
Throw Away The Key

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Criminal justice in Japan

Japan's Supreme Court misses a chance to right a 42-year-old wrong

IN 1966 Iwao Hakamada was accused of killing a family and setting fire to its house during a robbery. He denied it. But after 19 days of 12-hour interrogations by police and prosecutors, he confessed. He saw a lawyer just three times for a total of 37 minutes. At his trial he said the "confession" had been coerced: the police had beaten and threatened to kill him. Judges noticed discrepancies in the confession, and demanded he redo it—45 times—until they were satisfied.

Mr Hakamada was found guilty in a 2-1 decision. The dissenting magistrate, Norimichi Kumamoto, quit the bench in silent protest. Last year he broke 39 years of silence to denounce the verdict. Requests for retrials and appeals had been denied from the 1970s onwards. But armed with the former magistrate's words, supporters of Mr Hakamada, who has come to symbolise the rot in Japan's criminal-justice system, felt their case was strong.

Yet on March 24th the Supreme Court turned down a retrial plea, citing a lack of "reasonable doubt" about the verdict. His lawyers plan to appeal against the decision. As for Mr Hakamada, now 72, he is losing his mind as he languishes in solitary confinement on death row.

Article 34 of the Japanese Constitution guarantees the right to counsel and habeas corpus, but is systematically ignored. Police and prosecutors can detain suspects for 23 days. Interrogations are relentless and sometimes abusive. Prosecutors are reluctant to bring cases to trial without a confession. Indeed, it is considered a first step in a criminal's rehabilitation. When asked about the country's 99% conviction rate, Japan's justice minister, Kunio Hatoyama, corrected your correspondent to state that it was actually 99.9%, because prosecutors only present cases that are watertight.

Slow reform is coming. First, to tackle an acute shortage, the government is to let more people pass the bar exam and become lawyers: at present Japan has a mere 24,000, ten times fewer per head than Britain. Only 7% of students pass the bar exam. Second, a jury system will be brought in next year for serious cases. This will open the judiciary to greater public scrutiny. Third, the police are to introduce procedures for monitoring interrogations (though they rejected proposals to videotape them). All too late for Mr Hakamada.

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