized without review by appellate courts for lack of the system of mandatory review. As a consequence of such a fault in the judicial system, quite a number of people who do not deserve to the most severe punishment are held on death row. As there are various factors which are crucial for determination of ultimate punishment, there is always great risk of erroneous decision in sentencing. A recent example of this would be the decisions made by the Tokyo High Court to overturn lay judges' decisions to impose the death penalty in three cases, which were subsequently upheld by the Supreme Court. Thus, various UN human rights bodies such as UN Human Rights Committee (2008, 2014) and The Committee Against Torture (2007, 2013) have issued recommendations time and time again, that there should be steps taken to ensure that such appeals shall become mandatory.

The execution of Nishikawa poses another serious question. He denied some of the four robbery-murder charges and was requesting to reopen his case, without assistance of counsel. The government has repeatedly said that an execution of an inmate who's actually requesting to reopen his/her case would be justifiable, if he/she has repeatedly filed requests on similar reasons. However, it should be noted that Sakae Menda, Japan's first exoneree from death row, spent 34 years in prison and was finally released after the sixth request of retrial. Also, today's execution is clearly against the UN Human Rights Committee's recommendation that requests for retrial should have a suspensive effect.

The Center for Prisoners' Rights condemns today's executions and will continue its struggle to achieve moratorium on executions and ultimate abolition of the death penalty.

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