

JFBA No. 36
December 25, 2024

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To: Mr. Keisuke Suzuki
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Letter of Request Seeking the Abolition of the Death Penalty System

1. Main Points of Requests

- 1.1. Enacting legislation to abolish the death penalty system
- 1.2. Placing a moratorium on executions until the death penalty system is abolished

2. Grounds for Requests

- 2.1. The death penalty is the punishment that allows the state to deprive people of the right to life, which is at the core of fundamental human rights. It is the harshest penalty still left in modern penal systems that have been reformed from corporal punishment to imprisonment under modern ideology of human rights. The Japan Federation of Bar Associations (the “JFBA”) adopted the “Declaration Calling for Reform of the Penal System Including Abolition of the Death Penalty” during the 59th JFBA Convention on the Protection of Human Rights in 2016, and has called on the Japanese government to abolish the death penalty and reform the penal system.
- 2.2. As is well known, a total of 144 countries have abolished it by law or in practice. In addition, among the 38 OECD members, only three nations—the United States, South Korea, and Japan—continue to uphold the death penalty. However, South Korea has not carried out executions since December 1997, and in the United States, 29 states have either abolished or suspended the enforcement of capital punishment. Consequently, Japan remains the only advanced nation still carrying out executions, despite the growing global momentum toward abolition.
- 2.3. The penal system should serve not only for the retribution for crimes, but also for rehabilitation of offenders, which will consequently lead to the achievement of increased safety throughout society as a whole. In June 2025, the revised criminal law will be enforced, where imprisonment with work and

imprisonment without work are integrated into a new custodial sentence, and this represents a shift in the punishment system from “imposing a penalty” to “focusing on rehabilitation and education.”

However, under the criminal law, the death penalty is a punitive measure that does not aim to rehabilitate offenders and is therefore inconsistent with the philosophy of imprisonment.

- 2.4. For many years, the reasoning underpinning the Ministry of Justice’s justification for retaining the death penalty has been the outcome of opinion polls showing that the majority of the public favor of the death penalty. However, there is a question of whether conducting opinion polls is appropriate given the lack of information on the death penalty to begin with. In addition, the finding from opinion polls conducted in 2014 and 2019 have also indicated a likelihood that, depending on the protocol of an alternative punishment, the abolition of the death penalty may be accepted. In addition, the UN Human Rights Committee and other UN human rights bodies have repeatedly advised the Japanese government to favorably consider abolishing the death penalty “regardless of opinion polls.” Thus, justifying the retention of the death penalty on the grounds of opinion polls’ results is no longer warranted.
- 2.5. The public prosecutor in the retrial of the Hakamada case chose to waive an appeal against the acquittal judgment issued by the Shizuoka District Court on September 26, 2024, thereby rendering the judgement final and binding. This acquittal came 58 years after the incident occurred. The fact that individuals previously sentenced to death were later found innocent follows four similar death penalty retrial acquittals in the 1980s. Despite his innocence, Mr. Hakamada, has suffered from severe depression and delusions due to prolonged fear of not knowing when he would face execution. This starkly underscores the inhumanity of the death penalty.
- 2.6. The “Gathering for Discussion on the Japanese Death Penalty,” consisting of 16 expert members, issued a recommendation on November 13, 2024. After conducting hearings with officials, experts, and crime victims, as well as engaging in discussions among committee members, they unanimously concluded that “the Japanese government should immediately establish an official committee under the parliament and cabinet to undertake a fundamental review of the death penalty.” Their recommendation recognized that “the current death penalty system in Japan, along with its administration, is plagued by

numerous unacceptable issues that cannot be permitted to persist in their present form.” And now is the time to take decisive steps toward the process of abolition.

- 2.7. For these reasons, the JFBA calls for enacting legislation to abolish the death penalty, along with placing a moratorium on all the executions until the death penalty system is abolished.