

## Sagamihara Attack and Challenges of Community-Living

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On 26 July 2016, one of the most serious disability hate crime took place in Sagamihara City, Kanagawa Prefecture, Japan. 19 persons with intellectual disabilities were killed and 24 persons with intellectual disabilities were injured by a man using knives. It took place at a prefectural residential institution and the alleged killer was a former employee who had drug issues and espoused ableist ideas against persons with disabilities.<sup>1</sup> After this mass killing, the placement of 130 survivors with intellectual disabilities in the institution aroused a controversy regarding the reconstruction of a big residential institution. Responding to the views of family members of those 130 survivors, initially the local prefectural government proposed to rebuild the big residential institution. But alternative views, emphasizing community-living referring to article 19 (Living independently and being included in the community) of the Convention on the Rights of Persons with Disabilities (CRPD) were expressed. Like the residents with intellectual disabilities, almost half a million people, majority of whom have psychosocial disabilities, are institutionalized in Japan. This presents a big challenge of implementing the CRPD, including article 19, in Japan,

### **What happened on 26 July 2016**

In the very early hours of morning on 26 July 2016, 19 persons with intellectual disabilities were knifed to death in a residential institution by a former-staff person. The public residential institution, “Tsukui Yamayuri En” was established by the local prefectural government in 1964 and had a capacity of 180 persons and on that day accommodated 149 persons with intellectual disabilities. It was located in Sagamihara City, about 60 km from Tokyo.

The suspect, Uematsu Satoshi, male and 26 years of age on this day, was employed in 2012. In February 2016, he visited the official residence of the Speaker of the House of Representatives (Lower House) delivering a letter full of disability hate and suggesting the killing of residents with intellectual disabilities. Local police informed the institution. After resigning from the institution and proving positive to the drug test, the suspect was examined by psychiatrists and placed in a mental hospital according to the forced hospitalization provisions of the Mental Health Act. Indicating better condition, he was released in March. Breaking into the residential quarters and using knives, he single-handedly took the lives of 19 as well injured 24 residents and 3 staff persons.

One of the most disturbing aspects of this killing was the ableist statement made by the suspect stating that “Persons with disabilities only create unhappiness” mentioned in his letter to the

Speaker and repeated after the incident.

The 19 victims were all persons with disabilities, living in the institution. They were 10 women aged from 19 to 70 and 9 men from 41 to 67. Among the residents the average stay has been 18 years and the longest was 52 years. (Care Management Times, 2016)

According to Sherry, there are two requirements for a disability hate crime. It “must be a criminal act” and “be motivated in whole or in part by the victim’s real or perceived disability status (2010, 18). Sagamihara killing meets both criteria as it is a murder case and the targets were chosen because of their disability status.

And as a hate crime, it had two victims, namely, “individuals and communities (Sherry, op cit, 20). Reacting to the attack on the following day, “I am about to break down” said Narazaki Mayumi, one self-advocate leader with intellectual disability who worked for a flower shop in Yokohama (Narazaki, 2016).<sup>2</sup> The shock wave hit hardest the community of persons with intellectual disabilities and their family members. Acting swiftly already on the day of the attack, Inclusion Japan released its statement, entitled “We are behind you and we fully support you” directly addressing persons with intellectual disabilities (Inclusion Japan, 2016).

#### **Non-disclosure of identities of the victims**

A memorial meeting for the victims was organized on 6 August 2016 at the University of Tokyo. As one of the organizers of the meeting, I requested international messages of solidarity through the Disability-Research Discussion List managed by Center for Disability Studies of Leeds University and e-mail magazine of Center for Ars Vivendi on 3 August 2016. 88 international messages were received from two international organizations, International Disability Alliance and Inclusion Europe and from 27 countries and territories. including China, Colombia, Hong Kong, Kenya, New Zealand, Romania, South Korea, Taiwan, U.A.E., U.K. and U.S.A.

One of them was from Maria Noah of USA whose message stated that “My heart has been overflowing with sadness and anger that such a crime has been committed against our community there. Every mention in the U.S. of this atrocity fails to mention anyone's name -- I hope this is to honor traditions surrounding death in your culture and not to erase the existence of those who have died.”

Her message points to an important issue. Even today, names of those brutally killed are not public. The Kanagawa Prefectural Police decided not to release the names of victims, which was quite unusual. It said it made this decision based on the fact that the attack took place at a care facility for persons with intellectual disabilities and therefore the need for the protection of surviving families was extraordinarily high adding that the families had requested special consideration. This misguided decision constituted further violation of the dignity of those brutally lost their lives. The purpose of the CRPD is “to promote, protect and ensure the full and equal enjoyment of all human

rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (underline added).” Even today, the victims remain “nameless” and “faceless” (Rich, 2016, 1).<sup>3</sup> Their dignity is lost.

### **Eugenic and Ableist Ideology, and the CRPD**

Swiftly responding to our request for a message for the memorial meeting, Theresia Degener from Germany, member of the Committee on the Rights of Persons with Disabilities sent the following message. Degener was the vice chair in 2016 and is the chair from 2017 to 2018.

I do not know what prompted the killer to take the lives of these disabled persons in Japan and injure more. But it might be possible that eugenic and ableist ideology is behind this hate crime.

An ideology which is based on the assumption that disabled persons are leading a life not worth living, that disabled persons are problems rather than subjects of human rights. This ideology, unfortunately, hasn't died with the defeat of National Socialism in Germany during WW II. It is an ideology which can be found in many countries around this world and which comes in different shades and forms.

The CRPD is the answer to this ideology, and more than 160 UN Member States - including Japan and Germany - have ratified this human rights treaty which has the purpose "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity".

The knife killing in Japan reminds all of us how important it is to put all our energy into the implementation of the CRPD and create a just society for persons with disabilities everywhere!

### **Building Back Better or Community-Living?**

After the incident on 26 July 2016, the local Kanagawa prefectural government, headed by Governor Kuroiwa Yuji, proposed to rebuild the Tsukui Yamayuri En at the same location. The families of the residents and staff people expressed fear about the use of the same buildings. Family member hoped for the rebuilding of the residential institution with the same capacity at the same location and the governor agreed.

But then different voices were raised and brought the attention of the local government and the public to article 19 of the CRPD which emphasized the independent living in the community. For instance, Japanese member organization of Disabled Peoples' International issued a statement on 19 August 2017, advocating the transition to community living referring to the article 19 (Living independently and being included in the community)

Regarding the places for living, the president of the family group of residents equated the wishes of the surviving residents with views of family members (Udagawa H. and Mito K., 2017). In other words, according to this view, family members speak on behalf of their family members with disabilities. Though often family members do have better understanding the wishes of their family members with disabilities, this view contradicts with both article 12 (Legal capacity) of the CRPD and its General Comment No.1 on article 12, that is the basis for all other articles and rights, including article 19.

Implementation of the CRPD article 19 (Living independently and being included in the community is a challenge) is a national challenge for Japan, as it has almost half a million children and adults with disabilities institutionalized as indicated below.

Category of persons with disabilities	Number of persons in institutions and hospitals (thousands)
Persons with physical disabilities	58
Persons with intellectual disabilities	119
Persons with psychosocial disabilities	313

(Cabinet Office, Annual Report on Government Measures for Persons with Disabilities, 2017, 219)

### Conclusion

After much public debate, the Prefectural Government of Kanagawa decided not to rebuild the same big institution in October 2017. It decided to build smaller residential units for 11 people each in both Sagami-hara City and neighboring Yokohama City while providing support for the decision making by 130 former residents regarding their preferences for places of living. These new living arrangements as well as new facilities are planned to be in place in 2021.

It remains to be seen how actually “best interpretation of will and preferences” principle is to put into practice in line with the General comment No. 1 (2014) on article 12: Equal recognition before the law which states that “Where, after significant efforts have been made, it is not practicable to determine the will and preferences of an individual, the “best interpretation of will and preferences” must replace the “best interests” determinations. It continues to state that “The “best interests” principle is not a safeguard which complies with article 12 in relation to adults. The “will and preferences” paradigm must replace the “best interests” paradigm to ensure that persons with disabilities enjoy the right to legal capacity on an equal basis with others.” (para. 21) .

19 individuals lost their lives because of their intellectual disabilities. We could not protect their lives. We could not protect their dignity after their death. And there are a number of unanswered questions. Why were they in the institutions in the first place? Did they choose to do so? How about residents in other institutions? There are almost half a million people with disabilities in institutions and mental hospitals in Japan. These are issues for the initial CRPD of Japan in 2020.

But beyond the CRPD, they are fundamental human rights issues for Japan and beyond.

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<sup>1</sup> This brief paper does not deal with issues related to the suspect. In January 2018, the Yokohama District Court decided to conduct a second psychiatric evaluation of the suspect to determine if he was mentally competent to be held responsible for his actions at the time of the attack.

<sup>2</sup> Narazaki met Robert Martin, the first CRPD Committee Member with intellectual disability, when she was 25 and was inspired to start a new self-advocacy group in Yokohama (Asahi, 2017). Robert Martin' sent the following message regarding the attack ; My heart goes out to the people of Japan, especially disabled people of Japan. My thoughts and feelings are with you in this time of tragedy. We need to remember disabled people just like we remember people that are part of other tragedies. In my role on the United Nations Committee for the Convention on the Rights of Persons with Disabilities I will work hard to make sure disabled people are seen as valued citizens so that

tragedies like this do not happen again. We need the world to see disabled people as fellow human beings, as real people.” Kia kaha stay stong (Martin. 2016)

<sup>33</sup> As I lived in Yokohama, in the same Kanagawa prefecture, on the following day of 27 July, I decided to pay a visit to Tsukui Yamayuri En and to offer flowers to those killed. I brought 19 white chrysanthemums, dedicating one for each soul.

It was already becoming very clear very little personal information about those killed was to be available when the media was reporting so much about the alleged killer, which prompted me to write to a local newspaper. My piece, entitled “Let us pay respect to each individual”, was printed on 28 July 2016 as follows;

I feel very angry and profoundly sad at this mass murder at Tsukui Yamayuri En Residential Institution. Currently there is a lot of media coverage of the suspect. I wish to know what led to this barbaric act and about the killer.

At the same time, I wish to know about the victims, whose lives have been violently taken. What did each individual enjoy? What did he/she work on?

The victims had one thing common; they were all disabled. But each one, as a person first before disability, must have been leading a life feeling happy, angry, sad, and joyful, just like non-disabled people.

We should be able to learn more from this horrible tragedy by knowing more about each individual. By doing so, we should be able to value each and every life. In order to listen to the voices of those lost, I wish to know more about them.

I hope that Kanagawa Newspaper, as a local newspaper, will take time to have the complete picture of this tragedy and in its reporting, do not neglect the perspective of each individual who lost their lives. (Nagase, 2016)