



## Foreign Nationals and the Death Penalty

### Death Penalty Overview

Japan is one of just two countries in the G7 nations (the other being the United States) to retain and regularly implement capital punishment. Though Japan recorded no executions in 2020, the death penalty had been regularly implemented for the previous nine consecutive years. In 2018, Japan recorded its highest number of executions in over a decade.

The Japanese Penal Code outlines 19 crimes for which capital punishment may be imposed, including murder, robbery or arson resulting in death, treason and insurrection. Seven capital offences do not involve loss of life although in practice, execution is not imposed for crimes that do not result in death. Hanging is the exclusive method of execution in Japan.

According to Japan's Ministry of Justice, there were 110 people on death row in December 2020. Death row prisoners are confined in isolation and are often incarcerated for years before execution. Under a 2007 Japanese Prison Law (Article

36), death row inmates are to be held in solitary confinement, separated from other prisoners. Contact with persons outside of prison is severely restricted, including with lawyers. It is considered extremely shameful to be sentenced to death in Japan and prisoners are often shunned by their family, not receiving any visitors and even having to change their family name to help them avoid association.

Details of when an execution will be carried out is withheld from defence lawyers, families, and death row prisoners themselves, with prisoners only being notified 1-2 hours' before they are executed. In November 2021, death row prisoners in Japan sued the government for the 'inhumane' process of same-day notification.



Executions in Japan lack transparency and offer no opportunity for independent oversight. Only prison officials, the public prosecutor, and the prosecution's assistant can attend executions. Families only learn of their loved one's execution after it is carried out, when the facility invites them to collect their relatives' body and personal belongings.

Recent data has highlighted potential violations of defendants' due process and fair trial rights. According to a [2018 Amnesty International Report](#), several executions have been carried out while appeals were still pending.

Mental illness also appears to be a considerable issue for prisoners sentenced to death. Appeal records indicate that a number of death row prisoners suffer from mental illness. The Japan Innocence & Death Penalty Information Center has identified 18 death row prisoners with [psychological disorders](#). However, groups like Amnesty International ([2020 report](#)) have documented Japan's repeated failures to provide adequate medical evaluations and care for people on death row and since 2012, five individuals with reported psychological disorders have been executed.

**Nationalities of Death Row Prisoners**  
(as of September 2021)



Some analysts have also argued the system of police interrogation in Japan is endemic to coerced confessions. There have been five capital cases in which defendants were exonerated on retrial due to false confessions made in such inherently coercive environments.

## Foreign Nationals

Most foreign nationals sentenced to death in Japan are from China. Between 2016 and 2021 there were seven foreign nationals on death row in Japan, all but one of whom were Chinese nationals, all convicted of murder, and mostly carried out in connection with a robbery.

One foreign national was executed in 2019, Chinese national Wei Wei, detailed below.

### Chen Daiwei



Chen arrived in Japan from China in 1988 on a student visa. He remained in Japan after his visa expired. In 1992, four years after Chen's arrival, he was charged with

triple murder and robbery. Together with another Chinese man, Chen was convicted for stabbing three store employees to death while attempting to steal 2.3 million yen at a pachinko parlour in Tokyo.

Chen's lawyers maintain that his confession resulted from torture during his interrogation.

They also raised concerns about the quality of language interpretation during criminal proceedings, arguing that Chen did not fully comprehend his legal situation. 26 years after sentencing, Chen still awaits execution in solitary confinement on death row.

## Wei Wei



Wei arrived from China in the early 2000s on a student visa to pursue graduate studies.

In 2003, at 24 years old, Wei

was charged with robbing and killing a clothing store owner, his wife and two children in their home. The case was covered extensively in the news as 'brutal murders' by foreign-born perpetrators. Two fellow Chinese international students were charged as accomplices, but managed to flee to China and were prosecuted there (one received the death penalty, the other life imprisonment).

Wei's defence counsel argued for a more lenient sentence, insisting that Wei played a minor role in the crime. Their arguments were unsuccessful, and in 2005 Wei was sentenced to death.

Wei was held on death row for 16 years before being hanged at age 40 in December 2019. At the time of his execution, Wei's appeal was still pending but the execution went ahead despite this fact.

### Acknowledgements

With special thanks to the following organisations and individuals who lent their considerable assistance and expertise towards this research in Japan: Japan Innocence and Death Penalty Information Centre, Ayuko Takatoh, Caroline Vorce, among others.



Death Penalty Research Unit, University of Oxford

For more research see:

[foreign-nationals.uwazi.io](https://foreign-nationals.uwazi.io) or [tinyurl.com/mappingdeathrow](https://tinyurl.com/mappingdeathrow)