

Discrimination in the Criminal Justice System – the Sayama Case Kazuo Ishikawa in his 47-Year Struggle to Prove his Innocence

The Sayama Case took place in Sayama City, north of Tokyo, on May 1, 1963. A high school girl was murdered, and Kazuo Ishikawa, then aged 24 and living in the neighboring Buraku community, was set up to be the perpetrator. Since then, he has long been struggling against the conviction confirmed by the Supreme Court. Now 71, Kazuo Ishikawa, together with his lawyers and supporters, including those in the Buraku liberation movement, has asked the Tokyo High Prosecution Office to disclose all evidence that hold the key to establishing his innocence. Under the present judicial system, the prosecutor's office is not legally obliged to present evidence before the court or disclose it before the defense lawyer. Such evidence can include that which might work favorably for the defendant. However, as demonstrated in the burglary and murder case known as the "Fukawa Case," which occurred 43 years ago, two convicted men sentenced to life-imprisonment were finally handed down a decision for re-trial in December last year after the prosecutor disclosed critical evidence before the defense lawyers. This evidence, including the tape recording taken during the interrogation forcing the two suspects into confession, opened the door to the re-trial of the Fukawa Case, and it is most likely that the two men will shortly be verified as innocent.

In response to a recommendation made by the Tokyo High Court in December last year, the Tokyo High Public Prosecutor's Office has partially disclosed evidence that does not work against their case. This does not, however, include evidence working favorably for Kazuo Ishikawa. They include the jotted notes and draft deposition written by the police during the interrogation, the results of examination of blood stains, and photographs of the victim's body at the scene. All are crucial to opening the door to re-trial. As the above-mentioned cases explain, the present system allowing the prosecutor to conceal evidence has to be challenged. The prosecutor can withhold evidence such as this as collected by the police.

The other challenge that the present judicial system faces is the "visualization of interrogation." Filming all interrogations would greatly help prevent false accusation from occurring. Like the Sayama Case, Fukawa Case and many other cases of false accusation, people are convicted of crimes they have not committed on the basis of confessions taken by the police during interrogations conducted behind closed doors.

Calling for the full disclosure of evidence and genuine investigation into fact, a rally was organized on December 16, 2010, in Tokyo. Besides Kazuo Ishikawa and Sachiko, his wife,, victims of false accusation, including Toshikazu Sugaya of the Ashikaga Case (who finally established his innocence after an 18-year struggle) and Takao Sugiyama and Shoji Sakurai of the Fukawa Case, were invited to speak about how they were set up to be perpetrators of crimes, and how they finally gained victory in their cases.

The rally with 1,000 participants from around the country ended with the adoption of an appeal calling for the immediate and full disclosure of evidence and investigation into fact, which would definitely lead to the realization of a re-trial of the Sayama Case.