

NO JUSTICE WITHOUT LIFE

A Moratorium on Executions is Possible and necessary in Japan

Appeal to launch a 2020 Olympic Moratorium

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*“THE DEATH PENALTY IS USELESS, INJUST, INCOMPATIBLE WITH
HUMAN RIGHTS AND HAS NO PLACE IN THE 21ST CENTURY”*

死刑は義に反し、人権とは相いれないもの、21世紀には存在しえない
ものです 総長

(Ban-ki-moon, Oct.10th 2014) 潘基文 (パン・ギムン) 国際連合事務

We have listened to the words of Pope Francis, who will land tomorrow in Japan for a visit that is marking history.

Dear friends, let me start by saying that I admire Japan. I, we love Japan. Japan exports, in a globalized world, a deep sense of beauty and harmony, of the importance of community and common good. The respect of the rules. The capability of fixing mistakes. Just like when you get the underground ticket's price wrong and you can immediately pay the difference. Yet, with death penalty and in the case of Justice, if the sentence is wrong, the error is *irreversible and irreparable*.

This is why we want to Appeal today, in agreement with the Japanese Lawyers Association motion to stop all the executions, an Olympic Truce, a 2020 Moratorium in the year of the Olympics games.

A *de facto* moratorium today, giving time to all the actors to study how to improve the Penal Code and as a way to welcome the world in Japan next

year.

Today, solemnly, I renew this Appeal in front of you and of the world and Japanese public opinion: Japan can better show to the world the beauty of its country by highlighting its devotion to the respect of life and the planet starting from putting on hold all executions in 2020, while a deeper debate and reflection on how to improve the penal system can find its way, in the interest of justice and all Japanese people.

The world has been at ease with the use of the death penalty for millennia. But we are now at a turning point in the history of the world. In 1975, at the time of the Helsinki Conference, 25 states had abolished it. Last year, the proportion was reversed: 23 states sentenced citizens to death and 53 only, out of 200, passed capital sentences. Just a year ago there were 123 'yes' for the Third Commission of the UNGA's Resolution for a Universal Moratorium, an improvement on the 117 in favour of the final vote just two years earlier.

This marks a great change although many once again call for capital punishment as if it were a weapon against terrorism or major drugs trafficking. There are two things I would like to anticipate here, to then analyse them in greater depth later on. It is an illusion to believe and to make people believe that those who are nourished by a culture of death, such as terrorists, and the 250 million people around the world who take drugs, 5.2 per cent of the world's population, will refrain and shrink thanks to repression implemented through capital punishment.

In a world in which preventable deaths, caused by overdoses, amount to over 70,000 in the United States alone, with a death every 12 seconds, almost 29 million people suffer from drug-related illnesses including HIV, Hepatitis C and other diseases. There are also millions of people involved with the drug market in the world. Do we seriously think that the death penalty can stop all that? Nevertheless it is an argument that some governments sell to their peoples as if it was true. Some go even beyond that: in the Philippines 33 people are killed every day in extrajudicial executions, all in the name of the battle against drugs.

My mind turns to the 35,000 deaths by suicide or homicide caused by firearms that occur on average every year in the United States, where there are 270 million personal weapons, more than one for every inhabitant. Does the death penalty help societies to be safer or does it really tackle the

most heinous crimes? I have no evidence of this, not one case in the world that can be used irrefutably to demonstrate that the death penalty is a deterrent.

I cannot help reminding everyone present here how during a period in which fear was real in Italy, and this fear was justified by the attacks on the state and violence on the streets caused by the Red Brigades, Italy won that battle with no special laws and without arming its citizens. Italy had done the same after the fall of Fascism when Civil War seemed a possibility and there was a widespread desire for restitution after the violence suffered. Abolition of capital punishment and an amnesty were the great driving force behind national reconciliation as they were in Uganda and Cambodia following the genocides.

EU is a no-death penalty continent. How could it happen that Europe could give up, country by country, to state killing? Because it was disgusted by death. Many Japanese friends told me: maybe the abolition of death penalty in Europe can be related to a society that is more tolerant towards errors, a society that is softer. I just want to remind that in Europe we had centuries of war. The thirty years war, the hundred years war, two world wars, even religious wars between Christians, where the adversaries were killed, sentenced to death, burned alive. I want to remind that the beginning of democracy in France, the French Revolution, the Regime of Terror made the guillotine an altar. Europe wasn't, isn't softer. But it learned from its mistakes. And the only answer to death is "enough with death".

A mild drop of executions in Japan has coincided with the constant decrease in the US started 20 years ago. 7 States that abolished the death penalty in the last years, in America, Following New Jersey, New Mexico, Illinois and Maryland. 20 executions have been carried out in 11 months in the US, in and 3 are pending. 25 were carried out a year ago. One fourth of the figures of 20 years ago. In a country in which 29 states where the death penalty is legal, only one out of four has carried out executions: 7 states out of the 51 states in the US who has more than 3.500 people in the death row.

If the death penalty must punish serious crimes such as homicide, then 649 out of 650 homicides are punished in another way in the US. 649 unjust verdicts and only 1 just sentence? In Japan we have 915-1054 murders a

year. And about 5 executions on average over the same years. This would mean that hundreds of times injustice occurs. Even in Japan.

We admire the fact that the most common crime in Japan is bicycle theft, and that the homicide rate is around 0.80 per 100 thousand citizens (inhabitants), six times less than US, a little more than Germany, a bit less than Italy, But death is never a good currency. It makes life bitter. The guilty one's death only adds another death to those that have already occurred. It creates new victims: the sentenced to death person's innocent relatives, forever ashamed and deprived of their loved one's affection. And what is worse is that this injustice that creates new victims is made by the State, And they have no fault. They become orphans, the sons, yes, due to the hand of the State.

In Japan 18 crimes are punishable with hanging. The existence of death penalty in Japan, like in other countries of the world, has nothing to do with the crime and security rates. One out one million Japanese are on death row. Would another punishment change something for security? No.

They say: the people demand it. The five-year survey says it. But democracy is not about surveys. That is a caricatural democracy, "En travesti", moody, instinctive, childish. If there would be a survey in Italy or in Europe about abolishing taxes or guaranteeing an additional salary for everyone, probably it is not impossible that the 70, 80% would be favourable. But our societies would die.

Actually, capital punishment is *fake news*, as old as the world. It is dressed up as justice but always causes new victims, such as the families of those killed.

Capital punishment always adds another death to one already inflicted. And who is the cause of this? The state. And in this way the state brings down the whole of society, all citizens, to the level of those who kill.

The death penalty contains false promises. It is a lie told to the families of the victims; it promises justice and promises healing from pain. Instead it freezes resentment and leaves people spending years waiting for revenge.

The best answer is to interrupt the cycle of violence. It weakens a culture of death. It may have a positive effect also on the too high rate of suicides in Japan, still more than 20,000 a year.

Why is a world without death penalty safer? Because death penalty legitimates, at a higher level - the State - a culture of death, while it says that it wants to defend life. It strikes the socially weaker, religious minorities, ethnic minorities in a disproportionate way, in some countries it is a totalitarian weapon against political oppositions, in others a way to cover the corruption of entire political classes.

The most technological country in the world, Japan risks to be seen by its friends as an anachronistic old one who writes on a stone board at the time of 5G. The entire issue is in one question, the question of a 10 years old: "They will kill him because he killed a man. Then, after they killed him, who shall we have to kill?"

So, I'm here to give you good news, actually, to make you an offer. A new micro-chip, that starts with a moratorium on executions. A 2020 Moratorium.

It is important telling you this, to remember here, in Tokyo, that death penalty it's not an identity feature of Japan. And not even of Asia. When in Europe death penalty was normal during the European middle ages, Emperor Shomu abolished the death penalty, in 724. Then, in 810 a second abolitionist era occurred, for three centuries, in the Heian period, until 1156: and Japan was a land without death penalty.

- まさにここ東京でみなさんに申し上げたいことがあります。死刑は日本のアイデンティティを表現する面ではないことです。中世ヨーロッパで死刑が当たり前であった時代、724年に、聖武天皇は死刑を廃止しました。それから時がたって平安時代になり、810年からは2度目の死刑廃止状態が3世紀にわたって、1156年まで続きました。日本は死刑のない地だったので。徳川時代（166-1867）が終わるまでの7世紀にわたる武士時代には毎年1000人以上の死刑執行がありました。同時に処刑に関する隠蔽主義が始まりました。多くの文化でもそうですが、死にかかわることはけがれとみなされていたからです。

We ask you to actually support this moratorium. In friendship.