

Angela Merkel,
President of the Council of the European Union

30 May 2007, Brussels
Ref: B675

Dear Chancellor Merkel,

Subject : EU – Japan Summit 5 June 2007

In view of the forthcoming EU–Japan Summit in Berlin that you will be co-chairing, Amnesty International would like to bring to your attention some human rights concerns related to Japan which we hope you will be able to raise with your counterparts. Amnesty International is increasingly concerned about the three following issues:

The growing use of the death penalty

As you know, Amnesty International shares the European Union's opposition to the death penalty in all circumstances and considers it cruel and inhuman. Amnesty International is therefore concerned by the fact that since executions were resumed by the Japanese government on 25 December 2006, seven people have been executed in the country. Amnesty International urges the Japanese government:

- to take steps to abolish the death penalty, by imposing a moratorium on pending executions and commuting all death sentences;
- to ensure greater transparency around the application of the death penalty by making available all information regarding its use and any scheduled execution, in order to allow an informed public and parliamentary debate on the issue; and
- to improve the prison conditions of death row prisoners by bringing the Prison Law and all other regulations at detention places into full accordance with international human rights standards.

Forced confessions under pre-trial detention

Linked to the death penalty issue is the issue of forced confessions under the pre-trial detention system, known as the *Daiyo Kangoku* (substitute prison) system, where a police cell can be used instead of a prison for up to 23 days. Reports received by Amnesty International support the view that this substitute prison system fails to meet international standards on detention: suspects are continually under the control of the police; there are no rules or regulations regarding the length of interrogation, and lawyers' access to clients during interrogations is restricted. Amnesty International documented a variety of measures which are used to obtain confessions and which constitute torture or ill-treatment, such as beating, intimidation, sleep deprivation, questioning from early in the morning until late at night and making the suspect stand or sit in a fixed position. The forthcoming summit should be used to press the Japanese government to take steps to end torture, ill-treatment and coerced confessions by:

- ordering legal investigations into the cases of prisoners who were reported to have been tortured, ill-treated or denied access to legal counsel during police questioning;
- ensuring that confessions obtained under coercion are never invoked by state prosecutors in legal proceedings; and
- implementing safeguards, such as a system of electronic recording for all interrogations to avoid violations in the future.

The wartime military sex slaves ("comfort women")

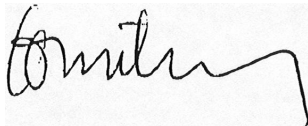
From around 1932 to the end of World War II, up to 200,000 "comfort women" were sexually enslaved by the Japanese Imperial Army. Sixty years after the end of World War II, survivors of the sexual slavery system are still denied justice and have neither received official apology or compensation. On 1 March 2007, Japan's Prime Minister Abe Shinzo even denied Japanese governmental responsibility for the forced coercion of women and girls into this system of sexual slavery, though responsibility has been acknowledged by the Japanese government since 1993. The Presidency should use the occasion of the summit to call for an apology from the Japanese government and an acknowledgement that these acts constitute crimes under international law. The Japanese government should condemn all forms of sexual violence against women and offer full compensation payment to all survivors of sexual slavery.

Finally, Amnesty International welcomes the decision by the Japanese Diet on 27 April 2007 to adopt legislation that will enable Japan to accede to the Rome Statute of the International Criminal Court (ICC). The Diet's decision makes an important commitment for Japan to join the international effort to end impunity for the worst crimes under international law. Amnesty International urges the government to proceed now with completing its accession process as soon as possible by depositing its instrument of accession with the United Nations. Amnesty International is convinced that the effective accession of Japan to the ICC could influence more countries in the region and beyond to join the ICC.

Amnesty International would strongly encourage you to use the opportunity of the forthcoming EU-Japan Summit to raise these concerns with your Japanese counterparts. We would welcome any feedback on these discussions, and stand ready to provide further information if required.

Thank you for your consideration.

Yours sincerely,



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Director
Amnesty International EU Office



Barbara Lochbihler
Secretary General
Amnesty International Germany

Cc:

José Manuel Barroso, President of the European Commission
Javier Solana, High Representative for CFSP
Commissioner Ferrero-Waldner

Annexes :

- "Open letter to the Minister of Justice of Japan, the Hon. Nagase Jinen" (on death penalty), Amnesty International Report, 24 January 2007.
- "Still Waiting After 60 years: Justice for Survivors of Japan's Military Sexual Slavery System", Amnesty International Report, 28 October 2005.