

Bill Concerning the Establishment of Research Committees on the Death Penalty System and the Suspension of Execution of Death Sentences (JFBA Bill on Suspension of Executions)

March 13, 2008

Japan Federation of Bar Associations

Article 1 (Purpose)

The purpose of this Act is, in consideration of the institutional and operational problems surrounding the death penalty system in Japan, to suspend executions of inmates who have been sentenced to death in a final and binding decision for a set period of time and to specify the tasks, etc. for the Diet and Government to accomplish during the said period, for the objective of conducting a fundamental review of the death penalty system, including but not limited to its retention or abolishment, and thereby improving the criminal justice system and protecting fundamental human rights.

Article 2 (Establishment of Research Committees on the Death Penalty System)

The House of Representatives and the House of Councilors (hereinafter collectively referred to as "both Houses") shall establish a research committee on the death penalty system in each House in order to conduct research on the issue of whether to retain or abolish the death penalty system and on the following issues concerning the death penalty system:

- (i) The operational situation of the death penalty system
- (ii) Actual sentences imposed in cases punishable with the death penalty (hereinafter referred to as "death penalty cases")
- (iii) The way the criminal justice system should be in order to prevent erroneous judgments in death penalty cases
- (iv) The guarantee of rights for those facing the death penalty, and the treatment of inmates who have been sentenced to death in a final and binding decision, etc.
- (v) Trends of death penalty systems around the world
- (vi) Deterrent effect of the death penalty and changes in crime rates and conditions during the period in which executions are suspended
- (vii) The maximum penalty to be imposed in place of the death penalty
- (viii) Evaluation of the scope of crimes whose statutory penalties include the death penalty

### Article 3 (Powers, etc. of Research Committees on the Death Penalty System)

- (1) Research committees on the death penalty system may, when necessary for the research pursuant to the preceding article, request the State to disclose information concerning the death penalty.
  
- (2) Research committees on the death penalty system shall, for the research pursuant to the preceding article, listen to and obtain an extensive range of public opinions via holding public hearings and consulting with experts, etc.

### Article 4 (Submission of Reports)

When research committees on the death penalty system have completed the research prescribed in Article 2 herein, each research committee shall prepare a report on the process and results of the research and submit it to the Chairperson of its respective House.

### Article 5 (Duration of Research Committees)

Research committees shall exist until five years have passed from the date of their establishment.

### Article 6 (Delegation)

In addition to what is provided for in Articles 2 through 5 herein, both Houses may establish rules concerning matters related to their respective research committees on the death penalty system.

### Article 7 (Information Disclosure on the Death Penalty)

The State shall disclose the relevant information on the death penalty, in order to contribute to a national debate on the death penalty and to research within the Diet into the death penalty system.

### Article 8 (Special Measures to the Code of Criminal Procedure Concerning the Suspension of Executions of Death Sentences)

The Minister of Justice shall not order the execution of death sentences, notwithstanding Article 475 of the Code of Criminal Procedure (Act No. 131 of 1948), as from the date when this Act comes into force until the last day of the period of existence of research committees on the death penalty system stipulated in Article 5.

**Supplementary Provision**

This Act shall come into force on a day to be fixed by a Cabinet order.