
Amnesty International

MONTHLY ACTION

Community Organising Team, Amnesty International UK
HRAC, 17-25 New Inn Yard, London EC2A 3EA



September 2016

Japan: Matsumoto Kenji

On this year's World Day against the Death Penalty (10th October), we are highlighting the case of Matsumoto Kenji. Matsumoto Kenji, 65, was sentenced to death on 17 September 1993 for two separate robberies and murders in the period between September 1990 and September 1991. He was charged along with his brother who committed suicide after the arrest warrant was issued.

The court recognised that Matsumoto Kenji had a dependent relationship with his brother and was not able to stand up to him. He appealed against his conviction but his case was rejected by the Osaka High Court on 21 February 1996. A subsequent appeal to the Supreme Court was rejected, and his death sentence was confirmed on 4 April 2000. He could be executed at any time.



Prison conditions experienced by those under sentence of death in Japan are harsh. Prisoners are detained in solitary confinement, prohibited from talking to other prisoners, and contact with the outside world is limited to infrequent supervised family visits, lawyers or other approved visitors. Exercise is limited to two 30 minute sessions a week outside their cells in summer and three times in winter during which the prisoner is alone. Apart from this and toilet visits, prisoners are not allowed to move around their cell but must remain seated. Executions in Japan are also shrouded in secrecy, with prisoners typically given only a few hours' notice. Some may be given no warning at all, and their families are usually notified only after it has taken place.

Matsumoto Kenji has an intellectual disability, allegedly due to mercury poisoning which he has had since birth. Mercury poisoning, a common disease in the Kumamoto prefecture of Japan, where Matsumoto Kenji is from, causes damage to the brain and central nervous system. He has a low IQ (between 60 and 70 according to the diagnosis by a psychiatrist) as a result. This could have made him more vulnerable during police interrogation. According to his lawyer, police officers coerced him to confess by offering him food and demanding that he "be a man" during interrogation. Despite this, the court ruled that he is mentally competent enough to be sentenced to death and that his confession was reliable.

Now, Matsumoto Kenji uses a wheelchair and suffers from a delusional disorder as a result of his prolonged detention. In 2008 he sent a letter to his support group stating that he was being searched by radar and microwave, and that he had received prize money from the Japanese Prime Minister, the US President and a famous US film actress. According to his lawyer, this letter reflects his day to day thinking. Fellow prisoners have also expressed concern about his well-being.

The execution of those with mental illness is clearly prohibited by international law. Matsumoto Kenji's mental status is impairing his capacity to understand or communicate pertinent information: his lawyers have argued that he is not competent to understand the legal proceedings of his case. He cannot assist his lawyer with specific legal claims that require the prisoner's participation, such as the validity of the conviction or sentence. He is also unable to understand the nature and purpose of the punishment imposed on him – the death sentence.

Since September 2004 several unsuccessful requests for pardon and for retrial have been filed. Matsumoto Kenji's request for a retrial was submitted to the High Court in Osaka in July 2015. It is still being reviewed now.

WHAT YOU NEED TO DO

There are two targets in this case. You can write to both, or just one.

1) Write to the Minister of Justice calling on him not to execute Matsumoto Kenji and to introduce a moratorium on executions in Japan, to commute Matsumoto Kenji's death sentence in light of his mental disability, to improve the treatment of death row inmates including an end to solitary confinement, and to promote debate on the abolition of the death penalty in Japan.

NB: The Minister of Justice was appointed in October 2015: upon being appointed he did state his support for the death penalty, adding that executions need to be handled carefully. You can see more here:

<http://www.japantimes.co.jp/news/2015/10/08/national/politics-diplomacy/new-justice-chief-backs-capital-punishment-vows-careful-approach-execution-orders/#.V7WCd1srLct>

Mitsuhide Iwaki, Minister of Justice

Ministry of Justice

1-1-1 Kasumigaseki

Chiyoda-ku

Tokyo 100-8977

Japan

Tel +81-3-3580-4111

Salutation: Dear Minister

2) Write to the Minister of Health, Labour and Welfare to ensure that Matsumoto Kenji's health is regularly assessed and he is provided with any necessary treatment.

Yasuhisa Shiozaki

Ministry of Health, Labour and Welfare

1-2-2 Kasumigaseki

Chiyoda-ku

Tokyo, 100-8916

Japan

Website: <http://www.mhlw.go.jp/english>

Salutation: Dear Minister

Please copy any correspondence to the Ambassador of Japan to the United Kingdom:

HIS EXCELLENCY MR KEIICHI HAYASHI

Embassy of Japan

101-104 Piccadilly

W1J 7JT

Tel: 020 7465 6500

Fax: 020 7491 9348

Salutation: Your Excellency

Matsumoto Kenji's Action Cards

We also have action cards featuring Matsumoto Kenji's case. If you have events taking place in October, please get in touch with Supporter Care Team at activism@amnesty.org.uk to request some.