

NATIONAL

## A 17-year quest to prove Sugaya innocent

Woman started support group after meeting fellow bus driver

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ASHIKAGA, Tochigi Pref. — Itoko Nishimaki felt something was wrong when she learned that a kindergarten bus driver like herself once admitted, and then denied, that he had kidnapped and killed a 4-year-old girl.

That feeling stayed with her and became the driving force behind her nearly 17-year quest to prove what she believed was right — he is not the true culprit.

The “curious coincidence,” as Nishimaki, 60, put it, prompted her to send the first of a series of letters to Toshikazu Sugaya and meet him in person, a man she describes as nice, pure and friendly — the complete opposite of the brutal criminal projected in the media.

“Children are full of life and adorable, but I felt strange at the time that a bus driver who must be happy with having such kids around would suddenly turn into a kidnapper and murderer. That is the last thing we drivers would do,” Nishimaki said in the city where the so-called Ashikaga Incident took place in 1990.

When Nishimaki met Sugaya in a detention center in 1993, he told her he was innocent. She began looking into the case, along with a few people who joined her, and came to believe his confessions during the interrogations were not consistent and he may have fallen victim to a wrongful accusation.

Together with a housewife, she set up a support group in 1994 to prove Sugaya’s innocence, making fliers and calling for more people to join them. It wasn’t a smooth ride.

“Nobody believed us at the time when we said, ‘He is not the culprit,’ ” Nishimaki said. “There was no place to raise our voices because everyone thought he . . . had committed a heinous crime. I don’t know how to describe this, but I was scared of the public.

“It’s like a steam train that keeps on running. To tell the truth, there were times when I was depressed because it was too much for me . . . but since I started it, I couldn’t call it quits halfway.”

Sugaya was sentenced to life in 1993 for the murder of 4-year-old Mami Matsuda. In 2000, the Supreme Court finalized his sentence.

The high-profile case took a turn in 2009 when an updated DNA analysis of a hair sample smuggled out of his cell, conducted at the request of Sugaya’s lawyers, effectively proved his innocence and opened the way for a retrial.

Sugaya, 63, was released in June after more than 17 years behind bars, and he is expected to be acquitted Friday. The question now is how the Utsunomiya District Court will sum up the case. Matsuda's murder has already passed the statute of limitations.

Sugaya's confession — along with the then unheard-of DNA analysis, touted in Japan as a breakthrough in criminal investigations — played a major part in his conviction.

"I was the type of person who was not talkative," Sugaya said at a recent public gathering, describing his state of mind when he confessed. "At the time, I was going blank and thinking, 'I don't care anymore,' and I said I did it."

He said he was grilled by investigators for long hours and they would not back off on their assertions he was the killer. Experts said suspects who make false confessions often try to make their investigators happy to get out of an extraordinary situation.

To prevent this sort of injustice, the Japan Federation of Bar Associations has demanded that interrogations be fully videotaped, arguing Japan lags behind the United States, Britain, Australia and many other nations in conducting fair inquiries with defense lawyers in attendance.

Although efforts are now under way within the government to keep up with the global trend, investigative authorities have argued that full recordings would make it hard for them to build trust with suspects and thus get to the truth.

But legal experts believe full recordings of interrogations would help save time in disputes over whether confessions are voluntary.

Those who have experienced closed-door interrogations insist full recordings are necessary to make the investigation process transparent, while arguing more needs to be done to improve the judicial system.

"Japan is a country that tries to hide (rather than determine) the cause when someone is wrongfully convicted," said Shoji Sakurai, 63, who was convicted of a 1967 robbery-murder based on his confession and is awaiting a retrial following his release on parole.

"False confessions are the primary reason behind wrongful accusations in the first place, but in Japan the court, which does not doubt such confessions, is also to blame."

Back in his hometown of Ashikaga, Sugaya has started a new life with a new home. He has long been a convict, but that stigma is about to be cleared.

He has taken on a new role as "a victim of a wrongful accusation," the title on his business cards, and is campaigning nationwide for people who have been wrongfully convicted.

"I was just a normal citizen who had never gotten in trouble with police, but they made me a criminal and sent me to prison," Sugaya said. "An apology does not change that, but I want it (from the court)."

After nearly two decades in the lockup, Sugaya is trying to move on and put the bitter experience behind him. Nishimaki, who supports him now as he tries to resume a normal life, said he continues to have flashbacks of what he went through during the interrogations, but he is trying to live up to the expectations people now have for him.

Even after he experienced so much of the dark side of the world, and things that could not be prevented, he became optimistic in the end because he believes justice will prevail, Nishimaki said.

"So he gets disappointed (when that is not the case). But even so, he has this very strong inner power that enables him to recover, and I think that's why he has been able to keep on going."

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