Death Penalty Moratorium Bill

The Death Penalty Moratorium Committee of the Japan Federation of Bar Associations

The Death Penalty Moratorium Committee of the Japan Federation of Bar Associations recommends the following bill.

Death Penalty Moratorium Bill
(Temporary translation)

CHAPTER 1---In General

SEC.1. FINDINGS, SUMMARY AND PURPOSES

Considering the difficulties objectively contained within the essence of death penalty and the problems raised by the existing legal system and administration of death penalty, this Act shall be established, placing a moratorium on executions for a fixed period of time and setting up the duties that the Government and the Diet shall carry out, in order to thoroughly review the legislation and administration of death penalty, reconsider whether to retain the death penalty as well; and thereby reform the criminal justice system and promote the protection of the fundamental human rights.

CHAPTER 2---ESTABLISHMENT OF RESEARCH COMMISSION ON THE DEATH PENALTY

SEC.2. ESTABLISHMENT OF RESEARCH COMMISSION ON THE DEATH PENALTY

There is established a commission to be known as the Research Commission on the Death Penalty (in this Act referred to as the ‘Commission’) in each of the Houses. The Commission shall conduct a thorough study of all matters relating the death penalty, including whether to retain or abolish the system. The matters studied by the Commission shall include the following:

1. Global trend of capital punishment;
2. Deterrent effect of capital punishment and transition of crime rate during the moratorium;
3. The way that the alternative to death penalty should be;
4. Support for the bereaved families of crime victims including those murdered, and measures to compensate crime injuries and build up victims’ rights;
5. The way that the criminal justice system should be in order to prevent the miscarriages of justice in capital cases; and
6. Safeguards to secure the rights of those facing the capital punishment and the treatment of death row inmates.

SEC.3. POWERS OF THE COMMISSION

1. The Commission may secure from the Government information that the Commission considers necessary to carry out Section 2.
2. The Commission may hold hearings, take testimony, and receive opinions of citizens widely for the purpose of carrying out Section 2.
SEC.4. REPORT

1. The Houses which shall contain a statement of the process and conclusions of the Commission when the Commission has completed survey under Section 2.

2. The Diet shall enact legislation, considering the report submitted under Subsection 1.

SEC.5. TERMINATION OF THE COMMISSION

The Commission shall terminate 5 years after the date of establishment.

SEC.6. DELEGATED LEGISLATION BY A GOVERNMENT ORDINANCE

All matters relating the Commission shall be set up by a government ordinance, aside from those that are covered by the above four provisions.

CHAPTER 3---DUTIES OF THE GOVERNMENT

SEC.7. INFORMATION DISCLOSURE

The Government shall disclose the information relating the death penalty in order that the Diet may survey the death penalty system.

CHAPTER 4---DEATH PENALTY MORATORIUM

SEC.8. EXCEPTION TO THE CODE OF CRIMINAL PROCEDURE ON STAY OF EXECUTIONS

Notwithstanding Section 475 of the Code of Criminal Procedure (enacted in 1948, No. 131), the Minister of Justice shall not give any order for the execution for any person who has been sentenced to death, beginning on the effective date of this Act until the Diet enact legislation under Subsection 2. of Section 4.

APPENDIX

SEC.1. EFFECTIVE DATE

This Act shall take effect on the date that a government ordinance will set.

SEC.2. AMENDMENT TO THE DIET LAW

An amendment shall be added to the Diet Law (enacted in 1947, No. 79) as follows:

There is established a commission to be known as the Research Commission on the Death Penalty in each of the Houses. The Research Commission shall conduct a thorough study of all matters relating the death penalty, including whether to retain or abolish the system, according to another law.
SEC.3. AMENDMENT TO THE LAW CONCERNING ANNUAL ALLOWANCES, TRAVEL EXPENSES, PER DIEMS, ETC. OF THE DIET MEMBERS

An amendment shall be added to the Law Concerning Annual Allowances, Travel Expenses, Per Diems, etc. of the Diet Members (enacted in 1947, No. 80) as follows:

The wording of ‘the Research Commission on the Constitution’ of Section 8-2 shall be changed to ‘the Research Commission on the Constitution and the Research Commission on the Death Penalty’ for five years, beginning on the date of establishment of the Research Commission on the Death Penalty.

SEC.4. AMENDMENT TO THE LAW CONCERNING TRAVEL EXPENSES AND PER DIEMS OF WITNESSES ETC. BEFORE THE NATIONAL DIET

An amendment shall be added to the Law Concerning Travel Expenses and Per Diems of Witnesses etc. before the National Diet (enacted in 1947, No. 81) as follows:

The wording of ‘the Research Commission on the Constitution’ of Section 6 shall be changed to ‘the Research Commission on the Constitution, the Research Commission on the Death Penalty’ for five years, beginning on the date of establishment of the Research Commission on the Death Penalty.