

## ***Informing the World About the Death Penalty in Japan***

We strongly recommend David T. Johnson's "*The Culture of Capital Punishment in Japan*".

Following the United Nations' December 1989 adoption of the Second Optional Protocol (Abolishment of the Death Penalty) to the International Covenant on Civil and Political Rights, lawyers and citizen advocates established Forum 90 for Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming for Abolishment of the Death Penalty in 1990, and we have been working to abolish the death penalty in Japan. We are an NGO funded by public donations, and have approximately 4,000 supporters around the country. In addition to aid for prisoners on death row, we also organize symposiums on abolishment of the death penalty, hold film festivals on the theme of human rights, collect works of art by prisoners facing the death penalty and display them in exhibitions. In addition, through lawmakers, we administer questionnaires to prisoners facing the death penalty, lobby politicians, and negotiate with the national government.

The death penalty means the absolute and irreversible taking of human life. Whereas in the United States there are various systems in place to prevent the death penalty being applied unfairly to suspects potentially facing it in criminal cases (the so-called "Super Due Process" system, such as automatic appeals and the system in which investigators specializing in identifying mitigating circumstances intervene with the goal of reducing sentences), there are no such mechanisms in Japanese courts, and all executions are carried out by the barbaric method of hanging. While there is a retrial system, even in non-death penalty cases it is as difficult to overturn convictions or sentences as it is for the proverbial "camel to pass through the eye of a needle," and there are virtually no successful examples in recent death penalty cases.

Why have no systems emerged in Japan to prevent irreversible tragedies? What kind of treatment awaits suspects sentenced to death in Japan? Very little is known about Japan's death penalty system in the United States, or anywhere in the world for that matter. A veil of secrecy keeps even Japanese citizens largely ignorant of the system's workings. The Japanese government refuses to disclose the truth about the death penalty, or to divulge detailed information to the world or to the

country's own people.

David T. Johnson's book analyzes the realities of the death penalty in Japan from various points of view and outlines its problems. The greatest achievement of this book is its clarification of circumstances and problematic issues surrounding the death penalty in this country. Forum 90 strongly recommends that this book be read widely around the world, including in the United States, for genuine understanding of Japan's secretive death penalty system.

The author is a leading authority who has researched Japan for many years and examines its sociological and judicial history on an ongoing basis. He has visited numerous criminal justice-related sites, such as courtrooms on the day the death sentence was handed down to the Aum Shinrikyo leader and during high-profile robbery and murder trials, and has investigated and reported on various figures involved in these cases.

As the book describes, a pervasive "culture of denial" has entrenched attitudes and practices surrounding the death penalty. The system is firmly grounded in public adherence to the status quo and conservative postwar politics, and the energy needed to reform the system does not emerge even when cases of wrongful convictions in death penalty cases come to light. Even when the facts or judicial decisions in a trial are found to be incorrect, there is little chance of their being corrected during a subsequent trial.

For 30 years and counting, Forum 90 has held conferences and symposiums for the abolishment of the death penalty in Japan, filed requests that the Ministry of Justice and the Justice Minister stop carrying out executions, and protested when executions take place.

Meanwhile, despite Forum 90's activities, the political climate surrounding the death penalty has only grown grimmer over the past 30 years. Many members of Forum 90 are involved in the defense and support of prisoners facing the death penalty. Yasuda Yoshihiro has been a member of Forum 90 since its inception, continues to take on numerous criminal cases today, and was the subject of the documentary film *Shikei bengonin* (Defender of Death Penalty Cases). He continually engages with prisoners facing the death penalty, including those whose sentences have been confirmed, and over the years has consistently battled alongside prisoners on death row amid the despair of their merciless fate. Dozens of these prisoners have already lost their lives.

And the situation is growing more severe. In the past, when convicts on death row were seeking to have their cases reheard, considerable caution was exercised before carrying out their sentences. However, since July 2017, the Japanese government has rushed to execute prisoners even while retrials were underway. People have gone to their deaths insisting that they were wrongfully

convicted. And in July 2018, 13 prisoners sentenced in the Aum Shinrikyo case were executed en masse. While calls to abolish the death penalty are growing worldwide, it is shocking that the modern nation of Japan carried out the largest number of executions within a short period of time in a single case. The group's leader, Matsumoto Chizuo, was suffering from mental illness in 1996 during the first court hearing, but a death sentence was handed down during this first trial and an appeal was never heard. Thus the full truth surrounding the Aum case, one of historic magnitude, remains shrouded in mystery.

However, there are faint but undeniable signs of change. Since the execution of the Aum convicts, skeptical opinions about the death penalty have been heard more often in symposiums and on-the-street questionnaires.

In 2016, the Japan Federation of Bar Associations advocated reform of the penal code including the death penalty, and set the goal of abolishing the death penalty by 2020. In response, the Citizens' Conference Against the Death Penalty emerged as a grassroots movement. Also, a nonpartisan coalition of lawmakers concerned with the future of the death penalty system, including members of the ruling party, was launched at the end of 2018. All these are positive developments for citizen activists seeking abolishment of the death penalty.

While there are such small hopeful signs, the situation remains severe. Forum 90 intends to continue spreading the message to the world so that the death penalty will disappear from Japan. Crucial information remains concealed from the world while the barbaric practice of hanging goes on in secret, and all of us active in Forum 90 in Japan are requesting support from our friends in the United States and worldwide.

We ask that you join us in raising our voices, calling on the Japanese government to stop its unjust and secretive executions, and transform what can only be called a "barbaric nation" into a civilized member of the international community.

Forum 90 for Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming for Abolishment of the Death Penalty

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