



Center for Prisoners' Rights

**Center for Prisoners' Rights Japan**

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On Friday November 11<sup>th</sup>, Japan's Justice Minister Katsutoshi Kaneda ordered the execution of Ken'ichi Tajiri at the Fukuoka Detention Center. This was the first execution authorized by the minister, who took office in August 2016.

On two separate occasions of executions which took place during 2015, we pronounced in our statement as follows; "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". Today we repeat the same words here.

Tajiri was sentenced to death in lay judge trial held in October 2011. After Fukuoka High Court had upheld the sentence in April 2012, he withdrew his appeal to the Supreme Court and made his sentence finalized. 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.

In October 2016, the Japan Federation of Bar Associations adopted the declaration which calls for abolition of the death penalty in Japan by the year 2020 and discussion on the abolition has just started in Japanese society. Now the government should face up to numerous problems with the death penalty, and immediately commence review of the entire system with a view to abolishing of the punishment.

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

Yuichi KAIDO  
President

Maiko TAGUSARI  
Secretary-General

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