

Statement of the President of the Fukuoka Bar Association Calling for a Moratorium on Executions with a View to Abolishing the Death Penalty in Japan, Issued in Response to the Moratorium on Federal Executions in the United States

1. The adoption of a “Resolution Calling for the Abolition of the Death Penalty” by our Association

Our Association adopted, on 18 September 2020, a “Resolution Calling for the Abolition of the Death Penalty” in which we stressed that the right to life is an inherent human right deriving from human dignity and a fundamental human right constituting the foundation of all human rights, and called on the Japanese government and the Diet to abolish the system of the death penalty and place a moratorium on executions until the abolition of the system is achieved.

2. The announcement of a moratorium on executions in the United States and its significance

On 1 July 2021, the U.S. Attorney General issued a memorandum to leaders in the Department of Justice imposing a moratorium on federal executions (hereinafter “the moratorium order”).

In this connection, our Association wishes to keep a close eye on whether the moratorium order not only halts federal executions but also becomes a first step toward the abolition of the death penalty, as a moratorium on executions is frequently announced in the process leading to the abolition of the system of the death penalty and, especially in the United States, the incumbent President pledged to abolish the federal death penalty during his electoral campaign.

We should also pay attention to the position of Japan and the United States in the international community. As of the end of December 2019, 142 out of 193 UN member States did not have a death penalty system (they had either abolished the death penalty *de jure* or abolished it *de facto* by not carrying out executions for more than ten years). If we look at the 38 member States of the Organisation for Economic Co-operation and Development (OECD), only Japan, the US federal government and some US states have continued to tolerate executions. We should take note of the fact that the moratorium order was announced in such circumstances, ahead of Japan.

3. We call for placing a moratorium on executions with a view to abolishing the death penalty in Japan

The Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty was adopted in December 1989 and entered into force in July 1991. In Japan, there was a period of three years and four months during which no executions took place. This period began following an execution in November 1989 at the Fukuoka Branch Center (now Fukuoka Detention House) and lasted until March 1993. The above Protocol took effect during this period. However, in contrast to the US moratorium order, the Japanese government has never placed a moratorium on executions on the basis of a clear political judgment on the system of the death penalty.

Our Association, therefore, calls on the government and the Diet to place a moratorium on executions as a first step toward the abolition of the death penalty, so that Japan cooperates with the international community that strives to create a community sharing the value of fundamental human rights, especially that of the inviolability of the right to life, and thus discharges its responsibility as a UN member State.

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