

## Death Penalty and the Media

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by Yamaguchi Masanori

When I tell people that ten years ago the death penalty in Japan was re-instated, most people probably would respond, "What? Haven't we been applying the death penalty all this time?"

The United Nations General Assembly passed the "International Agreement to Abolish the Death Penalty" resolution in December, 1989. Because of such world-wide social pressure, Japan had already suspended the death penalty in November of that year. On February 26, 1993, however, three people were executed under orders of Gotoda Masaharu, the Minister of Justice. This was only three years and four months after suspension of the death penalty in Japan. Since then, in the last ten years, the Ministry of Justice has applied the death penalty almost once every six months.

In contrast to Japan, the movement to abolish the death penalty has never stopped in the rest of the world. According to a survey taken by Amnesty Japan, as of January 1, 2003, the number of nations that have abolished the death penalty is

112, and the number of nations still practicing it is 83. Among the developed nations, though, only Japan and the United States still have the death penalty.

When the death penalty was first carried out again in 1993, the Yomiuri Newspaper reported this news on the front page of its morning edition. There was also extensive TV coverage in the morning news. By evening, many other newspapers also picked up the story.

For a while -- right after this happened -- the media immediately covered all executions, and brought up discussions about the death penalty whenever an execution took place. However, in the last several years, such news has become daily fare, and the public's interest has been languishing. Now, newspapers just report announcements or summarize what happened in just a few lines. When an execution took place this past September, just one year after the previous one, this also received little notice.

However, in contrast to the attitude toward actual executions, the trials and court decisions involving the death penalty are still closely

watched. Eleven people were given death sentences in 2000, nine in 2001, fifteen in 2002, and twelve as of September, 2003 [Cited in 'Forum 90: Requesting Ratification of the International Agreement to Abolish the Death Penalty' (Shikei Haishi Kokusai Joyaku no Hijun o Motomeru Foramu 90)]. Each time a death sentence was levied, the media heavily reported on the "feelings of the victim," and readers often felt that "The death penalty is fair, because the criminal committed murder." The news media contributes to this feeling of retributive punishment that the general public shares with the victims' families.

An issue to consider, however, is that the media leads the charge of this public cry for retribution even in cases where the convicted were actually innocent. For example, in the 'Muscle Relaxants Injection Case' (Kinshi Kanzai Jiken), after the Sendai District Court sentenced the defendant to life imprisonment on November 28, 2003, newspaper headlines reported such things as "Victims' Families Seek the Death Penalty." The next day on November 29th, the Asahi Newspaper interviewed the mother of one of the victims -- a little girl who was almost killed -- and declared that failure to apply the death penalty was unfair to the victims' families. The media leads the public in clamoring for the death penalty, even if the accused insists on his or her innocence.

There were actually four people in Japan who escaped their death sentences from the Supreme Court when new evidence was found that proved their innocence. Menda Sakae (of the Menda Case) and Akabori Masao (of the Shimada Case) were two of the four. On November 14, 2003, they attended the meeting of Citizens to Abolish the Death Penalty sponsored by Amnesty Japan and others held in eastern Kyoto and attended by almost 160 people.

Mr. Menda, who was haunted by a nagging "fear of execution" for thirty-two years ever since he was first convicted, told people that, "Almost seventy judges had heard my case, but only two judges saw the truth of the matter. I also witnessed seventy people being executed while I was in prison. Among them, some had insisted on their innocence, like me." Mr. Akabori, who was in prison for thirty-five years after he was forced to sign a confession by police, also appealed to the public: "Many people died in prison or are executed, even if they insist on their innocence. Please abolish the death penalty."

Some victims' families also attended this meeting. Harada Masaharu, whose younger brother was killed twenty years ago, traveled from Aichi Prefecture to participate. Mr. Harada told the audience that after he visited his brother's assailant in prison and received a personal apology from him, he felt "something was healing in me." Mr. Harada then requested

that the Ministry of Justice suspend this execution because he wished to continue meeting with his brother's murderer. However, several months after his request, this death-row inmate was executed anyway. Mr. Harada said, "I have felt no comfort in his execution. I wish people would also value the rights of the victims' families to resolve their feeling by talking with the assailants." At this meeting, I learned that victims' families also have such feelings, besides those of retributive punishment.

Lately, the movement to abolish the death penalty has spread to many Asian countries. Some leaders, such as those from South Korea and Taiwan, traveled from abroad to attend this meeting and share the situations in their countries. According to them, since the start of Kim Dae Jung's administration in 1998, there have been no executions in South Korea. Furthermore in 2001, a proposal to completely abolish the death penalty was introduced to the Diet, and is currently under consideration to become national law. In Taiwan, in May of 2003 the government proposed a set of "Basic Human Rights" which included abolishing the death penalty. This proposal is going to be submitted to the legislature in the very near future.

At this meeting we also learned of various local movements in Japan. We also saw pictures of the execution grounds at Tokyo Prison, and watched a video of a death sentence being carried out in

Osaka Prison. I learned much from this six-hour conference.

I was, however, very disappointed the following day. Only the Asahi Newspaper reported on the meeting. Even the Asahi, however, treated this as rather trivial news (only some forty lines and a secondary headline). Various people in the mass media said that the reason for this quiet treatment was to protect the right to privacy for victims but I think that this also ignores the right of the public to be informed about the death penalty.

Many people are being led astray -- thinking that having a feeling of retributive punishment is justified -- without knowing the actual facts and issues concerning the death penalty. I think one of the reasons why Japan is far behind the rest of the world in abolishing the death penalty is because of the way the media spins the news.

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