

# 淡路島5人殺害事件— 妄想症患者的責任能力

Five Murders in Awaii Shima: The Responsibility of Delusional Disorder Patients

黃浥昕 Yi-Hsin Huang 編譯

平成29年(う)第501號殺人,銃砲刀剣類所持等取締法違反 今和2年1月27日 大阪高等裁判所



### 摘

被告因罹患注意力不足過動症而服用利他能,開始出 現妄想症狀,殺害兩戶鄰居共5名長者。一審法院認 為,被告雖因過度服藥而罹患藥劑性精神疾病,惟其 妄想並未嚴重影響其決策與行動,故仍具完全責任能 力。二審法院重新鑑定,認為被告由於妄想症惡化, 在衝動性和攻擊性升高的狀況下導致犯罪,其於犯行 時責任能力顯著減退,相當於心神耗弱的狀態,判處 無期徒刑。

Because of suffering from the attention deficit hyperactivity disorder (ADHD) and having Ritalin, the patient has already had illusions, killing two neighbors including five elders. The court of the first instance was the opinion that

關鍵詞:妄想症(delusional disorder)、責任能力(responsibility)、精神

障礙(mental disturbance)、精神鑑定(psychiatry assessment)

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the illusion the accused suffered from was not so serious to affect his decision-making and behaviors, even though he overdosed and suffered from mental illnesses. Therefore had he the complete responsibility. The court of the second instance referred to the psychiatry assessment once again, being the opinion that the accused's responsibility had degenerated conspicuously because of that the illusion had worsened. The accused committed the crime under the circumstance that the impulse and offensive had arisen. He was mentally infirm at that time and sentenced to the life imprisonment.

### 膏、事實概要

#### 一、事件概要

被告自高中即輟學在家,在2002~2007年間因罹患注意力不足過動症(attention deficit hyperactivity disorder, ADHD)服用利他能(Ritalin)。自2006年其祖父自殺後,被告開始出現有關「精神工學戰爭」的妄想,認為日本政府使用電磁波攻擊自己,本件受害者及鄰居們皆為參與政府陰謀的心理恐怖份子等,對上述人員抱持被害妄想。大約在同時期,被告亦開始以言語脅迫醫師及家人要求服用利他能,因而過度服藥入院治療。2010年因被告在網路上發表毀謗A家族的文章,而被依妨害名譽逮捕後入院接受治療,此段時間都居住在他市,出院後也在外租屋定期回診。2014年初曾短暫就職,但之後因經濟問題不得不於同年9月返回洲本市,父親給予其生活費和米等援助,而被告一人獨居生活。之後被告沉迷於有關「精神工學戰爭」的舉發活動,透過網路購買本件使用的凶器藍波刀作為護身符,並上網閱覽「若是向殺害親人的加害者復仇之情況,刑