

Why Japan and U.S. should ban the death penalty

By CESAR CHELALA

NEW YORK — Japan's decision to hang three prisoners after nearly two years without executions has been severely criticized by Amnesty International, which calls it a "retrograde step." Justice Minister Toshio Ogawa authorized the executions of three men, stating that this was his "duty" as minister. "Justifying acts which violate human rights as a 'minister's duty' is unacceptable. Rather, it is the responsibility of leaders to address crime without resorting to the ultimate cruel, inhuman and degrading punishment," said Catherine Baber, Amnesty International's Asia-Pacific Deputy Director.

In the Group of Eight leading economies only Japan and the U.S. carry out the death penalty. Capital punishment has a long history in Japan. In the fourth century, under the influence of the Chinese judicial system, Japan adopted a system of different punishments for different crimes, including the death penalty. During the Muromachi period, which run from 1337 to 1573, extremely cruel methods of execution were used. Among those were methods were upside down crucifixion, impalement by spear, sawing, and dismemberment with oxen or carts.

In 1871, following a major reform of the penal code, the list of the kind of crimes that were punishable by death was reduced and cruel torture and flogging were abolished. In 1873, the list of crimes punished by execution was further reduced and methods of execution were limited to beheading or hanging.

Presently, the typical stay of prisoners on death row is between five and seven years. For some, however, this period is much longer. A prisoner, Sadamichi Hirasawa, died of natural causes at the age of 95, after being in death row for 32 years. According to Kyodo, there are 132 death row inmates in Japan.

There has been considerable debate in Japan about the death penalty, and the public has overwhelmingly supported it. In the late 1980s, four high-profile acquittals of death-row inmates after retrial shook public confidence on this measure. This case "shook public confidence in the system and profoundly embarrassed the Ministry of Justice, which until then had believed that the execution of an innocent person was all but impossible," stated Charles Lane, a

reporter for The Washington Post who studied the Japanese criminal justice system.

However, a government survey in 1999 showed that 79.3 percent of the public supported this measure. At a 2003 trial in Tokyo, a prosecutor presented the court a petition with 76,000 signatures requesting the death sentence on his case. A 2009 government survey showed that 86 percent of the public in Japan supported the death penalty.

In the United States, there have been 1,289 execution since 1976, most of them by lethal injection. In 34 states, the death penalty is legal, and in 16 states it has been abolished. In the U.S., over 130 people have been released from death row after their innocence was proved.

Both in the case of Japan and the U.S., there is the widespread perception that the death penalty can be a deterrent to further crimes. However, according to a 2009 study conducted by Professor Michael Radelet and Tracy Lacoek, both at the University of Colorado-Boulder, 88 percent of the country's top criminologists do not believe the death penalty acts as a deterrent to homicides.

In addition, 87 percent of leading criminologists think that abolition of the death penalty would not have any significant effect on murder rates. More pointedly, 75 percent of the respondents believe that "debates about the death penalty distract Congress and state legislatures from focusing on real solutions to crime problems."

All European countries except Russia, Belarus, Serbia and Latvia have abolished capital punishment. According to Amnesty International, 95 countries, including Canada and Australia, have abolished the death penalty, while nine other countries have it reserved only for extraordinary cases of espionage or treason. It is now time for Japan and the U.S. to heed Amnesty International's suggestion and join the more than two-thirds of countries worldwide who have abolished the death penalty in law or practice, and declare a moratorium on executions as a first step toward abolition.

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