



Center for Prisoners' Rights Japan
c/o Amicus Law Office
Raffine Shinjuku #902, 1-36-5, Shinjuku Shinjuku-ku, Tokyo, JAPAN
TEL / FAX +81 3-5379-5055

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On Thursday June 25th, Japan's Justice Minister Yoko Kamikawa executed Mr. Tsukasa Kanda at Nagoya Detention Center.

This is the first execution authorized by Minister Kamikawa during her term of office since October 2014. Mr. Kanda, sentenced to death in March 2009, had withdrawn his appeal to the High Court and made his sentence finalized in March 2009. After that, he had challenged the validity of the withdrawal, with assistance of his attorneys, arguing that it was not his intention to withdraw.

Due to the absence of a system of mandatory appeal against a death sentence in Japan, many capital cases have been finalized without review by higher courts. The consequences of such a fault in the judicial system not only are the innocents held on death row but also those who do not deserve to death are sentenced to death. 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. International human rights standards mandate that capital punishment be imposed only for the most serious crimes as an exceptional measure. Thus, various UN human rights bodies such as UN Human Rights Committee (2008) 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 response from the Japanese government has been that a mandatory appeal system is simply unnecessary. However, with the increasing number of death sentences handed down by lay judges, it seems utterly impossible to avoid execution of death sentences which were imposed by lay judges and finalized without any review by the higher courts. The Japanese government should stop forcing its citizens to take the responsibility of retaining capital punishment, citing the result of opinion polls and the system of lay judge trial. Instead, the government should introduce the mandatory appeal system and commence review of the entire death penalty system.

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

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