

PUBLIC

AI Index: ASA 22/010/08

01 October 2008

Further information on UA 160/08 (ASA 22/002/2008, 6 June 2008) – Fear of imminent execution

**JAPAN**                      **MAKINO Tadashi (m), born 1950**

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Death row prisoner Makino Tadashi had his latest appeal for clemency rejected on 30 September, and is at imminent risk of execution. He was sentenced to death in 1993 for murdering one woman and injuring two others. He is held in Fukuoka Detention Centre.

During his trial, before Fukuoka District Court, his lawyers argued that he lacked adequate mental capacity and could not be responsible for his crimes. However, the court sentenced him to death.

Makino Tadashi appealed to the High Court but later withdrew his appeal. His lawyers challenged his motion to withdraw his appeal on the grounds that he was not fully aware of his actions. His lawyers appealed to the Fukuoka District Court for a retrial, but were rejected in September 2004. They then appealed to the Fukuoka High Court, but were rejected again in December 2005. They appealed to the Supreme Court for a retrial but were rejected in January 2006. They submitted an appeal for clemency, which was rejected on 29 May 2008 to the Ministry of Justice. Appeals for clemency typically take years to process, however this latest rejection took only 3 months.

Makino Tadashi was arrested in November 1990. He had been released on parole in 1987 after serving 16-and-a-half years of a life sentence handed down for murder and robbery committed when he was 19..

Current Minister of Justice Mori Eisuke took office on 24 September under the new Prime Minister Aso Taro. Japan has executed 13 people so far this year compared to nine executions in 2007. The previous Minister of Justice, Yasuoka Okiharu, who was in office for less than two months, executed three people on 11 September.

### **BACKGROUND INFORMATION**

Executions are typically carried out in secret and are by hanging. Prisoners are typically given only a few hours notice: this means they must spend their entire time on death row fearing they could be taken for execution at any time. Typically, a prisoner is notified on the morning of the day of the execution, although some are hanged without any warning. Their families typically receive no notice at all.

Amnesty International opposes the death penalty in all cases, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. There are currently over 100 people on death row in Japan. At least 23 people who went on trial in 2007 were facing the death penalty: this is the highest number since 1962.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Japanese or your own language:**

- calling on the Minister of Justice not to execute Tadashi Makino;
- calling on him to end the secrecy surrounding the death penalty in Japan by giving advance notice of executions to death row prisoners and their families.

- calling on him to order an immediate moratorium on the death penalty with a view to eventual abolition, and to commute all death sentences.

**APPEALS TO:**

MORI Eisuke  
Minister of Justice  
1-1-1 Kasumigaseki  
Chiyoda-ku  
Tokyo 100-8977, Japan

**Fax:** +81 3 3592 7088  
+81 3 5511 7200 (via Public Information & Foreign Liaison Office)

**Salutation:** Dear Minister

**COPIES TO:**

ASO Taro  
Prime Minister  
Prime Minister's Office  
2-3-1 Nagata-cho  
Chiyoda-ku  
Tokyo 100-0014, Japan

**Fax:** +81 3 3581 3883

**Salutation:** Dear Prime Minister

Newspapers

Asahi Shimbun  
5.3.2 Tsukiji, Chuo-ku  
Tokyo 104-8011, Japan

**Fax:** +81 3 3545 0285  
+81 3 3593 0438

Japan Times  
5-4 Shibaura 4-chome, Minato-ku  
Tokyo 108-0023, Japan

**Email:** [opinion@japantimes.co.jp](mailto:opinion@japantimes.co.jp)

Yomiuri Shimbun  
1-7-1 Ohtemachi, Chiyoda-ku  
Tokyo 100-0004, Japan

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and to diplomatic representatives of Japan accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 12 November 2008.