



Center for Prisoners' Rights Japan

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On Tuesday December 19th, Japan's Justice Minister Yoko Kamikawa ordered the executions of Teruhiko Seki and Kiyoshi Matsui at the Tokyo Detention Center. This is the first execution during her present term of office which began in August 2017. She ordered the execution of Tsukasa Kanda at Nagoya Detention Center on 25th June 2015 during her previous term. The number of death row inmates executed has reached 21 since the inauguration of the Second Abe Cabinet.

Both Seki and Matsui had been requesting retrials with the assistance of counsel. We strongly protest the execution of inmates seeking retrial as this practice is implicitly accepted. It should be noted that exonerees from death row, such as Sakae Menda, Shigeyoshi Taniguchi, Yukio Saito and Masao Akahori were finally released after several requests for retrial. Iwao Hakamada was granted retrial and immediate release in 2014, after his second request to reopen the case. As evidenced from these cases, it would be impossible to deny the possibility that the original judgments did not include any errors. Careful consideration should be given especially when inmates denied the crimes by pointing out mistakes of the original judgments.

Moreover, Seki was 19 years old at the time of the crime. Under the Japanese legal system, those less than twenty years are defined as minors. We need to bear in mind the following points:

- 1) the Japanese Juvenile Act prohibits execution of those less than eighteen.
- 2) Article 6 of the UN Convention of the Rights of the Child (CRC) guarantees any children the inherent right to life and the right to development.
- 3) the aim of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which is cited by the CRC should be fully

respected.

Article 2.2(a) of the Beijing Rules provides “[a] juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult” without distinguishing juveniles by their age. It then states in article 17.2 that capital punishment shall not be imposed for any crime committed by juveniles.

Thus, more careful consideration is required compared with adult inmate’s case, not only in sentencing death but also executing the inmates.

The Japanese government should look at these issues and embark on penal system reform with an eye to abolishing capital punishment.

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

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Center for Prisoners’ Rights