

PUBLIC

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UA 125/06      Death penalty/Fear of Imminent Execution/Unfair trial

EGYPT      Ezzat Ali Hanafi (m)  
Hamdi Ali Hanafi (m), his brother

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Brothers Ezzat and Hamdi Ali Hanafi have been sentenced to death after an unfair trial, and could be executed at any time. The sentence has been sent to the supreme religious authority (*Mufti*) for approval. President Hosni Mubarak still has the power to commute the sentence.

Ezzat and Hamdi Ali Hanafi were sentenced to death on 25 September 2005 by the (Emergency) Supreme State Security Court (SSSC), whose procedures fall far short of international fair trial standards. They had been arrested in March 2004 and convicted of using an area of land belonging to the state to grow unspecified "drugs"; when the security forces raided the property, they allegedly offered armed resistance, and took hostages to use as human shields.

The brothers are the first defendants sentenced to death by the SSSC since 1998, according to the Egyptian Organization for Human Rights. Under the Emergency Law, which has been in force in Egypt since 1981, they had no right to appeal against this verdict and could only lodge a petition to quash or reduce the sentence. On 2 May the Deputy Military Governor of Egypt rejected this petition. Under the state of emergency, the Deputy Military Governor is equivalent to President Mubarak's deputy.

Had they been tried before an ordinary criminal court, both defendants would have had the chance to appeal to the Court of Cassation on grounds of procedural irregularity. On a number of occasions the Court of Cassation has ordered retrials for people sentenced to death by courts of first instance.

#### **BACKGROUND INFORMATION**

A nationwide state of emergency was declared in Egypt in 1981, in response to the assassination of President Anwar Sadat. It has been in force continuously ever since; the parliament agreed on 30 April to extend it for a further two years. Amnesty International has for years raised publicly and directly with the Egyptian authorities its concerns regarding the role the state of emergency has played in facilitating and contributing to human rights violations in Egypt, including prolonged detention without charge or trial, torture and other ill-treatment and severe restrictions to the rights to freedom of speech, association and assembly. The emergency legislation has also allowed the trial of certain offences before military courts and the SSSC; these courts allow defendants no access to lawyers, and no right of appeal to a higher court.

All death sentences have to be submitted to office of the *Mufti* for approval, where the majority are approved. They are then passed to the President or his nominee for ratification. In ordinary criminal cases, appeals against final verdicts by criminal courts can be submitted to the Court of Cassation, but only on the grounds of procedural irregularities in the trial. Under emergency laws there is no such a right.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:**

- expressing concern that brothers Ezzat and Hamdi Ali Hanafi are under sentence of death and could be executed at any time;
- explaining that you are opposed to the death penalty in all cases, as a violation of the right to life (as set out in Article 3 of the Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security

of person@), which has never been shown to deter crime more effectively than other punishments, and is brutalizing to all involved in its application;  
- urging the *Mufti* not to approve the death sentences;  
- urging the President to use his constitutional powers to grant clemency and commute this and all other outstanding death sentences;  
- drawing attention to the world trend towards abolishing or reducing the use of the death penalty, in accordance with Article 6 of the International Covenant on Civil and Political Rights, to which Egypt is a state party.

**APPEALS TO:**

H.E. Muhammad Hosni Mubarak  
President of the Arab Republic of Egypt  
'Abedine Palace, Cairo, Egypt  
**Fax:** +20 2 390 1998  
**E-mail:** [webmaster@presidency.gov.eg](mailto:webmaster@presidency.gov.eg)  
**Salutation:** Your Excellency

Counsellor Mahmoud Abu El Lail Rashed  
Minister of Justice, Ministry of Justice  
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**Salutation:** Dear Minister

Mr Ali Gumaa, The Mufti  
Wakf Ministry, Sabri Abou Alam Street  
Bab al-Louk, Cairo, Egypt  
**Fax:** +20 2 392 6155  
**E-mail:** [mawkaf@idsc1.gov.eg](mailto:mawkaf@idsc1.gov.eg)  
**Salutation:** Dear Sir

Counsellor Ahmed Ihab Gamaleldin  
Director of Human Rights & International Humanitarian & Social Affairs  
Ministry of Foreign Affairs, Corniche El Nile Street, Cairo, Egypt  
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**Salutation:** Dear Sir

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and to diplomatic representatives of Egypt accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 19 June 2006.