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On Thursday June 26<sup>th</sup>, Japan's Justice Minister Sadakazu Tanigaki executed Masanori Kawasaki, age 68, at Osaka Detention Center.

While this is the first execution in 2014, today's execution has brought the total number of executions which were authorized by Minister Tanigaki, a member of the second Abe Cabinet, to nine.

Kawasaki was found guilty and sentenced to death on a charge of murders of his sister-in-law and her two young grandchildren. His sentence was upheld by the Supreme Court on July 2012. His defense counsels argued that it was extremely difficult for Kawasaki to control his behavior due to mental retardation and pervasive developmental disorder, and therefore, that he should not be found fully responsible for the crimes. But the trial court held that his responsibility had not been impaired at all. The Supreme Court admitted in its decision that Kawasaki's intellectual ability was 'slightly impaired', but denied the diminished culpability.

Although detailed information on Kawasaki's mental disorders is not available, it is obvious that international human rights standards prohibit the execution of mentally retarded persons. For example, U.N. Economic and Social Council resolution 1989/64 recommended "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence". In Japan, however, there are no guidelines, except for a general rule of insanity, for application of the death penalty to mentally retarded persons, who are thought to be categorically less culpable than the average offenders. The lack of such guidelines strongly suggests that wrongful application of the death penalty to mentally disordered persons is inevitable even in the cases where defendants are not innocent, differently from Iwao Hakamada, who was released from death row in March this year.

On July 15<sup>th</sup> and 16<sup>th</sup>, the UN Human Rights Committee will conduct the 6<sup>th</sup> periodical review of the report of Japan. We believe that today's execution will raise another serious concern about Japan's death penalty system during the review.

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