

HAKAMADA IWAO JAPAN



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HAKAMADA IWAO (Hakamada), born in 1936 and a former boxer, was arrested for murder in 1966. He was sentenced to death in 1968.

Following his arrest, police subjected Hakamada to 23 days of intensive interrogation from 18 August to 9 September 1966. He was interrogated without a break for an average of 12 hours a day and on three occasions he was interrogated for over 14 hours. He “confessed” after 20 days and was charged three days later. During this time he signed a series of documents purportedly confessing to the crime. Hakamada later signed more confessions, this time prepared by the Public Prosecutor.

Hakamada retracted these statements at his trial, claiming that while he was detained he had been denied food and water, was not allowed to use a toilet, and was kicked and punched. In a letter to his sister he wrote:

“[O]ne of the interrogators put my thumb onto an ink-pad, drew it to the written confession record and ordered me, ‘write your name here!’, shouting at me, kicking me and wrenching my arm.”

Hakamada had had only three short interviews with different defence lawyers prior to trial. During his trial by the Shizuoka District Court in 1968, judges raised concerns that supposed confessions presented by the prosecution with Hakamada’s signature, were not signed voluntarily. Of these 45 documents, only one was deemed to have been signed voluntarily and the remainder were declared inadmissible as evidence. He was convicted and sentenced to death, and the conviction and sentence were upheld by the Supreme Court in 1980.

In 2007, Kumamoto Norimichi, one of the three judges at the Shizuoka District Court that sentenced him to death in 1968, said he believed Hakamada was innocent:

“Objectively the evidence for him committing this crime was almost none; however, the investigator thought from the beginning that he was guilty, so the police conducted the investigation assuming that he was responsible for the crime. He was detained and coerced into making a confession because the police had arrested him.”

Kumamoto Norimichi was forced to condemn Hakamada to death despite believing in his innocence: “I could not bear the burden of my conscience so I resigned from being a judge... I felt very guilty myself.”

“I could not convince the other two judges that Hakamada was not guilty so I had to convict him as the decision was made by majority. Personally the fact that I had to write his judgement was against my conscience, something I still think about to this day.”

Kumamoto Norimichi, Shizuoka District Court Judge, 2007

TORTURE/OTHER
ILL-TREATMENT

RIGHT TO A
LAWYER DENIED

Hakamada's defence counsel appealed for a retrial in 1981 but the application was rejected by the Supreme Court in 1994. A second appeal for retrial was submitted in 2008 to the Shizuoka District Court; the appeal is still pending.

Protesting his innocence for over 45 years, Hakamada is one of Japan's longest serving death row inmates. All prisoners who are sentenced to death in Japan are placed in isolation. Other than brief visits from his sister, his lawyer and a select number of supporters, Hakamada has been kept in isolation for over 30 years. He has shown signs of serious mental deterioration.

JAPAN'S criminal justice system relies heavily on confessions extracted under the *daiyo kangoku* system to secure convictions. The system allows the police to detain and interrogate suspects for up to 23 days without access to a lawyer. During this time, confessions are routinely obtained through torture or other ill-treatment. Japan has a 99 per cent conviction rate. There are 19 offences that carry the death penalty in Japan, but in practice, only those convicted of murder are sentenced to death. More than 100 people are currently on death row. Between 2006 and 2010 there were 37 executions. All were carried out secretly with those condemned informed just hours before their execution and their family members told only after the fact.

ACT NOW

Appeal to the Minister of Justice to:

- ★ Stop the execution of Hakamada Iwao by whatever judicial or other means available.
- ★ Ensure Hakamada Iwao is re-tried in proceedings which comply with international fair trial standards.
- ★ Investigate the reports of torture and other ill-treatment and denial of the right to effective legal counsel.
- ★ Abolish the *daiyo kangoku* system or bring it in line with international standards, including introducing electronic recordings of the entire interrogation process.
- ★ Suspend all executions and the imposition of death sentences as a step towards the total abolition of the death penalty.
- ★ Revise laws and change policies and practices to ensure fair trials in line with international standards.

Write to:

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