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**Shadow report submitted by
FIDH - International Federation for Human Rights
and
Center for Prisoners' Rights**

This shadow report is submitted by the Center for Prisoners' Rights (CPR) and the International Federation for Human Rights (FIDH) for the Human Rights Committee's review of the 7th periodic report of Japan. This report examines prison conditions and the use of the death penalty in Japan in light of international human rights standards.

FIDH represents 192 human rights organizations from 117 countries and territories. It takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice. Established in 1922, FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

The **Center for Prisoners' Rights (CPR)** was established in March 1995 as the first Japanese NGO specializing in prison reform. CPR's goal is to reform Japanese prison conditions in accordance with international human rights standards and to abolish the death penalty. CPR is an affiliate member of FIDH.

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Since the review of Japan’s sixth periodic report under the ICCPR in 2014, there has been no progress in the implementation of most of the recommendations previously made by the UN Human Rights Committee. This joint FIDH-CPR report details the government’s failure to implement the committee’s recommendations with regard to conditions of detention and the use of the death penalty.

1. Correctional facilities and the COVID-19 pandemic

1.1. Infections within places of detention

Following the outbreak of the novel coronavirus (COVID-19), on 7 April 2020, the government declared a state of emergency in seven prefectures based on the Act on Special Measures against Pandemic Influenza and Other Related Diseases. On 16 May, it expanded the scope of the state of emergency to cover all 47 prefectures. The state of emergency was lifted in the whole country on 25 May.

By the end of April 2020, 18 COVID-19 infection cases were reported in places of detention as follows:

	Date	Facility	Number of infections	Response to the infection
1	15 April 2020	Tsukigata Prison	One prison staff	The inmates who were believed to have been in contact with infected staff were placed in solitary confinement. Prison staff who were believed to have been in contact with infected staff were placed in isolation at home.
2	11 April 2020	Tokyo Detention House	One inmate	Because the inmate reported possible COVID-19 symptoms before being detained, he was placed in solitary confinement
3	5-17 April 2020	Osaka Detention House	Eight prison staff	Inmates who were in close contact with the infected staff were placed in solitary confinement. Prison staff

				who were in contact with infected staff were placed in isolation at home.
4	8-18 April 2020	Shibuya Police Station	Seven detainees	Police investigators and staff were placed in isolation at home. All detainees were transferred to other facilities and placed in solitary confinement. In mid- April, it was announced that Shibuya Police Detention House would be temporarily closed.
5	13 April 2020	Otsuka Police Station	One police officer	Unknown

The infection situation in places of detention is currently limited to a few cases. At Shibuya Police Station, as many as seven detainees were infected with COVID-19, which led to the facility’s temporary closure. In 2016, an outbreak of tuberculosis occurred among 19 police staff, and resulted in the death of one detainee.

There are no physicians or other medical professionals in police detention facilities. Medical care is not available for detainees other than medical check-ups by outside physicians, which are usually conducted about twice a month. Medical care is not provided in police detention facilities because the primary purpose of detention facilities is to detain suspects during relatively short periods of time between their arrest and the issuance of a detention order. After a detention order is issued by a judge, suspects should be promptly transferred to a correctional facility (detention house) where medical care by doctors is available.

1.2. Restrictions to access to the outside world to prevent the spread of Infection

In early April, the Ministry of Justice announced that, as a general rule, it would not allow visitors to meet with inmates at correctional facilities located in the prefectures covered by the state of emergency, with the exception of defense counsel. As a result, many of these correctional facilities suspended general visitation altogether, regardless of the situation in each place of detention. These restrictions were in place from 7 April, when the state of emergency was declared, until 25 May, when the declaration of the state of emergency was lifted. The Ministry of Justice did not provide alternative methods to replace in-person visitation.

Recommendations

- (i) In the event of a virus outbreak within places of detention, consider the release of detainees by making flexible use of the revocation of detention and the parole system to prevent further infections.**
- (ii) Consider the release of suspects held in police detention facilities that are unable to provide detainees with adequate medical assistance.**
- (iii) Abolish the “*Daiyo Kangoku*” [substitute prison] system.**
- (iv) Ensure that alternative channels of communications between prisoners and the outside world, such as phone calls or video calls, are available when general visitation rights are prohibited or temporarily suspended.**

2. Treatment of transgender inmates

List of Issues Prior to Reporting (LoIPR), para. 7(d)¹

Please address reports that transgender prisoners have been mistreated in detention facilities.

In its seventh periodic report to the UN Human Rights Committee, the government of Japan claimed there was “no unfair treatment” of transgender prisoners in the country’s correctional facilities.² However, this statement is contradicted by discriminatory practices against transgender prisoners, which are in direct application of the Ministry of Justice’s notification issued in June 2011.³ According to the notification, transgender prisoners are required to change their sex on their family registers in order to be admitted to a facility of their self-identified sex. However, in Japan, transgender persons are currently required to have no gonads or a permanent lack of gonadal function in order to change their gender on the family register – a requirement that presupposes the individual undergoes surgery. Many transgender persons do not want, or are unable to, undergo surgery and end up retaining their gender on the family register unchanged. Transgender prisoners who have not changed their family registration are forced to live in a group with a gender that differs from their self-identified sex.

Transgender prisoners are more likely to have their privacy rights violated than other prisoners because of their gender on the family register. They are placed in solitary confinement and are monitored by surveillance camera. In accordance with the Ministry

¹ Human Rights Committee, *List of issues prior to submission of the seventh periodic report of Japan*, 11 December 2017, UN Doc. CCPR/C/JPN/QPR/7

² Human Rights Committee, *Seventh periodic report submitted by Japan under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2018*, 28 April 2020, UN Doc. CCPR/C/JPN/7, para.43

³ Ministry of Justice notification 1, June 2011; <https://documents.gid.jp/moj/moj2015100101.pdf>

of Justice's notice, transgender prisoners are housed in a single room in an area with corridor surveillance cameras, or cells with surveillance cameras, if necessary.

In addition, transgender prisoners are unable to receive hormone therapy. The Ministry of Justice's notice states that hormone therapy is outside the scope of medical measures to be taken by the state, because it is a highly specialized field and its failure would not cause immediate and irreparable harm during the incarceration. In a case in which a prisoner who had been receiving hormone therapy prior to his imprisonment sought damages against the government for mental health problems caused by the failure of hormone therapy in prison, the government argued that the hormone therapy was for "cosmetic purposes." The district court did not admit the request in line with the government's argument.

The Complementary Neuropsychiatric Association submitted to the Ministry of Justice a request of medical care for lesbian, gay, bisexual, and transgender (LGBT) inmates, where it states that interruption or delay of hormone treatment could harm the inmates' mental and physical health.

Recommendations

- (i) Treat transgender prisoners taking into full consideration their opinions and specialists' views, regardless of their gender on the family register.**
- (ii) Provide adequate healthcare including hormone therapy for transgender prisoners.**

3. Death penalty

3.1. Abolition of the death penalty

LoIPR, para. 11(a)

Clarify whether measures are being planned or taken towards the abolition of the death penalty and accession to the Second Optional Protocol to the Covenant. Pending abolition, have steps been taken to ensure that the death penalty can be imposed only for the most serious crimes, as prescribed in article 6(2) of the Covenant, i.e., only to crimes of extreme gravity involving intentional killing.

Since the review of the sixth periodic report of Japan in 2104, the government has carried out executions every year. Between 2014 and 2019, a total of 31 death row inmates were executed, including 15 death row inmates who were seeking retrial [See table below]. Among those inmates, Yoshihiro Inoue, a former senior member of the Aum Shinrikyo doomsday cult who was executed on 6 July 2020, was seeking retrial with defense counsel being appointed. The Tokyo High Court held the second scheduling

meeting to consider his retrial request three days before his execution. At the meeting, the prosecutor promised to disclose new evidence to the defense counsel, but the proceedings were never completed because of the execution.

Year	Executions	Inmates executed who were seeking retrial
2014	3	0
2015	3	0
2016	3	0
2017	4	3
2018	15	11
2019	3	1

Recommendations

- (i) Ratify the Second Optional Protocol to the ICCPR and abolish the death penalty.**
- (ii) Halt executions of death row inmates until the death penalty is completely abolished, and avoid executing inmates who have initiated retrial procedures.**

3.2. Measures Japan should take in relation to the death penalty

3.2.1. Reasonable advance notice of the scheduled date and time of execution

LoIPR), para. 11(b)

Report on whether measures have been taken to: (i) provide individuals on death row and their families with reasonable advance notice of the scheduled date and time of execution.

Through members of Parliament, CPR requested the government to disclose details about the executions conducted in the past 10 years, including the date and time when death row inmates were told about their executions. However, the Ministry of Justice has refused to disclose such information.

Recommendation

Provide death row inmates and their families with reasonable advance notice of the scheduled date and time of execution.

3.2.2. Solitary confinement

LoIPR, para. 11(b)

Report on whether measures have been taken to: (ii) refrain from imposing solitary confinement on death row prisoners, except in the most exceptional circumstances and for strictly limited periods.

Death row inmates have continued to be placed in solitary confinement and their access to the outside world is more severely restricted than that of other inmates. Prisoners are guaranteed their right to correspond, with two restrictions, namely: 1) correspondence between death row inmates; and 2) correspondence that is likely to disrupt discipline and order in the correctional institution or hinder appropriate correctional treatment. However, in practice, correspondence with death row inmates is more tightly restricted. They may correspond with their relatives, but correspondence with other individuals outside of the prison is allowed at the discretion of the warden, and only when it meets certain requirements listed in the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees (hereinafter the “2005 Prison Act”).⁴ The reasons for this discriminatory treatment against death row inmates are explained in a book written by a high-ranking official of Correction Bureau. The author argued that the reasons for the restrictions on death row inmates’ correspondence are that: 1) restrictions are part of the sanction that accompanies the death sentence; 2) public opinion would not accept that death row inmates can freely correspond; and 3) death row inmates could suffer from severe emotional distress due to access to the outside world.”⁵ As a result, death row inmates’ correspondence with supporters is tightly restricted and even letters from their relatives and lawyers can be redacted. The following cases of callous and unnecessary restrictions document this pattern of violations.

⁴ Article 139(1) of the Prison Act states: “Wardens of penal institutions are to permit an inmate sentenced to death (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Division) to send or receive letters under the following items except for when it is prohibited by the provisions of this Division, Article 148, paragraph (3), and the next Section:

- (i) letters the inmate sentenced to death sends to or receives from their relative;
- (ii) letters which the inmate sentenced to death sends and receives in order to carry out business of personal, legal, or occupationally-important concern, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business;
- (iii) letters deemed to be instrumental in helping the inmate sentenced to death maintain peace of mind.

(2) Wardens of penal institutions may permit an inmate sentenced to death to send or receive letters other than those set forth in the preceding paragraph when it is deemed that there are circumstances where the sending or receiving is necessary for maintaining a good relationship with the addressee, or for any other reasons, and if it is deemed that there is no risk of disrupting discipline and order in the penal institution.”

⁵ Hayashi, Kitamura, Natori, *Commentary on 2005 Prison Act*, 2017 [in Japanese]

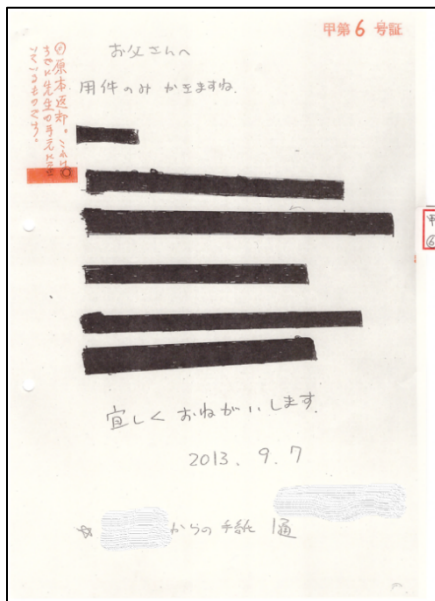
(1) Refusal to mail a letter to a supporter

	<p><i>[English Translation]</i></p> <p>Hi, Yoko.</p> <p>How are you? It is really hot, isn't it?</p> <p>Thank you very much for giving me the money. I received 300 yen on 26 May. Many thanks!! Please take care!!</p> <p>28 May 2015</p> <p>Dear Yoko,</p> <p>Takeo Inokuma</p>
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A death row inmate in the Tokyo Detention House tried to send the above letter to a supporter in response to receiving JP¥ 300 from her, but the authorities in the facility refused to mail it. Tokyo Detention House allows death row inmates to send thank you letters at the warden's discretion, when they receive money from those with whom the inmates do not have the right to correspond (i.e. non-relatives) as long as these letters do not go beyond such purpose. The above letter was not sent because authorities believed it deviated from the purpose of thanking a supporter. The death row inmate filed a lawsuit against the government claiming that the authorities' refusal to mail the letter was illegal, but both the Tokyo District Court and the Tokyo High Court rejected the lawsuit.⁶

⁶ Tokyo District Court Judgment, 14 March 2019; Tokyo High Court Judgment, 18 March 2020.

(2) Redaction of a letter from a relative



[English Translation]

Dear Father,

I am writing a matter which I think it necessary only.

<...Blacked out...>

Thank you.

7 September 2013.

(A Letter from <Name of a death row inmate>)

A death row inmate in the Tokyo Detention House received the above letter from his daughter, but most of the content was redacted. The inmate took legal action against the government claiming the unlawfulness of the redaction. In response, the government claimed that the redacted parts included a message from another death row inmate and that by mailing the letter without deletion would impair the discipline of the correctional institution. Both the Tokyo District Court and the Tokyo High Court accepted the government's argument and ruled that the redaction of the letter was lawful.⁷

⁷ Tokyo District Court Judgment, 14 March 2019; Tokyo High Court Judgment, 18 March 2020.

(3) Redaction against a letter from a lawyer



[English Translation]

*Dear Mr. Takeo Inokuma,
It has been long time since I last contacted you.
The whole world is in chaos due to the COVID-19
pandemic.
Does all continue to go well for you?
I am writing to you to ask some questions, today.
<...Blacked out...>
The infectious disease is going around. Please keep
safe.*

Noriko Furuta, Attorney at law

A death row inmate received the above letter from his lawyer for the retrial, and most of its content was redacted. In the redacted parts, the lawyer explained that she had received a letter from another death row inmate, who worried about the well-being of the letter's recipient. The death row inmate is preparing legal action against the government believing the redaction is unlawful.

Recommendations

- (i) Revise relevant laws to refrain from imposing solitary confinement on death row prisoners, except in the most exceptional circumstances and for strictly limited periods.**
- (ii) Guarantee the right to access to the outside world for death row inmates as much as it is guaranteed for other prisoners.**
- (iii) Prohibit any censorship or interruption against correspondence with lawyers.**

3L2.3. Introduction of a mandatory appeal system

LoIPR, para. 11(b)

Report on whether measures have been taken to: (iii) strengthen legal safeguards against wrongful conviction in capital cases.

Japan does not have a mandatory appeal system for capital cases. While defendants who are sentenced to death or life are not allowed to waive their right to appeal, they can withdraw their appeal after submitting it to the court. As a result, the current system does not provide the necessary legal safeguards against wrongful convictions in capital cases, as some defendants withdraw their appeals. There has been a number of cases in which defendants withdrew their appeal after being sentenced to death at the first instance trial, even though their defense counsel submitted an appeal. For example, in the Ikeda Elementary School case (Osaka District Court Judgment, 23 August 2003), the Nara girl's murder case (Nara District Court Judgment, 26 September 2006), and the Tuchiura stabbing rampage case (Mito District Court Judgment, 18 December 2009), the death sentences became final after the defendants withdrew their appeals.

Recently, Koji Yamada, who was sentenced to death for murdering two junior high school students,⁸ withdrew his appeal in desperation after a quarrel with a prison guard. His defense counsel claimed that the withdrawal was invalid, and, as of July 2020, the Osaka High Court was considering the matter. Satoshi Uematsu, who was sentenced to death for a stabbing rampage in 2016, withdrew his appeal after his defense counsel appealed. His defense counsel claimed the appeal withdrawal was invalid and, as of July, the Yokohama District Court was considering the matter.

Recommendation

Introduce mandatory appeal system for death penalty sentences in order to strengthen legal safeguards against wrongful conviction in capital cases.

3.2.4. Evidentiary use of confessions obtained through torture or ill-treatment

LoIPR, para. 11(b)

Report on whether measures have been taken to: (iv) guarantee that confessions obtained by torture or ill-treatment are not admissible as evidence in capital cases.

Despite a system of mandatory video/audio recording of interrogations currently being

⁸ Osaka District Court Judgment, 19 December 2018.

implemented, the scope of such practice remains limited to major criminal cases. No effective legal safeguards have been put in place to avoid evidentiary use of confessions obtained through torture. A defense counsel does not generally have access to all the evidence and there remains a risk that confessions under torture or ill-treatment would be used as evidence.

For example, Iwao Hakamada reported he was interrogated for an average of 12 hours a day for 23 days, not allowed to go to the toilet during interrogation session, and deprived from sleeping in the detention facility in Shimizu Police Station. As a result of this treatment, Mr. Hakamada gave a confession that led to him being sentenced to death. His conviction became final on 12 December 1980. Mr. Hakamada's torture allegations came to light in October 2015, when audiotapes of interrogations stored in the Shizuoka prefectural police department were found. Such ill-treatment could have been prevented if the defense counsel had been allowed to attend interrogations. The court would have declared the confession produced by the torture inadmissible, if an adequate disclosure system had been available. As a result of the discovery of new evidence, on 27 March 2014, the Shizuoka District Court decided to begin a retrial in the Hakamada case, and Mr. Hakamada was eventually released 33 years after his death sentence was upheld.

Recommendation

Take appropriate measures to allow defense counsel to be present during interrogations and to have access to all the evidence in order to guarantee that confessions obtained by torture or ill-treatment are not admissible as evidence in capital cases.

3.2.5. Confidential communications with defense counsel

LoIPR, para. 11(b)

Report on whether measures have been taken to: (v) guarantee the strict confidentiality of all meetings between death row inmates and their lawyers.

Since the Supreme Court Judgment issued on 10 December 2013,⁹ in most cases prison guards do not monitor meetings between death row inmates and their lawyers regarding their retrial. However, they often monitor death row inmates' meetings with their lawyers regarding their treatment within the correctional facilities, and the courts approve of such practice. In addition, interference with correspondence between death

⁹ Supreme Court Judgment, 10 December 2013, Minshu 67 1761.

row inmates and their lawyers has continued. Authorities in correctional facilities often censor lawyers' letters regardless of their content.

For example, in a case in which a lawyer provided legal advice to a death row inmate by mail, Tokyo Detention House authorities opened the envelope and redacted parts of the legal advice. The death row inmate had asked for legal advice regarding the authorities' redaction of some of his letters, and the lawyer responded that the redaction was illegal, citing the message redacted by the authority.

The Japanese government explains the regulations on censorship of death row inmates' correspondence as follows:



“As for the letters sent or received between an inmate sentenced to death and a lawyer who is requested to represent such an inmate in a civil lawsuit concerning the treatment that such an inmate received, [...] letters are only examined within the limit necessary for ascertaining that they are such letters as specified above, unless there are reasonable grounds to suspect that the content represents a breach of discipline and order in the correctional institution.”



Nevertheless, authorities in correctional facilities routinely open and examine correspondence sent to death row inmates. In the above case, a transparent envelope was used as shown [See photo], and the letter was titled “Mail regarding legal action against Tokyo Detention House (Mail falling under article 127(2)(iii)): ¹⁰ Do Not Open” at the top of the envelope, it was obvious that the envelope contained

¹⁰ Article 127(1) When it is deemed necessary for maintaining discipline and order in the penal institution or for the adequate conducting of correctional treatment for a sentenced person, or for any other reasons, wardens of penal institutions may have a designated staff member examine the letters the sentenced person sends and receives.

(2)With regard to the letters set out under the following items, designated staff members are to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (iii), this does not apply where there are special circumstances in which it is deemed likely to disrupt discipline and order in the penal institution: [...] (iii) letters a sentenced person sends to or receives from an attorney (including a legal professional corporation, hereinafter the same applies in this Subsection) who conducts the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by wardens of penal institutions toward the sentenced person, or any other treatment the sentenced person received.

no prohibited items and that the sender was a lawyer who provided legal advice regarding the treatment of the death row inmate. The death row inmate filed a lawsuit against the government, claiming the unlawfulness of the redaction, but both the Tokyo District Court and the Tokyo High Court rejected his lawsuit and stated that the authorities could not ascertain that the letter fell under the categories of correspondence permitted by law, even if the title of the letter was printed at the top. With regard to the redaction, the inmate claimed that redacted parts constituted legal advice and the reduction would therefore infringe on his right to fair trial. However, the two courts rejected his argument and stated that the lawyer's citation of messages that the authorities had redacted in the past would impair the discipline of the correctional institution.¹¹

Recommendations

- (i) Guarantee the strict confidentiality of all meetings between death row inmates and their lawyers.**
- (ii) Prohibit censorship and interference with correspondence between lawyers and death row inmates.**

3.3. Introduction of a mandatory and effective system of review

LoIPR, para.11(c)

Clarify whether a mandatory and effective system of review has been established in capital cases and the conditions under which requests for retrial or pardon have a suspensive effect.

In a case in which a death row inmate sought a court ruling to affirm that the government should refrain from carrying out executions during retrial proceedings, the Osaka District Court rejected the inmate's petition. The court stated that once convictions become final in an independent and impartial court, executions carried out during the retrial proceedings do not violate Article 32 of the Constitution, which guarantees the right to a fair trial. The court argued that Article 6(4) of ICCPR does not provide the death row inmates' right to retrial, and that executions during retrial do not breach Articles 6(1) and 7 of the ICCPR.¹² The number of inmates executed while they were seeking retrial is reported above [See *Chapter 3.1*].

Recommendations

¹¹ Tokyo District Court Judgment on 24 October 2017, Tokyo High Court Judgment on 13 June 2018.

¹² Osaka District Court Judgment, 20 February 2020.

- (i) Establish a mandatory and effective system of review of capital cases.
- (ii) Amend related laws to allow for the suspension of executions in capital cases during retrial or amnesty proceedings.

3.4. Establishment of an independent mechanism to review the mental health of death row inmates

LoIPR, para.11(d)

Respond to reports alleging that persons with serious psychosocial and intellectual disabilities continue to be subjected to the death penalty, and clarify whether the State party has introduced an independent mechanism to review the mental health of death row inmates.

Executions against inmates with suspected mental illnesses remain rampant. On 18 June 2018, the Japan Federation of Bar Associations (JFBA) recommended that the Minister of Justice suspend executions against eight inmates who were suspected to be mentally insane. The JFBA has not revealed the inmates' names, but Chizuo Matsumoto (Shoko Asahara), a founder of the Japanese doomsday cult group Aum Shinrikyo, was said to be included. Nevertheless, the government executed seven Aum members, including Mr. Matsumoto, on 6 July 2018.

Recommendation

Introduce an independent mechanism to review the mental health of death row inmates.

3.5. Inhumane method of execution

LoIPR, para.11(e)

Clarify whether any review of the current method of execution has been undertaken to ensure that it is not contrary to article 7.

It remains impossible to determine how long executions take in Japan. Despite a request by CPR to the Ministry of Justice to disclose the duration of each execution over the past 10 years, the Ministry failed to provide such information. The Japanese government has blacked out all the important parts of execution documents whenever it has been asked to disclose them. However, newly found official documents concerning executions show that hanging could cause acute physical and mental suffering. These documents, which cover 102 executions conducted from 3 July 1947 to 20 March 1951, show the time

required to execute prisoners by hanging in 79 of 102 cases ranged from 10 minutes and 45 seconds to 22 minutes. Since the Prison Act provides that the guard should not loosen the rope until five minutes after the prisoner is pronounced dead, these figures mean that, on average, inmates were hanged for more than 19 minutes. This would suggest that it would be almost impossible to execute inmates by hanging in a humane manner. These figures also reveal the possibility that the execution by hanging might be botched, depending on physical constitution, resistance, and arrangements of executions.

Recommendation

Disclose the necessary details concerning executions, including the beginning and ending times of executions.

4. Treatment of prisoners

4.1. Abuse of solitary confinement

LoIPR, para.17

Please report on the regulations governing the use of solitary confinement of prisoners and on measures taken to ensure that solitary confinement is imposed as a measure of last resort, that it is proportionate to the offence committed and that it is applied for as short a time as possible.

(1) Solitary confinement

To this day, a significant number of prisoners who do not meet the requirements for “isolation” stipulated by the Prison Act are designated as falling under “Category 4”, one of the four categories of restrictions established by an order of the Ministry of Justice. Category 4 restrictions can be described as solitary confinement. As of 10 October 2019, the total number of prisoners who were designated as falling under Category 4 in correctional institutions nationwide was 894 (2.1%), while only four prisoners were isolated under the Prison Act. The table below shows the periods of solitary confinement of prisoners who have been placed under solitary confinement under Category 4 for more than 10 years.

Prisoners in solitary confinement for more than 10 years

Date of research		Nov. 10,2000	July 10,2001	Oct. 1,2002	Nov. 1,2005	April 10,2008	April 10,2012	April 10,2016
Period of Isolation y=year m=month	1	37y00m	37y08m	38y11m	42y00m	52y03m	49y08m	54y00m
	2	36y07m	37y03m	38y05m	41y06m	43y00m	47y00m	34y03m
	3	35y06m	35y07m	36y07m	39y08m	39y01m	30y06m	32y08m
	4	34y11m	35y05m	29y01m	38y07m	35y10m	30y04m	31y03y
	5	34y09m	27y10m	24y00m	27y01m	26y06m	27y10m	27y10m
	6	27y10m	22y10m	23y07m	26y08m	26y05m	27y04m	24y05m
	7	22y06m	22y04m	22y10m	26y00m	25y06m	23y10m	24y03m
	8	22y02m	21y07m	22y04m	25y05m	23y11m	22y05m	24y00m
	9	21y05m	21y01m	22y02m	25y00m	23y05m	21y11m	23y09m
	10	20y11m	21y00m	21y01m	24y10m	20y05m	20y05m	23y09m
≥ 30 y	11	20y05m	19y10m	21y00m	23y11m	20y01m	20y01m	19y11m
20y-29y11m	12	20y04m	19y09m	21y00m	23y11m	16y05m	19y11m	19y00m
10y-19y11m	13	19y04m	19y09m	20y10m	23y06m	16y02m	16y07m	16y06m
	14	19y03m	19y07m	20y09m	21y07m	16y00m	15y09m	16y00m
	15	19y01m	19y06m	18y10m	20y03m	15y11m	15y02m	15y01m
	16	18y11m	17y07m	18y06m	19y08m	15y09m	13y03m	14y04m
	17	18y10m	17y03m	16y01m	18y05m	13y01m	12y07m	13y08m
	18	17y00m	15y10m	15y09m	17y01m	12y08m	11y07m	13y07m
	19	16y07m	14y10m	13y10m	16y01m	12y06m	11y02m	12y10m
	20	15y02m	14y07m	13y10m	15y09m	11y11m	10y05m	12y09m
	21	14y05m	12y10m	13y00m	15y03m	11y09m	10y03m	12y07m
	22	14y02m	12y07m	12y02m	15y02m	11y03m		12y05m
	23	13y11m	11y09m	12y01m	14y01m			12y04m
	24	12y02m	11y00m	11y06m	13y07m			12y03m
	25	11y11m	10y10m	11y00m	13y05m			12y01m
	26	11y01m	10y05m	10y06m	13y04m			11y11m
	27	10y04m		10y04m	13y04m			11y08m
	28	10y02m		10y04m	13y01m			11y04m
	29			10y03m	10y06m			11y01m
	30			10y00m	10y00m			10y07m
	31							10y02m
	32							10y01m
No. of prisoners		28	26	30	30	22	21	32

These data are based on surveys conducted by Diet members on seven different locations between 2000 and 2020

(2) Abusive confinement in protection cells



Above is a picture of the Nepali man under confinement in a protection cell in a detention facility. Correctional institutions have similar protection cells.

The Prison Act allows for the confinement of inmates in protection cells only in cases in which inmates shout or make noise despite a prison officer's order to cease doing so, and when such confinement is "particularly necessary" (Article 79 (1)(ii)).

However, despite such restrictions, abusive confinement in protection cells has frequently occurred. There have also been cases in which inmates were confined to protection cells due to their protests against the treatment in the facilities.

For example, a Nepali man was arrested at Shinjuku Police Station on charges of embezzlement of lost property in March 2017 for having possessed a credit card in someone else's name, which he had picked up on the street. He tried to leave the detention room without obeying a detention staff member who had instructed him to return his futon to a storage room – an instruction that he did not comprehend because he could not understand Japanese. An argument ensued and eventually four detention officers confined him to a protection cell for being insubordinate. In addition, after placing him in a protection cell, about 15 staff members surrounded him and put restraining devices on him (handcuffs affixed to the waist belt, along with restraining devices around his knees and ankles). He laid in the protection cell restrained by the devices for two hours. Then, the handcuffs were removed and replaced with handcuffs used for escorting, and he was transferred to the public prosecutor's office. One of the handcuffs was removed during the interrogation at the public prosecutor's office, and the man died of traumatic shock caused by muscle crush syndrome.¹³

The Supreme Court has taken a stance that seemingly authorizes abusive confinement in protection cells. In a Supreme Court Judgment issued on 25 October 2018, Justice Masayuki Ikegami stated the following opinion: "The requirement of 'when such confinement is particularly necessary' is not limited to cases where the mental state of the inmate is extremely unstable. Even if the inmate shouts intentionally as an act of

¹³ Business Insider, *16 police staff seized a man by bounding his hand and foot. A Nepalese man died during interrogation by prosecutor*, 29 March 2019; <https://www.businessinsider.jp/post-188176> [in Japanese]

protest and is capable of controlling himself/herself according to circumstances, it is reasonable to understand that confinement in protection cells is permitted if the [situation concerns an] inmate falling under any of the categories from (a) to (c) [of Article 79(1) of the Prison Act]¹⁴ and if such measure is highly necessary to maintain discipline and order in the correctional institution.” According to this opinion, even inmates who protests against their treatment can be confined to protection cells. Confinement in protection cells is far from being used “only in exceptional cases as a last resort”, as prescribed by the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules, Rule 45(1)).

Recommendations

(i) Repeal current legislation that allows the warden to put inmates in protection cells when they protest against the authorities.

(ii) Introduce thorough training programs for prison staff so that solitary confinement is only used as a measure of last resort.

4.2. Solitary confinement and mental illness

LoIPR, para.17

Please comment on the reports of prolonged solitary confinement and the increase in the number of prisoners placed in solitary confinement for more than 10 years, including prisoners with mental disabilities.

The Japanese government reported that the number of prisoners in solitary confinement for more than 10 years based on Category 4 was 21 in 2012 and 32 in 2016. The Ministry of Justice rejected a request submitted by CPR to disclose the number of inmates who were exempted from work duties due to mental and behavioral impairments, among the 53 who had been placed in solitary confinement. They Ministry claimed that such statistics were not available.

¹⁴ Article 79(1) of the Prison Act states: “When an inmate falls under any of the following items, prison officers may confine them in a protection cell by order of wardens of penal institutions:

[...]

(a) cases where the inmate shouts or is noisy, against a prison officer's order to cease doing so;

(b) cases where the inmate is likely to inflict injury on others;

(c) cases where the inmate is likely to damage or defile facilities, equipment, or any other property belonging to the penal institution

[...]”

Recommendation

Disclose the number of prisoners with mental disabilities who have been placed in solitary confinement for more than 10 years.

4.3. Medical care in penitentiary institutions

LoIPR, para.17

Please elaborate on steps taken to improve health care in prisons and report on the impact of the Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers of 2015 in addressing the chronic shortage of medical staff in penitentiary institutions.

4.3.1. Number of doctors and medical conditions

Since the enactment of the the Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers in 2015, there have been more doctors in prisons. However, a serious shortage of medical personnel remains. There are 187 prison doctors in 177 prisons – 19 fewer than the target number of 206 required by the Act - and, as of 1 February 2020, four prisons did not have full-time doctors.

In 2017, the East Japan Adult Correctional Medical Center opened, which was expected to provide specialized medical care for adult inmates. Yet, inmates do not have access to adequate medical care, since the center does not cover all the medical care and some prisons may refuse to transfer inmates to the center because of lack of staff or to avoid the trouble of transferring inmates. Many prisoners complain of not having access to medical care when they claim to be ill. In July 2020, an inmate who was in a medical priority facility reported that during his incarceration, he was diagnosed with colorectal cancer and underwent further endoscopic examinations, which revealed multiple polyps. However, the prison authorities did not provide further tests, including those to determine if the polyps were malignant.

For medical treatment that prisons do not provide, the authorities may allow inmates to receive treatment inside the facilities from outside doctors.¹⁵ Nonetheless, only about 10 doctors a year are appointed, and the field in which doctors can be appointed are

¹⁵ Article 63(1) of the Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers states: “When an inmate who has sustained an injury or is suffering from a disease applies to designate a doctor who is not the staff of the penal institution to receive a medical treatment, if such claim is deemed appropriate for the inmate’s medical care in light of circumstances such as the type and degree of the injury or disease, and as the fact that the inmate had been visiting the doctor on a regular basis for medical treatments prior to their commitment to the penal institution, then wardens of penal institutions may permit the inmate to receive medical treatment inside the penal institution at their own expense.”

limited to dental care, psychiatric care, and a few other areas [See table below]. In a case in which the family of a deceased inmate sought compensation against the government claiming a prison doctor failed to diagnose his cancer, which delayed adequate treatment, a settlement was reached between the government and the family in July 2018 and the government paid compensation to the family.

Appointed doctors from 2012 to 2019¹⁶

Year	Appointed doctors	Medical field
2012	10	Dental implants, compartment syndrome, neck and back pain
2013	9	Dental care, dental implants, rehabilitation training, gender identity disorder
2014	7	Dental care, dental implants, gender identity disorder, aftermath of accidents
2015	6	Dental care, dental Implants, gender identity disorder
2016	6	Dental care, aftermath of accidents
2017	7	Dental care, dental implants, psychiatric care
2018	11	Dental care, dental implants, psychiatric care
2019	9	Dental care, dental implants, psychiatric care

4.3.2. Decrease in the number of compassionate releases

Prosecutors may suspend a sentence so that inmates would be compassionately released and have access to medical care outside prisons. Prosecutors used to suspend the sentences, if prisoners became seriously ill. Then, these prisoners would be released and admitted to a hospital to spend time with family and others during the terminal stages of their illnesses. Around 60 inmates a year were compassionately released between 2008 and 2010, but, since then, the number of compassionate release has been sharply decreasing, with 18 released in 2018 [See table below]. This statistic suggests that the requirements for granting compassionate release may have become more stringent in recent years, even if the Japanese government attribute the decline in compassionate release to improvements of medical care. The government has not made public information concerning the grounds for each compassionate release.

¹⁶ Minister of Justice's reply to inquiries of a Diet member in June 2020.

Compassionate releases and inmate mortality¹⁷

Year	Compassionate release	Inmate mortality	Number of inmates at the end of year
2018	18	243	44,186
2017	19	228	46,702
2016	26	256	49,027
2015	29	230	51,175
2014	33	298	52,860
2013	21	285	55,316
2012	29	273	58,726
2011	26	259	61,102
2010	54	342	63,845
2009	60	330	65,951
2008	67	347	67,672

4.3.3. Adverse effects of the prison healthcare under the management of the Ministry of Justice

Many problems with prison healthcare derive from the fact that the Ministry of Justice, and not the Ministry of Health, Labor, and Welfare (MHLV), has jurisdiction over medical care in prison. Japan has a national health insurance system managed by the MHLV, but this is not available for prison healthcare since the Ministry of Justice is responsible for the medical treatment of prisoners.

Prison medical budgets are limited and prisoners are compelled to bear their medical costs when they appoint doctors from outside of the prisons. It has also not been possible to secure sufficient doctors and an adequate level of medical care in prisons. Furthermore, since the doctors and other medical staff are also employees of the Ministry of Justice, it is difficult for them to provide medical care in a totally independent manner.

Recommendations

- (i) Transfer the management of prison healthcare to the Ministry of Health, Labor, and Welfare.**
- (ii) Increase the number of doctors in places of detention and make active use of external medical care, including medical examinations by appointed doctors.**
- (iii) Increase the use of compassionate releases.**

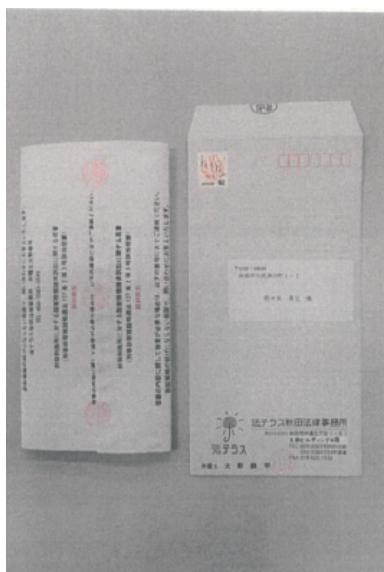
¹⁷ Ministry of Justice, "Kyosei Tokei Nennpo" [Annual Correctional Statistics]

4.4 Restrictions on access to the outside world

LoIPR, para.17

Please respond to reports of restrictions of contact with the outside world on broadly formulated grounds, censorship of correspondence from lawyers and prison staff attending interviews conducted with prisoners by lawyers from the human rights protection committees and local bar associations, and report on measures taken to ensure the confidentiality of such meetings.

Correctional institutions have continued the practice of opening and reading the contents of letters in any circumstances, as the case detailed below illustrates. Therefore, the confidentiality of correspondence between lawyers and prisoners is not guaranteed. In addition, if a prisoner is confined to a protection cell, even a lawyer who has taken up the case regarding the prisoner's treatment or a defense counsel involved in the criminal case is prohibited from visiting the prisoner and exchanging correspondence.



(1) Censorship of letters

A lawyer was retained by a prisoner to file a lawsuit against the government to seek compensation for the treatment the prisoner experienced in the correctional institution. The lawyer sent a letter about the compensation case to the prisoner, but the envelope was opened and the letter was read by the prison staff. Inside the envelope was a letter wrapped with a cover paper, which said "Do not open: A letter regarding the compensation lawsuit against Akita Prison (this letter falls under Article 127(2)(iii) of the 2005 Prison Act)". It was easily recognizable by glancing through the cover's slit that the envelope did not contain any prohibited items. In addition, it could be confirmed

from the description on the cover that it was a correspondence from a lawyer who had taken up a case regarding the treatment of the prisoner (i.e., a letter which falls under Article 127(2)(iii) of the Prison Act). Nonetheless, the prison staff opened the envelope and read the letter. The prisoner filed a lawsuit against the state to seek compensation, claiming the examination of the letter was illegal. The Akita District Court ruled that the measure taken by the warden of Akita Prison to remove the cover paper and to examine the contents of the letter was illegal. However, the Akita Branch of the Sendai High Court, the appellate court, ruled that the examination was legal and approved the correctional authorities' action of reading the content of the letter, stating that even if the cover

paper stated that the letter fell under Article 127(2)(iii) of the Prison Act, it was nonetheless necessary to confirm that such statement was true and that a possibility existed that a letter unrelated to the case would be exchanged. Prior to this case, the same court had issued a similar ruling, in which it found that opening and reading a letter was lawful.

(2) Restriction of external communications by prisoners confined to protection cells

The Prison Act stipulates that inmate may be confined to protection cell when they shout or make noise and when it is particularly necessary for maintaining discipline in the correctional institution. However, the Act does not stipulate any restriction on meetings between an inmate confined to a protection cell and a defense counsel or prospective defense counsel. In this regard, the Supreme Court ruled that “even if a request to visit an un-sentenced person being confined to a protection cell has been made by a defense counsel or prospective defense counsel, the warden of the penal institution may reject such request in order to maintain discipline and order in the penal institution if the un-sentenced person falls under category (ii) of paragraph (1) of said Article at the time of deciding whether to allow such visit.” Given this Supreme Court ruling, even a defense counsel can be restricted from visiting an inmate confined to a protection cell. In addition, as mentioned above, Justice Masayuki Ikegami stated in his opinion to a Supreme Court's ruling that if inmates protest the treatment carried out in a correctional institution, they are not only placed in a protection cell but also denied access to a criminal defense counsel or a lawyer retained to file a complaint regarding the treatment. The following cases illustrate these restrictions:

a) The case of Tochigi Prison

A prisoner sentenced to life imprisonment and detained in Tochigi Prison filed a civil lawsuit regarding the treatment to which she had been subjected in a correctional institution and appointed a lawyer to represent her in the case. Subsequently, the inmate was confined to a protection cell and was no longer allowed to meet with the lawyer, after their last meeting on 20 December 2018. On 2 July 2019, the lawyer submitted an application for human rights relief to the Tochigi Bar Association, alleging that external communication with the prisoner had been blocked for more than six months. The case is currently under investigation by the Tochigi Bar Association.

b) A prisoner confined to a protection cell was not allowed to meet the criminal defense counsel

A criminal defense counsel made a request unsuccessfully on three occasions to visit a prisoner who was being confined to a protection cell in Akita Prison. The Akita District

Court held that not suspending the confinement in the protection cell and not allowing the criminal defense counsel to meet with the prisoner were not illegal, because the requirements for the confinement to a protection cell were satisfied when such requests were made.

Recommendations

- (i) Amend legislation to ensure there is no censorship of, and interference with, lawyer-inmates correspondence.**
- (ii) Amend legislation to ensure that inmates in protection cells can meet or correspond with their lawyers.**

4.5 De facto life imprisonment without possibility of parole

LoIPR, para.17

Please clarify the criteria for release on parole of prisoners serving life sentences and provide information on the number of such releases since July 2014.

(1) Criteria for parole

According to Article 28 of the Penal Code, in order for a person sentenced to life imprisonment to be granted parole, it is necessary for that person to satisfy the two requirements that 10 years have passed since the commencement of their sentence, and that the sentenced person “evinces signs of substantial reformation.” In addition, a Ministry of justice regulation¹⁸ enumerates additional specific requirement that prisoners must meet in order to be granted parole. The regulation stipulates that parole may be granted “when it is recognized that the person has a feeling of repentance and willingness to make improvements and reform him/herself, there is no risk that he/she will commit a crime again, and putting the person on probation is appropriate for their improvement and reform. However, this shall not apply when it cannot be recognized that the feelings of society endorse this [emphasis added].”

There is a serious concern that the parole can be denied on the grounds of “feelings of society,” even if the sentenced person has been sufficiently rehabilitated and is no longer at risk of reoffending. The “feelings of society” should be irrelevant if the prisoner has served a sufficient period of time commensurate with the seriousness of the crime. In

¹⁸ Ministry of Justice Ordinance, Regulations on treatment against those who have committed crimes and delinquent juveniles in society, adopted on 23 April 2008, last amended on 24 April 2020.

addition, the "feelings of repentance" mentioned above presupposes an admission of guilt, and in cases in which prisoners deny the criminal charges and seeks a retrial even after the sentence becomes final, "signs of substantial reformation" are likely to be absent. What is required by international standards is whether the prisoner can safely return to society. For this purpose, "feelings of repentance" - which consists of an admission of guilt and repentance on the part of the prisoner – should not be required.

There are also problems with the procedure for obtaining parole. In particular, Article 92 of the Offenders Rehabilitation Act permits an appeal under the Administrative Appeal Act against a decision by the Regional Parole Board, but the parole board does not issue decisions when it does not grant parole. Therefore, a prisoner may not request a review of the denial of parole. In addition, the reason for the denial of parole is not communicated to the prisoner. In this regard, the UN Standard Minimum Rules for Non-custodial Measures (the "Tokyo Rules") stipulate that the decision on post-sentencing dispositions (such as parole) should be subject to review by a judicial or other competent independent authority.¹⁹

(2) Number of parolees since 2014

The number of prisoners sentenced to life who were granted parole was seven in 2014, 11 in 2015, nine in 2016, 11 in 2017, and 25 in 2018. Each year, only around 10 prisoners are paroled. The number of parolees excluding "those who were allowed to be released on parole again after the revocation of their parole" was six in 2014, nine in 2015, seven in 2016, eight in 2017, and 10 in 2018. Below is a table detailing the number of prisoners sentenced to life from an official document published by the Ministry of Justice.

Year	Number of life prisoners in prison at the end of the year	Number of new inmates sentenced to life	Number of life prisoners paroled	Number of new parolees sentenced to life	Average length of imprisonment in category	Number of life sentence inmates who died
2009	1772	81	6	6	30 years and 2 months	14
2010	1796	50	9	7	35 years and 3 months	21

¹⁹ Tokyo Rules, 9.3; available at: <https://www.ohchr.org/Documents/ProfessionalInterest/tokyorules.pdf>

2011	1812	43	8	3	35 years and 2 months	21
2012	1826	34	8	6	31 years and 9 months	14
2013	1843	39	10	8	31 years and 2 months	14
2014	1842	26	7	6	31 years and 4 months	23
2015	1835	25	11	9	31 years and 6 months	22
2016	1815	14	9	7	31 years and 9 months	27
2017	1795	18	11	8	33 years and 2 months	30
2018	1789	25	25	10	31 years and 6 months	24
sum total		355	104	70		210

Note: New parolees sentenced to life are defined as parolees who are sentenced to life imprisonment, excluding those who are allowed to be paroled again after revocation of parole.

From 2014 to 2018, the number of life prisoners at the end of each year has remained almost unchanged, ranging between 1,842 and 1,789. Nevertheless, the number of parolees is only about 10 each year. And the average length of imprisonment for new parolees serving life sentences ranges from 31 to 33 years. It is clear that the period of incarceration before parole is granted is a long one. Additionally, the number of life prisoners who died was 23 in 2014, 22 in 2015, 27 in 2016, 30 in 2017, and 24 in 2018. More than twice the number of prisoners eligible for parole have died in prison. There is a considerable number of elderly life prisoners in Japan. At the end of 2018, the number of life prisoners in their 70s was 358 (20%), and 97 (5.4%) were in their 80s, or older. The low number of parolees sentenced to life poses a serious problem on the aging population of life-sentenced prisoners.

(3) Lack of transparency in the parole process: The case of Fumiaki Hoshino

The extreme uncertainty of Japanese parole procedures is illustrated by the case of Fumiaki Hoshino, a life prisoner in Tokushima Prison. Mr. Hoshino was sentenced to life for murder, arson, obstruction of justice, assault, and assault with a deadly weapon, and

was transferred to Tokushima Prison on 30 October 1987. Mr. Hoshino served more than 30 years in Tokushima Prison, but, on 25 March 2019, the Shikoku Regional Parole Board did not grant him parole. On 18 April 2019, Mr. Hoshino was transferred to the East Japan Adult Correctional Medical Centre, where he died of liver cancer on 30 May. Since 2018, the defense lawyers had been aware of Mr. Hoshino's deteriorating health and had requested that Tokushima Prison to conduct a medical examination. However, Tokushima Prison did not respond to their request. On 20 March 2019, defense lawyers submitted a written opinion to the Shikoku Regional Parole Board that Mr. Hoshino should be released on parole in order to allow him to receive appropriate medical care, but the board refused to grant him parole. On 15 April 2019, the defense team requested that the Shikoku Regional Parole Board clarify its reasons for refusing to grant Mr. Hoshino parole. However, the Shikoku Regional Parole Board did not respond to this requests. Mr. Hoshino's behavior was extremely favorable, and he was punished only seven times during his 32 years of imprisonment. The acts and punishments for which he was punished are listed in the Appendix. None of the disciplinary actions affected the discipline and order of the prison. Support groups have criticized this type of punishment because it negatively impacted the outcome of parole hearings.

Recommendations

- (i) Establish objective requirements for parole eligibility and remove subjective requirements such as “feelings of society” and “repentance.”**
- (ii) Provide periodic parole reviews.**
- (iii) Review the local parole board members to strengthen their independence in order to ensure proper and impartial decisions.**
- (iv) Issue a decision when the board denies parole; notify the decision in writing to the prisoner himself, together with the reasons for it; and allow for an appeal against the denial decision.**

5. Compulsory labor in prisons

LoIPR, para.19

With reference to the previous concluding observations (para. 15), please report on measures taken to combat trafficking for purposes of sexual exploitation and forced labor.

Prisoners in Japan's correctional facilities are forced to work for extremely low and inadequate wages. Article 12 of the Penal Code provides that prisoners who have been sentenced to imprisonment with labor must be engaged in the assigned work. Articles

74 and 150 of the Prison Act prescribe that the failure to meet the obligation of work can be punished. In Fiscal Year 2017, the average monthly remuneration per prisoner was JP¥4,340 (about US\$41) - a very small amount to ensure an adequate standard of living after the release. In May 2013, the UN Committee on Economic, Social and Cultural Rights (CESCR), after the review of Japan's third periodic report under the International Covenant on Economic, Social and Cultural Rights (ICESCR), recommended that Japan "abolish forced labor either as corrective measure or as penal sentence, and amend or repeal relevant provisions in line with its obligation under article 6 of the Covenant." The CESCR also encouraged Japan to consider ratifying ILO Convention No. 105 on the abolition of forced labor. Regrettably, the government has not taken any measures to address and implement the CESCR recommendations.

Recommendations

(i) Abolish imprisonment with assigned work and provide meaningful work opportunities for prisoners.

(ii) Introduce a wage system that provides for an adequate remuneration for prison labor.

Appendix: Disciplinary punishment against Fumiaki Hoshino, from February 1989 to May 2018.

- **February 1989**, one week of "minor solitary confinement"

Mr. Hoshino's prison labor at that time was making plastic flowers. One day he warmed plastic material with a kettle in his bed in order to prevent it go brittle in the freezing room. The prison authority caught him and imposed a punishment called "*Keiheikin*" [minor solitary confinement].

- From **15 to 23 August 1990**, "minor solitary confinement"

The prison authority placed him in "minor solitary confinement" because he washed his towel, with which he had wiped his feet after they got dirty during exercising without socks.

- **November 1996**, 20 days of "minor solitary confinement"

He was placed in "minor solitary confinement" because he washed his foot after he inadvertently stepped on a cockroach in his cell.

- **February 2010**, "admonition"

On 26 February 2010, Tatsuo Suzuki, Hoshino's attorney, visited him and informed that

the Tokyo High Court had set 31 March as the deadline for the submission of his opinion letter for a retrial. On 28 February, he spent the whole day writing his opinion letter. After the lights-out, he corrected one line - the “reason” for the admonition.

- **March 2010**, one week of “disciplinary confinement”

“*Heikyo batsu*” [disciplinary confinement] was imposed because he had put *zenzai* (hot sweet Japanese soup) in the case for his artificial tooth in order to cool it down.

- **April 2011**, demotion from the third privilege grade to the fourth, because of accumulation of two “yellow cards” as follows:

(i) During the work time, Hoshino, speaking to a prisoner, asked him: “Do you have a permit to talk to me?” The authorities ruled Hoshino’s expression as “irregular conversation.”

(ii) After the authorities changed his cell, he stood on the table in order to clean up the cell.

- 8 May 2018, three punishments:

(i) Handing back of JP¥500 (US\$4.7) cash reward.

(ii) Handing back of one of four pins, each of which honored his three-year no accident record.

(iii) Demotion from the second privilege grade to the third.

On the 3 May national holiday, he overlooked the notice that instructed that dessert must be eaten before the supper and instead consumed it one hour after. His behavior was ruled “irregular consumption.”