



HUMAN
RIGHTS
WATCH

“If You Are Afraid for Your Lives, Leave Sinai!”

Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai



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**Egyptian Security Forces and ISIS-Affiliate Abuses in
North Sinai**

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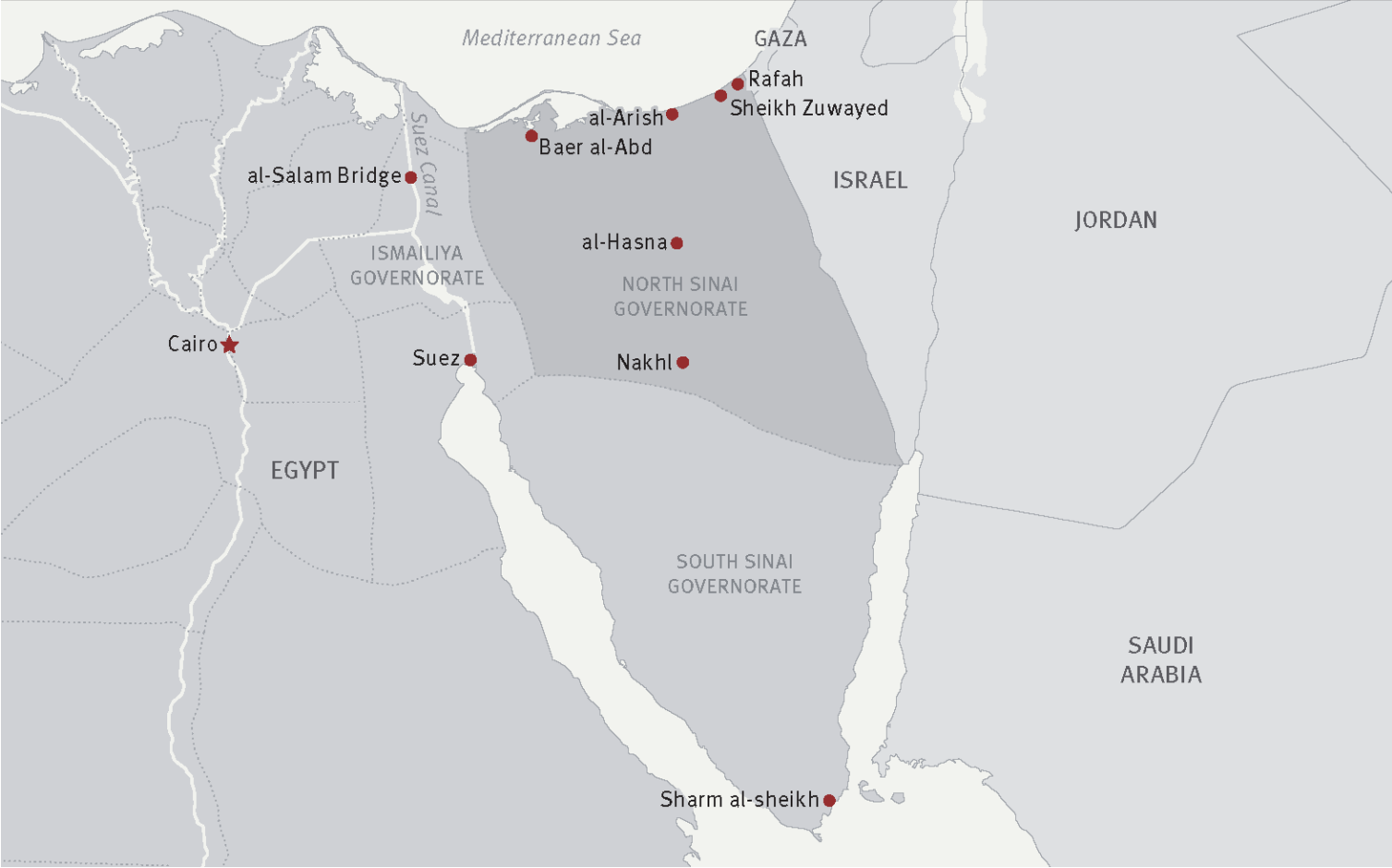
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Map of North Sinai, Egypt

Egypt's North Sinai Governorate



Summary

“Should we carry weapons and work with the militants, or work with the army, or [accept to] live like victims?”

—Sinai resident flogged by ISIS-affiliate militants and later punished by the army, Rafah City, late 2015.

Since 2011, the Egyptian military and police have battled ISIS-affiliated militants in North Sinai governorate. Sparsely populated, and with roughly half-a-million residents, this northern part of the Sinai Peninsula that borders Israel and the Gaza Strip has been a historically marginalized territory, separated from the rest of the country by the Suez Canal. Thousands have been arrested, and hundreds have been disappeared in the past six years since the conflict escalated in 2013. Tens of thousands of residents have been forcibly evicted or fled their homes due to ongoing violence.

This report documents how the Egyptian military and police have carried out systematic and widespread arbitrary arrests—including of children—enforced disappearances, torture, and extrajudicial killings, collective punishment, and forced evictions—abuses it has attempted to conceal through an effective ban on independent reporting. The military has also possibly conducted unlawful air and ground attacks that have killed numerous civilians—including children—and used civilian properties for military purposes. In addition, it has recruited, armed, and directed local militias, which have themselves engaged in serious rights violations, such as torture and arbitrary arrests, often exploiting their position to settle personal scores.

Human Rights Watch has previously documented other abuses in Sinai that are not covered in this report, including unlawful mass destruction of homes and the Egyptian army’s forcible evictions of tens of thousands of residents, with little or no help for temporary accommodation and no judicial recourse.

For their part, hundreds of fighters with the ISIS-affiliate group *Wilayat Sina’*, or Sinai Province, have kidnapped, tortured, and murdered hundreds of Sinai residents. They have beheaded or shot those who disagree with their extreme religious views or whom they

perceive to be government sympathizers, and they have executed scores of captured government security forces, a war crime.

Based on the research done for this report, and previous research Human Rights Watch has published on the situation in Sinai, the report finds that the fight in North Sinai most likely amounts to a non-international armed conflict (NIAC) in which the laws of war apply. The conditions to qualify a situation as a NIAC include severity, intensity, and duration of hostilities, as well as identifiable chains of command for warring parties. Some of the abuses carried out by government forces and the militants, which this report documents, are war crimes, and their widespread and systematic nature could amount to crimes against humanity. Both war crimes and crimes against humanity are not subject to any statute of limitation, and the latter could be prosecuted before international tribunals.

The conflict in North Sinai escalated dramatically after July 2013, when then-Defense Minister Abdel Fattah al-Sisi ousted President Mohamed Morsy, a top Muslim Brotherhood official who had taken office the year before. Since Morsy's removal, which prompted nationwide unrest and a brutal response from the army and police, the government has mobilized tens of thousands of soldiers in the area and used heavy weapons, naval vessels, and military aircraft. It has also imposed a state of emergency and a curfew in most of North Sinai, which quickly became the site of frequent attacks on the military and police.

The Egyptian military presence in Sinai has not been this large seen since the country's 1979 peace treaty with Israel, which strictly limited armed forces in the Sinai Peninsula. However, since 2013, Israel has not only allowed a build-up of Egyptian military presence in the area beyond the treaty stipulations, but also according to media reports and official statements, aided the Egyptian government forces and probably participated in airstrikes against ISIS-affiliated militants.

As the conflict has ground on, the toll on local residents has grown. Independent media estimates indicate that at least hundreds of civilians have been killed and injured by all sides since July 2013. Formerly inhabited parts of North Sinai have turned into ghost towns, abandoned by residents fearful of more violence or being forcibly evicted by the army.

Governments have an obligation to protect inhabitants of their territories from harm and protect their right to life. They and all parties to a conflict are also obliged to comply with international law. As the United Nations has repeatedly warned and Human Rights Watch has repeatedly documented, not only are abusive counterterrorism measures unlawful, they are also often counterproductive, alienating the very local communities they are allegedly protecting and generating support for extremist and armed groups.

Human Rights Watch calls on the Egyptian authorities to protect civilians and uphold its obligations under the international laws of war and local and international human rights laws. The United Nations Human Rights Council and the African Commission on Human and Peoples' Rights should also open a commission of inquiry into abuses by all parties to the conflict in the North Sinai, including the Egyptian authorities, their armed forces and their irregular militias, and Sinai Province group. In addition, UN member states should suspend assistance to the Egyptian military and the police, as long as they carry out widespread and serious violations of human rights and international humanitarian law and fail to hold those responsible for violations accountable. Governments currently transferring weapons to Egypt, including the United States, United Kingdom, and France, have a responsibility to monitor how the arms they export are being used. When they continue to supply arms and other assistance knowing this support is significantly contributing to serious abuses, they may risk being complicit in these violations as well.

Government Abuses

Mass Arrests and Enforced Disappearances

Since the escalation of the military campaigns in North Sinai in the summer of 2013, security forces have arrested thousands of residents, many of whom were probably arbitrarily arrested. Regular arbitrary arrest campaigns are part of daily life in areas where militants have been most active, residents said, including the cities of Rafah, Sheikh Zuwayed, al-Arish, and their surrounding villages in the northeast.

According to locals who spoke to Human Rights Watch, the police and military treated residents of these areas with automatic suspicion. They said that soldiers, sometimes accompanied by Interior Ministry police forces and army-sponsored militia members, traveling in convoys of armored vehicles, regularly cordoned off neighborhoods and moved

from house to house, asking for men by name or arresting whoever happened to be present.

In no case that Human Rights Watch documented did authorities present a warrant or tell residents why they were making arrests, witnesses said. Typically, arresting officers said they would take someone for routine questioning and return them shortly. In reality, most people who have been arrested have been detained for long periods, sometimes years.

Human Rights Watch documented 50 cases of local residents arbitrarily arrested by government security forces. In 39 of these cases, authorities likely forcibly disappeared them. Of those forcibly disappeared, 14 have been missing for at least three years. In none of these cases did prosecutors investigate the disappearance or subsequent alleged torture of detainees. In one case, a young man, whom the army forcibly disappeared for months before moving him to an official prison outside the Sinai, told the prosecutor interrogating him about his months-long disappearance and ill-treatment. He said the prosecutor responded: “Consider it the price you pay for the sake of the homeland.”

Extrajudicial Killings and Killings at Checkpoints

Human Rights Watch documented 14 cases of extrajudicial killing of detainees in North Sinai, in addition to at least six cases that Human Rights Watch published prior to this report. In one case, the military arrested two brothers from their home in al-Arish, the capital of the governorate, in February 2015, and took them to Battalion 101, the largest military base in North Sinai. Two days later, one of the detained men’s relatives said he received word that bodies had been discovered by the road near the entrance to al-Raysan, a remote village south of al-Arish. When the relative arrived there, he said he found vehicle tracks and the bodies of the two men, one with bullet wounds to the back and face, and the other to the head. The next day, detainees who had just been released from Battalion 101 came to offer their condolences and told the relative that soldiers had taken the two brothers out of their cell on the morning of their death and loaded them into a convoy of Humvees.

All the main roads in North Sinai are tightly controlled by dozens of army checkpoints and military installations. Witnesses told Human Rights Watch that soldiers at the checkpoints sometimes shot at approaching individuals and civilian vehicles that posed no apparent

security threat. Human Rights Watch documented three of these likely unlawful killings. Witnesses also described how the curfew imposed in North Sinai since October 2014 did not allow emergency medical aid to be provided. Even outside curfew hours, ambulances took a long time to arrive at their intended destination because of delays at army and police checkpoints.

Ill-Treatment, Torture, and Death in Detention

The military detained most of those arrested in North Sinai at three sites: Battalion 101, located in al-Arish; Camp al-Zohor, a converted youth and sports center in Sheikh Zuwayed; and al-Azoly, a military prison inside Al-Galaa Military Base, the headquarters of the Second Field Army in the Suez Canal city of Ismailia. Residents arrested by the police are typically transferred to the North Sinai governorate headquarters of the Interior Ministry's National Security Agency, also in al-Arish.

Far removed from any judicial oversight, detainees at these sites lack basic rights and sometimes are subject to abuse. In this report, Human Rights Watch documented 10 cases in which detainees or their relatives said they had been physically abused, including by beatings and electric shocks, almost always by soldiers in uniform. They described how this abuse, which in many cases appeared to amount to torture, occurred while they were forcibly disappeared—i.e., when their detention was kept secret from relatives or lawyers—and kept in overcrowded cells without adequate food, clothing, clean water, or healthcare.

Former detainees described seeing children as young as 12 detained in these conditions with adults. Very few of the former detainees, whose time in custody ranged from weeks to months, were ever charged or appeared before prosecutors, as Egyptian law requires. Those who did only saw prosecutors after authorities transferred them to official detention facilities outside the Sinai or to military courts inside Al-Galaa Military Base for trial. Due to fear of being re-arrested and tortured—and possibly being extrajudicially killed—no former detainees have filed a complaint with the authorities about their treatment.

Former detainees said they witnessed the death of three other detainees in custody because of ill-treatment and lack of medical care.

Interviewees said that some military officers working in North Sinai torture detainees until they supply interrogators with the identities of so-called “terrorists” or “*takfiris*,” the Arabic word for extremists who believe in excommunicating fellow Muslims and which the Egyptian authorities use broadly to describe all militants.

One man detained in Camp al-Zohor recalled the words of an interrogator who seemed to admit that the military’s brutal tactics yielded deadly mistakes. “It’s true that in army [detention] some people are taken wrongly, and others die,” the interrogator said. “But we also fight *takfiris*, and arrest [many] of them.”

Role of Pro-Government Militias

This report also documents the role of pro-government militias in North Sinai. Not long after the conflict began, the army, which had not operated in North Sinai for decades and lacked local intelligence, began recruiting local residents into an irregular militia, unregulated by official decrees or laws, which has since played a substantial role in abuses.

Called *manadeeb* (delegates) by the authorities and *gawasees* (spies) or “Battalion 103”—a play on the name of the Battalion 101 military base—by North Sinai residents, these militias perform a function that blends intelligence gathering with police action. Despite their irregular status, they have de-facto arrest powers and operate under the direction and command of the military, which gives them uniforms, weapons, money, and often a place to live on military bases. Militia members are decisive figures in army arrest campaigns, which they often exploit to settle personal disputes or to further business interests, residents said.

“They turn people in and that’s it,” including “anyone who pesters them or who they’re annoyed with,” a former army officer, who served in North Sinai, told Human Rights Watch.

The militias function almost completely outside the law. Sometimes, militia members themselves have apparently carried out the worst abuses. In April 2017, a Turkey-based satellite channel opposed to the Egyptian government aired a leaked video, apparently filmed by a soldier, of a militia member interrogating and then executing two young male detainees in an empty field. Human Rights Watch determined through several Sinai

residents that the video was authentic. A military intelligence officer could be seen on the video supervising the executions while other soldiers watched.

The exact size and composition of the militias are unknown, but many of those interviewed by Human Rights Watch said it was common to see militia members—easily recognized by their ragtag informal uniforms of army-issued camouflage clothes, sometimes paired with flip-flops, and their face-covering scarves and local accents—accompanying army convoys and identifying individuals for arrest. Residents told Human Rights Watch that the army paid militia members well and appeared to recruit men who had criminal backgrounds.

“Most of the group members are known and have *sawabiq* (criminal records) or were *baltageya* (thugs),” a resident told Human Rights Watch. “And most of them are looked down on because of [drug] addiction, [or] because their tribes renounced them due to their past criminal behavior. So, they couldn’t find a safer refuge than the military cover they’re working through.”

North Sinai residents spoke of altercations with militia members that led to arrests. One woman from Rafah whose father the army forcibly disappeared in 2014 said a militia member came to her home shortly after her father put up an electricity pole in front of the house. She said:

The militia member said, ‘You can’t put that here,’ and they had an argument in the street ... My father told him, ‘I’ll complain about you to the army,’ and [he] started laughing loudly and said to my father, ‘If you open your mouth, I’ll take you to the army from your home.’ And two days after the argument, we found a convoy of Humvees and armored vehicles enter the neighborhood and come to our home.

Likely due to the poor reputation of the militias, residents also said that in a few cases, the army distributed “unofficial” pamphlets in North Sinai towns distancing the armed forces from one or several militia members and saying they would punish them. However, Human Rights Watch found no evidence of abusive militia members being held to account.

Possible Unlawful Air and Ground Attacks

The army has never acknowledged that any civilian casualties have occurred in North Sinai. Without access to the governorate, it is challenging for human rights groups or independent media to assess the humanitarian impact of air and artillery attacks, whether committed by Egypt, Israel, or the militants. But several accounts given to Human Rights Watch suggest that the Egyptian military is not taking feasible precautions to avoid and minimize harm to civilians while conducting its operations.

The report documents several incidents in which residents said that, to their knowledge, there were no military targets or clashes around their homes when the army used various air or ground-delivered weapons which caused possible civilian casualties and damaged or destroyed civilian homes and infrastructure.

One woman described how an army convoy transporting ammunition to a checkpoint entered her neighborhood in Sheikh Zuwayed in October 2015 and began to exchange fire with militants about 500 meters from her house. As she took cover, holding her two teenage daughters, a projectile struck her house and exploded. She said:

It's a hard feeling, getting shot at while your daughters are in your lap. You don't know your fate or theirs or what to do, and they're screaming, and you can't protect them from the shooting.... The blood is the last thing I remember, and the sound of screaming, me and my daughters.

The woman was knocked unconscious and woke up in the hospital, where she later learned that her daughters had died by the time rescuers pulled their bodies from the rubble of her house. She blamed the Egyptian army for the attack, saying the militants were not using weapons capable of firing projectiles powerful enough to have done such damage to her house.

ISIS-Affiliate Sinai Province Group Abuses

The local ISIS affiliate in North Sinai, *Wilayat Sina'* (Sinai Province), has taken root in the northeast and committed horrific crimes, said interviewees, including kidnapping scores of residents and security force members and extrajudicially executing some.

Sinai Province's indiscriminate attacks, such as using improvised explosive devices (IEDs) in populated areas, have killed hundreds of civilians and led to forced displacement of local residents. The group has also deliberately attacked civilians, including claiming responsibility for the October 2015 bombing of Metrojet Flight 9268, which exploded after taking off from the Sinai resort town of Sharm al-Sheikh, killing all 224 passengers and crew. Sinai Province fighters were probably also responsible for a November 2017 attack on worshippers at al-Rawda Mosque in North Sinai that killed at least 311 people, including children, probably the deadliest violent attack by an armed group in Egypt's history.

In areas in Rafah and Sheikh Zuwayed, the group established its own Sharia (Islamic law) courts that oversaw unfair "trials" and set up its own checkpoints that conducted regular policing and *Hisba* (enforcement of certain Islamic rules). This included instructing women not to leave their houses alone and to cover their bodies and faces when they went out. Attacks on Christian residents in al-Arish that resembled ISIS attacks elsewhere in the Middle East have forced all Christian families to leave their homes and flee Sinai.

Recommendations

To the Egyptian Government and the Egyptian Army

- Allow independent humanitarian and relief groups to conduct operations in Sinai, including the Egyptian Red Crescent and the International Committee of the Red Cross (ICRC).
- Lift unlawful restrictions on movement of Sinai residents and commercial activities and ensure that remedies are offered to residents affected by necessary restrictions.
- Order immediate investigations and prosecutions, in compliance with international fair trial standards, of members of the government security forces and the pro-government militias involved in abuses.
- Release all detainees who are held without evidence of wrongdoing and promptly bring those charged before civilian courts and guarantee fair trials and due process in all cases.
- Move all detainees immediately to official prisons. Shut down all unofficial detention centers, particularly al-Azoly prison, and bring all detention sites under judicial supervision and all detention conditions in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- Establish a transparent, independent redress mechanism for detainees who committed no wrongdoing and for families who have been forcibly evicted, whose property was damaged or destroyed during conflict, or whose relative was injured or killed unlawfully.
- Establish a committee, which includes effective representation of Sinai communities, to study and supervise remedies for the return of families displaced from conflict areas as soon as possible.
- Release children in detention. Do not prosecute children unless as a last resort and in accordance with international juvenile justice standards.
- Invite and accept requests for visits by UN Special Procedure mechanisms to the Sinai, provide them with unhindered access, and ensure that no reprisals are committed against individuals who cooperate with them.
- Transparently investigate incidents in which strikes conducted by the Egyptian military have led to civilian casualties. Communicate the results of such

- investigations to civilian victims and their relatives and offer monetary compensations and non-monetary acknowledgements of the harm done, such as apologies, regardless of lawfulness of the attack that caused the harm.
- Ensure, through military academy curricula and further courses, that military officers and soldiers are educated on the principles of international humanitarian law and comply with these obligations as part of their professional duties.

To the Egyptian Parliament

- Amend Law 25 of 1966 for the Military Code of Justice to clearly establish the rights of detainees in military detention and the treatment of civilians at times of armed conflicts according to international standards.
- Amend the Emergency Law to bring judicial supervision over all security measures and remove the unchecked, non-constitutional powers given to security forces.
- Thoroughly revise or revoke Law 94 of 2015 for Countering Terrorism to remove officers' impunity and narrow the definition of terrorism and otherwise comply with international norms.
- Call for public hearing sessions at the parliament for North Sinai residents and activists to explain their grievances and present their demands.

To the Ministry of Justice and Egypt's Prosecutor General Office

- The Ministry of Justice should launch an independent investigation into the failure of prosecutors in Sinai to investigate abuses by security forces and militant groups. Prosecutors found negligent should be disciplined as appropriate by their own professional body.
- The Ministry of Justice should immediately commission an independent investigation, comprising Sinai activists, human rights defenders, civil society representatives, and law professors, to proactively seek, receive, and transparently review evidence of abuses by security forces and militant groups in Sinai. The victims of abuses and their relatives should be allowed access to information and be involved in the investigation.
- Order prosecutors to immediately visit secret sites of detention reported by witnesses in the Sinai and order them shut down or their conversion to official prisons if appropriate.

To the National Council of Human Rights

- Establish a permanent office in North Sinai to receive complaints and investigate them promptly and to monitor discrimination against North Sinai people. Publish the findings of the council's work on Sinai regularly.

To the Israeli Government

- Publicly announce the nature of the involvement of Israeli forces in the North Sinai conflict.
- Transparently investigate incidents in which strikes conducted by the Israeli military have led to civilian casualties. Communicate the results of such investigations to civilian victims and their relatives and offer monetary compensations and non-monetary acknowledgements of the harm done, such as apologies, regardless of lawfulness of the attack that caused the harm.

To All Parties to the Conflict, including the Self-Declared Sinai Province Militants

- Take all feasible measures to protect civilians, in accordance with international humanitarian law, during any military ground and air campaigns.
- In areas where a non-state party to the conflict serves as the de-facto governing force, take all feasible measures to protect without discrimination the rights of all inhabitants and ensure all civilians' basic needs are met.

To the United States Administration

- Halt all military and security assistance to Egypt and condition its resumption on concrete improvement of human rights, including an independent investigation into and prosecutions of perpetrators of serious violations, including war crimes, in North Sinai.
- Investigate and release a public report on use of US weapons and/or equipment in the serious abuses in Sinai, including those documented in this report as well as by other credible organizations and independent media outlets.
- Conduct an official review of goals, objectives, and effectiveness of joint military exercises, including Egypt's participation in all multilateral military exercises to

prepare Egypt's military to combat the threat from the ISIS-affiliate Sinai Province, and ensure that civilian casualty minimization is incorporated into all efforts.

- Ensure the US Embassy country team in Egypt conducts a thorough and comprehensive human rights vet for all Egyptian military units that receive US security assistance or training and operate in the Sinai Peninsula. Ensure that all offices and personnel tasked with ensuring compliance under the Leahy Law at the Departments of State, Defense, and US Central Command have a clear understanding of their mandate and adequate funding.
- Impose visa bans and asset freezes pursuant to the Global Magnitsky Accountability Act of 2016 and Executive Order 13818 on all Egyptian security officials found to be complicit in gross human rights violations in the Sinai.
- Urge Egyptian authorities to open Sinai and allow consistent access to independent journalists and observers as well as to US officials, including congressional delegations.

To the US Congress

- If the US executive branch fails to halt all military and security assistance to Egypt, Congress should legislate accordingly to remove the option of a national security waiver that enables the administration to circumvent congressional human rights conditions on US assistance.
- Request an updated Government Accountability Office report looking at end-use monitoring of US weapons and equipment in Egypt; ensure all future assistance to the Egyptian government is conditioned on the implementation of proper and effective end-using monitoring mechanisms.
- Ensure that all offices tasked with ensuring compliance under the Leahy Law at the Departments of State and Defense have adequate funding and staff.
- Conduct oversight hearings in relevant congressional committees, such as foreign relations and appropriations committees, to gain a better understanding of US support for Egypt's military operations in Sinai, including allegations of serious violations, including war crimes, documented in this report.
- Urge Egyptian authorities to immediately open Sinai and allow consistent access to independent journalists and observers as well as to US officials, including congressional delegations.

To All Egypt's International Partners

- Halt all military and security assistance to Egypt and condition its resumption on evidence of an end to serious violations, including war crimes in North Sinai, and credible steps to investigate and prosecute such crimes.
- European Union member states in particular should uphold the August 21, 2013 Foreign Affairs Council decision of halting arms transfers to Egypt and revising all such licenses.
- Ensure proper and effective end-using monitoring mechanisms of any future assistance offered to the Egyptian government.
- Pressure Egyptian authorities to immediately open Sinai to independent journalists and observers and humanitarian aid groups.
- Under the principle of universal jurisdiction and in accordance with national laws, investigate and, where appropriate, prosecute individuals implicated in serious crimes under international law.

To the UN Human Rights Council, Special Rapporteurs, Security Council Bodies, and Office of Counter-Terrorism

- The UN Human Rights Council should establish an international investigation into violations and abuses committed by all parties to the conflict in North Sinai, including senior Egyptian officials and government security forces, pro-government militias, and Sinai Province militants. The investigation should also include the Office of the Prosecutor General for its failure to hold perpetrators accountable.
- Special Procedures mechanisms should request to conduct visits to Egypt, including North Sinai, particularly the Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism; extrajudicial, summary, or arbitrary executions; torture and other cruel, inhuman or degrading treatment or punishment; the right to development; and the UN Working Groups on enforced or involuntary disappearances and on arbitrary detention.
- The Security Council Counterterrorism Committee, the Counterterrorism Committee Executive Directorate, and the Office of Counter-Terrorism should request to visit areas of Egypt, including North Sinai, for meetings with all parties, including civil society members, and briefings by Egyptian officials, and submit reports on their findings to the UN Security Council and Secretary-General António Guterres. Such

reporting, including by the Office, should highlight the nationwide use of counterterrorism operations by the government to bypass international and domestic laws aimed at safeguarding human rights. The Office should report details of specific cases of abuse and, where there is sufficient evidence, name individual officials linked to human rights abuses in countering terrorism for further investigation and possible prosecution.

To the African Union and the African Commission on Human and Peoples' Rights

- Member states of the African Commission on Human and Peoples' Rights should adopt a resolution condemning abuses by all parties to the conflict in North Sinai. The commission should hold the Government of Egypt to account regarding Egypt's failure to promote and protect human rights in North Sinai.
- The Peace and Security Council of the African Union should place Egypt on its agenda and periodically review the situation of human rights in the country, particularly in North Sinai.
- The Peace and Security Council should also review all military and security arrangements with Egypt, impose an embargo on all arms exports to the Egyptian army, and halt all security trainings with Egyptian security forces and condition their resumption on evidence of an end to serious violations in North Sinai, including war crimes and taking credible steps to investigate and prosecute such crimes.
- The Working Group on Indigenous Populations/Communities in Africa should request to visit Egypt, including North Sinai, to examine the question of indigenous communities in North Sinai and the decades-long marginalization and recent dispossession and forced evictions.
- The following special mechanisms should request to visit Egypt and produce reports of their findings regarding the situation in North Sinai: the Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa; the Special Rapporteur on Prisons, Conditions of Detention and Policing; the Special Rapporteur on Freedom of Expression and Access to Information; and the Committee for the Prevention of Torture in Africa. These special mechanisms should work in close collaboration with the UN Special procedures and the UN Human Rights Council.

Methodology

The Egyptian army severely restricts independent organizations, especially media and human rights groups, from traveling to North Sinai governorate. Human Rights Watch is aware of at least three journalists whom the army and its military prosecution have arrested and charged for their work on Sinai. One of them, Ismail Alexandrani, received a ten-year sentence from a military court in May 2018. In the same case, a Sinai resident received a ten-year sentence because he administrated a Facebook page where he published information on Sinai.

From April 2016 to April 2018, Human Rights Watch interviewed 54 North Sinai residents, several Sinai activists, a former Egyptian government official who worked in North Sinai, two former Egyptian army officers and a former soldier who were deployed in Sinai, and a former United States national security official involved in US policymaking on Egypt who also had discussions with Egyptian officials about Sinai. Human Rights Watch also interviewed several journalists who covered Sinai in recent years. Of the 54 interviews conducted with residents, 14 focused on abuses by Sinai Province militants. Human Rights Watch conducted all of the interviews in Arabic, with the exception of the former US official. Researchers informed interviewees of the purpose of the interview, the ways the data they collected would be used, and gave interviewees an assurance of anonymity. This report uses pseudonyms for all interviewees unless otherwise stated. In certain cases, we have withheld other identifying information to protect the privacy and security of interviewees. None of the interviewees received financial or other incentives for speaking with Human Rights Watch. Some of the interviews were conducted remotely through different calling and texting platforms, and others were conducted face-to-face both inside and outside Egypt.

The interviews done for this report covered violations and incidents that occurred mainly between 2015 and 2017 but some incidents documented occurred as early as July 2013 and as late as June 2018.

In several cases, Human Rights Watch researchers were able to review medical and legal documents that victims or their families provided to them in order to cross-check victims' accounts against official statements, as well as photographs and video footage the

Egyptian army or government and pro-government newspapers have published on the situation in Sinai. Human Rights Watch also analyzed a number of videos that appeared on different social media platforms that publish images, videos, and local commentary from Sinai, as well as dozens of news articles, analytical pieces, and social media posts by well-known Sinai activists and officials in English and Arabic. Human Rights Watch also conducted several media reviews of reports published on Sinai by four Egyptian newspapers of civilian casualties resulting from air and ground strikes or gunfire in Sinai.¹

Human Rights Watch also analyzed over 50 satellite images recorded between January 2013 and May 2018 to assess allegations of indiscriminate bombardment, monitor the construction of military bases, quantify building demolition, verify witness testimony, and validate videos and photographs shared through social media.

Human Rights Watch reviewed official statements, including by President Abdel Fattah al-Sisi, the army spokesperson, North Sinai governors, and other officials from different government entities. Human Rights Watch also reviewed written and video statements released by the Sinai Province militant group. Human Rights Watch reviewed a government-sponsored report on the government's counterterrorism operations in Sinai, co-drafted by an Egyptian judge, and released by the State Information Service in July 2018. Human Rights Watch also reviewed brief recommendations on the situation in North Sinai that were included in two annual reports (2015-2016) by the government-sponsored National Council for Human Rights.

Human Rights Watch sent letters to the office of the cabinet, the minister of defense, the official spokesperson of the Defense Ministry, the Foreign Ministry, and the State Information Service on November 27, 2018, as well as to the North Sinai Governor on May 10, 2018, with detailed questions that cover all the patterns of abuses documented but received no response (See Appendices I and II). Human Rights Watch sent the same letters again to the Embassy of Egypt in Washington, DC, on January 10. Human Rights Watch also sent letters to the Israeli government on January 14, 2019 inquiring about the nature of Israeli military involvement in North Sinai, its reported carrying out of airstrikes in the area, and its existing mechanisms to investigate incidents that led to civilian casualties in Egypt

¹ The newspapers are: Al-Ahram, Youm7, al-Shorouk, and Al-Masry al-Youm.

(See Appendix III). Any response received after publishing the report will be published on Human Rights Watch’s website.

While working on this report, Human Rights Watch has separately documented and published the findings of at least six cases of extrajudicial killings in North Sinai in two separate news releases.² Human Rights Watch has previously documented in two reports in 2015 and again in early 2018 the unlawful demolitions of thousands of homes and farm areas by the army in Sinai.³ In 2018 Human Rights Watch also documented the difficult humanitarian situation in most of North Sinai resulting from severe army restrictions on the movement of people and the flow of goods.⁴

² “Egypt: Possible Extrajudicial Killings in Sinai,” Human Rights Watch news release, March 16, 2017, <https://www.hrw.org/news/2017/03/16/egypt-possible-extrajudicial-killings-sinai> and “Egypt: Videos Show Army Executions in Sinai,” Human Rights Watch news release, April 21, 2017, <https://www.hrw.org/news/2017/04/21/egypt-videos-show-army-executions-sinai>.

³ Human Rights Watch, *“Look for Another Homeland”: Forced Evictions in Egypt’s Rafah*, September 22, 2015, <https://www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypts-rafah> and “Egypt: Army Intensifies Sinai Home Demolitions,” Human Rights Watch news release, May 22, 2018, <https://www.hrw.org/news/2018/05/22/egypt-army-intensifies-sinai-home-demolitions>.

⁴ “Egypt: Looming Humanitarian Crisis in Sinai,” Human Rights Watch news release, April 23, 2018, <https://www.hrw.org/news/2018/04/23/egypt-looming-humanitarian-crisis-sinai>.

I. Background

North Sinai Conflict in Numbers

At least 3,076 alleged militants and 1,226 army and police personnel have been killed between January 2014 and June 2018 in North Sinai, according to the Washington-based Tahrir Institute for Middle East Policy, which compiles casualty numbers from the conflict in North Sinai based on government statements and media reports.⁵

The institute's data show marked discrepancies in the numbers of security forces casualties that the Egyptian army spokesperson has reported and those reported in Egyptian newspapers. According to the institute's data, security forces have arrested more than 12,000 people in its ongoing military campaigns in North Sinai from July 2013 to the end of 2018.

The North Sinai conflict has taken a heavy toll on civilians, yet the government has never publicly provided civilian casualty figures. According to official army statements, security forces arrested over 5,300 suspects and fugitives in just the single year that followed the beginning of "Sinai 2018" military campaign.⁶ The army has not disclosed how many of those arrested have been sent to trial or released after initial accusations.

The government has not publicly acknowledged a single case of mistaken arrest or wrongful death despite substantial documentation of the military's arbitrary mass arrests and use of enforced disappearances and extrajudicial killings in Sinai. In January 2018, President al-Sisi denied any wrongdoing committed by security forces. However, in a rare but undetailed statement, al-Sisi said that the government was compensating families of those who "fell by mistake."⁷ During the research for this report, Human Rights Watch interviewed some families who received government compensations in an opaque process

⁵ See "Egypt Security Watch," The Tahrir Institute for Middle East Policy, <https://timep.org/esw/> (accessed January 29, 2019).

⁶ The Egyptian Front For Human Rights, "Between Death and Siege: An Overview of Sinai Resident's Situation During One Year Since the Beginning of the Comprehensive Campaign Sinai 2018," January 24, 2019, <https://egyptianfront.org/ar/2019/01/comprehensive-operation-sinai2018/> (accessed February 2, 2019).

⁷ DMC Youtube Channel, "A Tale of A Homeland – President Sisi: Arish Airport Must Resume Functioning Without Threats, Help Us or Help Us," January 19, 2018, <https://www.youtube.com/watch?v=YMZUifCM5w4> (accessed December 19, 2018).

entirely overseen by the army for having been affected by airstrike or ground shelling attacks.

In 2018, the independent news website Mada Masr said it obtained a government study from the Ministry of Social Solidarity showing that 621 civilians were killed and 1,247 injured as a result of gunfire and shelling from an “unknown source” between July 2013 and Mid-2017.⁸ Sinai residents and activists who spoke with Human Rights Watch for this report said that “unknown source” was the only description allowed for relatives of killed and injured civilians who reported casualty incidents to local authorities, when the source responsible was actually government forces.⁹

According to a separate media review by Human Rights Watch of news reports on Sinai from January 2015 to June 2018, Egyptian private and government newspapers reported that over 100 residents were killed and over 300 others injured in North Sinai by gunfire from an “unknown source.” The casualties reported included over 80 women and more than 60 children. The review also showed that newspapers reported over 100 residents were killed and over 250 injured due to “shelling by an unknown source.” This included over 70 women and more than 100 children.

Roots of the North Sinai Conflict

Several factors seem to have affected the development of the Islamist insurgency in North Sinai, including Israel’s decades-old occupation of Palestinian territory, regional dynamics such as the United States’ 2003 invasion of Iraq, and North Sinai’s history of neglect and oppression by Egypt’s central government.¹⁰

⁸ Murad Hegazy, “Sinai Residents: Between ‘Brute Force’ and Threat of Displacement Because of the ‘Airport Cordon,’” *Mada Masr*, February 6, 2018, <https://madasr.com/ar/2018/02/06/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%A3%D9%87%D8%A7%D9%84%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D9%8A%D8%B4-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D9%82%D9%88%D8%A9-%D8%A7%D9%84%D8%BA%D8%A7%D8%B4%D9%85%D8%A9-%D9%88%D8%B4%D8%A8%D8%AD/> (accessed February 20, 2019).

⁹ Human Rights Watch interviews with 54 Sinai residents and several activists and journalists, April 2016 to April 2018.

¹⁰ Bedouin people who live in the Sinai now are descendants of tribes that migrated out of what is now Saudi Arabia centuries ago. The Sinai’s eastern border became official only in 1906, when the Ottoman Empire and Egypt—then a British protectorate—divided their territories along a line that essentially mirrors the modern-day border between Egypt and Israel. See: Clinton Bailey, “Dating the Arrival of the Bedouin Tribes in Sinai and the Negev,” *Journal of the Economic and Social History of the Orient*, Vol. 28, No. 1 (1985), pp. 20-49 and State Department Bureau of Intelligence and Research, Office of the Geographer, “Israel – Egypt (United Arab Republic) Boundary,” *International Boundary Study No. 46*, April 1, 1965.

The group that presaged North Sinai's contemporary militants was *al-Tawhid wal-Jihad* (Monotheism and Holy War). The group recruited most of its members from Sheikh Zuwayed, in North Sinai, and its surrounding villages, where many residents lacked employment and had long ago grown accustomed to being forgotten by the government.¹¹ The local movement shared its name with the powerful militant group founded by Abu Mus'ab al-Zarqawi that would later become Al-Qaeda in Iraq.¹²

In 2004, in its first major act of violence, *al-Tawhid wal-Jihad* bombed resorts in Taba, Ras al-Shetan, and Nuweiba, along the South Sinai coast, long popular with Israeli tourists, killing 34 people.¹³ In response, Egyptian Interior Ministry forces swept through Sinai villages, breaking into homes and arbitrarily arresting hundreds of men—by some estimates up to 3,000.¹⁴ In nearly every case, arresting officers produced no warrants, detained suspects without informing their families or lawyers about their whereabouts—sometimes for years—and tortured those they held in custody.¹⁵ This harsh campaign only worsened grievances against the government.

On July 23, 2005, the anniversary of Egypt's 1952 revolution, three bombs exploded in the Sinai's main resort town, Sharm al-Sheikh, where then-President Hosni Mubarak's family owned five villas, killing at least 88 people.¹⁶ Militants killed at least 30 people the next year, on April 24, 2006, on the eve of the anniversary of Israel's withdrawal from Sinai, when more bombings struck Dahab, another South Sinai resort town.¹⁷

Authorities responded swiftly and violently. By the end of 2006, they claimed to have killed all of the bombing conspirators, as well as the leaders of *al-Tawhid wal-Jihad*, and to

¹¹ Mohannad Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, Cairo: AUC Press, 2015, p. 9.

¹² United States Department of State, "Foreign Terrorist Organization: Designation of Jama'at al-Tawhid wa'al-Jihad and Aliases," October 15, 2004, <https://2001-2009.state.gov/r/pa/prs/ps/2004/37130.htm> (accessed January 28, 2018).

¹³ Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, p. 1 and Conal Urquhart, "Dozens Killed in Bomb Blasts at Sinai Resort," *The Guardian*, October 8, 2004, <https://www.theguardian.com/world/2004/oct/08/israel.travelnews> (accessed January 28, 2018).

¹⁴ Human Rights Watch, *Egypt—Mass Arrests and Torture in Sinai*, vol. 17 no.3 (E), February 2005, <https://www.hrw.org/sites/default/files/reports/egypt2005.pdf>.

¹⁵ *Ibid.*

¹⁶ Mark Willacy, "Police question dozens over Egypt bombings," ABC, July 25, 2005, <http://www.abc.net.au/news/2005-07-25/police-question-dozens-over-egypt-bombings/2065592> (accessed January 28, 2018).

¹⁷ Michael Slackman, "30 Are Killed in Sinai as Bombs Rock Egyptian Resort City," *The New York Times*, April 25, 2006, <http://www.nytimes.com/2006/04/25/world/middleeast/25egypt.html> (accessed January 28, 2018).

have arrested many other group members.¹⁸ From the authorities' point of view, the harsh response seemed to pay off: for several years, there were no more attacks.

Yet serious problems endured. Smuggling across the Gaza Strip, a major source of employment in the underdeveloped Sinai for decades, boomed after the Palestinian political movement Hamas seized control in Gaza in 2007, and Israel and Egypt responded with a near-total blockade.¹⁹ Sinai clans, with extended families living on both sides of the border, smuggled a variety of goods—including food, fuel, construction materials, and weapons—into Gaza at an increasing rate throughout the late 2000s.²⁰ Many smuggling tunnels began inside homes and gardens on the Egyptian side of Rafah, a town which straddles the border, making their destruction difficult.²¹ Many also functioned with the tacit approval of Egyptian authorities, who often sought bribes for allowing them to operate.²²

By the late 2000s, many observers and government officials in Egypt recognized that the economic and social situation in Sinai needed attention.²³

A lawmaker from one of Sinai's clans said that lack of jobs forced people to take up illegal activities, such as smuggling.²⁴ Even a local member of Mubarak's own National Democratic Party said that Egypt's central government would never be able to properly develop North Sinai as long as authorities treated it as a "security zone," appointed former military and Interior Ministry generals to run its affairs, and denied its residents various

¹⁸ Ibid.

¹⁹ Marwa Awad, "Egypt's Bedouin smugglers ply arms trade to Gaza," Reuters, December 15, 2010 <https://www.reuters.com/article/uk-egypt-sinai-arms-feature/egypts-bedouin-smugglers-ply-arms-trade-to-gaza-idUKTRE6BE30S2o101215?pageNumber=2> (accessed January 29, 2018).

²⁰ Ibid.

²¹ Margaret Scobey, "Ambassador Visits the Gaza Border; Rafah Crossing Closed, Border Calm," WikiLeaks, July 17, 2008, https://search.wikileaks.org/plusd/cables/o8CAIRO1516_a.html (accessed January 29, 2018).

²² International Crisis Group, "Egypt's Sinai Question," Middle East/North Africa Report Number 61, January 30, 2007, p. 7, <https://www.crisisgroup.org/middle-east-north-africa/north-africa/egypt/egypt-s-sinai-question> (accessed January 29, 2018).

²³ Sarah Nour, "Developing Sinai: Plans that Didn't See Light," *Mada Masr*, April 25, 2018, <http://www.masralarabia.com/%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9-%D8%A7%D9%84%D8%B3%D9%A%D8%A7%D8%B3%D9%8A%D8%A9/1475389-%D8%AA%D9%86%D9%85%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D8%AE%D8%B7%D8%B7-%D9%84%D9%85-%D8%AA%D8%B1-%D8%A7%D9%84%D9%86%D9%88%D8%B1> (accessed October 30, 2018).

²⁴ Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, p.13.

rights and opportunities afforded to mainland Egyptians, such as the same level of education or guaranteed land ownership free from arbitrary military intervention.²⁵

A New Kind of Militancy

In late January 2011, protests erupted throughout Egypt, leading within a month to the resignation of President Mubarak. At least 846 people died in 18 days of revolt from January 25 to February 11, 2011. While there were casualties throughout Egypt, violence was acute in North Sinai, where well-armed groups attacked Interior Ministry facilities with automatic, high-caliber firearms and rocket-propelled grenades.²⁶

By the night of January 28, several prisons in Egypt had been opened, some following violent attacks and others apparently on purpose.²⁷ After the unrest subsided, the new government began officially releasing prisoners. Between January and October 2011, the Supreme Council of the Armed Forces (SCAF), which governed the country after Mubarak's resignation, pardoned 858 prisoners.²⁸ Many were Islamist political figures, including some accused of violence, such as members of Egyptian Islamic Jihad and *al-Jama`a al-Islamiyya* (The Islamic Group).²⁹ More than 50 of those released were from Sinai.³⁰

In North Sinai, the collapse of the police state and the military's inability to deploy in large numbers due to the 1979 peace agreement with Israel meant months of weak law enforcement. The Libyan uprising in February 2011 gave birth to a new smuggling route across Egypt's vast and porous western border. North Sinai was flooded with weapons.³¹

²⁵ Marwa Awad, "Egypt's Bedouin smugglers ply arms trade to Gaza," Reuters.

²⁶ Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, p.13.

²⁷ Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, p.20-2 and Rania Abouzeid, "Did Prison Breakout Reveal a Plan to Sow Chaos in Egypt?", *Time*, March 16, 2011, <http://content.time.com/time/world/article/0,8599,2059301,00.html> (accessed January 30, 2018).

²⁸ Hossam Bahgat, "Who let the jihadis out," *Mada Masr*, February 16, 2014, <https://www.madamasr.com/en/2014/02/16/feature/politics/who-let-the-jihadis-out/> (accessed January 30, 2018).

²⁹ Ibid.

³⁰ Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, p. 138.

³¹ See for example: Ashraf Abu el-Houl, "Al-Ahram Investigates the Weapons' Smuggling Routes from Libya and Sudan to Sinai," *Al-Ahram*, June 23, 2012, (accessed October 30, 2018); "The Common 45 Routes to Smuggle Weapons from Libya to Sinai," *Dot Masr*, August 4, 2012, <http://www.dotmsr.com/news/196/609671/%D8%A3%D8%B4%D9%87%D8%B1-45-%D8%B7%D8%B1%D9%8A%D9%82-%D9%84%D8%AA%D9%87%D8%B1%D9%8A%D8%A8-%D8%A7%D9%84%D8%A3%D8%B3%D9%84%D8%AD%D8%A9-%D9%85%D9%86-%D9%84%D9%8A%D8%A8%D9%8A%D8%A7-%D8%A5%D9%84%D9%89-%D9%85%D8%B5%D8%B1> (accessed October 30, 2018).

The almost simultaneous arrival in North Sinai of plentiful heavy weapons and long-jailed men with radical ideologies marked the beginning of a new era of militancy. The first indication came in al-Arish in July 2011, with the brazen daytime attack on the police station launched by a convoy of militants flying black flags.

On July 24, 2012, a new armed group declared its existence: *Ansar Bayt al-Maqdis* (Partisans of the Holy House, a reference to Jerusalem).

Ansar Bayt al-Maqdis

A little more than a week later, on August 5, 2012, armed men stormed an Egyptian army checkpoint in Rafah as troops inside were preparing to break their daily Ramadan fast. They killed 16 soldiers before stealing a truck and an armored vehicle and speeding toward the border with Israel. The truck became stuck, and the driver detonated a suicide bomb inside. However, the armored vehicle navigated Israel's border barriers and continued down the highway until an Israeli warplane and tank destroyed it, killing seven militants.³²

In response to the attack—one of the deadliest on Egyptian armed forces since the 1973 war with Israel—President Mohamed Morsy sacked the director of the General Intelligence Service, Murad Mowafi, himself a former governor of North Sinai.³³ Days later, Morsy removed armed forces Chief of Staff Sami Anan and Defense Minister Mohamed Hussein Tantawi, elevating Military Intelligence Director Abdel Fattah al-Sisi to the role of defense minister.³⁴ The Egyptian military said it would “avenge” the attack, describing the militants as “nonbelievers.”³⁵

³² Yaakov Katz, “The Sinai Attack: Blow by Blow,” *Jerusalem Post*, August 6, 2012, <http://www.jpost.com/Defense/The-Sinai-attack-Blow-by-blow> (accessed January 31, 2018).

³³ Kareem Fahim, “Egyptian Officials Fired Over Soldiers’ Killings in Sinai,” *The New York Times*, August 8, 2012, <http://www.nytimes.com/2012/08/09/world/middleeast/egypt-sinai-attacks.html> (accessed February 2, 2018).

³⁴ Kareem Fahim, “In Upheaval for Egypt, Morsi Forces Out Military Chiefs,” *The New York Times*, August 12, 2012, <http://www.nytimes.com/2012/08/13/world/middleeast/egyptian-leader-ousts-military-chiefs.html> (accessed February 2, 2018).

³⁵ “The Egyptian Army Pledges to Avenge for the Killing of 16 Border Guards in Sinai,” *Akhbarona*, August 6, 2012, <https://www.akhbarona.com/permalink/24326.html> (accessed October 30, 2012).

Beginning of Militarization in North Sinai

The Rafah attack marked the beginning of the militarization of the Sinai conflict. In response, the armed forces deployed more troops to North Sinai, backed by tanks, armored vehicles, and artillery, calling it Operation Eagle II.³⁶

In a step that drew substantial criticism, Morsy dispatched a delegation of Islamist politicians and religious figures to mediate with the North Sinai militants.³⁷ But *Ansar Bayt al-Maqdis* declined to participate, and on September 21, 2012, three of its fighters launched an attack on an Israeli military patrol on the Egypt border, in which they and an Israeli soldier died.³⁸

Though *Ansar Bayt al-Maqdis* had yet to shift the focus of its attacks to Egyptian targets, its propaganda began to indicate growing disillusionment with the Muslim Brotherhood-led government in Cairo, which had been voted into office in 2011 and 2012.³⁹ Then, on July 3, 2013, as mass protests against Morsy's rule and calls for early elections peaked, al-Sisi, the defense minister elevated by Morsy a year before, forcibly removed the president.

From July to August 2013, political upheaval loomed in Cairo between the new leadership and those who remained opposed to al-Sisi.⁴⁰ Then, on August 14, Interior Ministry forces, with support and approval from al-Sisi and the military, brutally cleared mass protest sit-

³⁶ Kareem Fahim, "After Sinai Killings, Cairo Tightens Grip on a Neglected Region," *The New York Times*, August 10, 2012, <http://www.nytimes.com/2012/08/11/world/middleeast/egypt-tightens-grip-on-sinai.html> (accessed February 2, 2018).

³⁷ Maggie Michael, "Egypt leader said to reach out to Sinai radicals," Associated Press, August 28, 2012, <https://www.yahoo.com/news/egypt-leader-said-reach-sinai-radicals-211649489.html?guccounter=1> (accessed December 7, 2018)

³⁸ David Kirkpatrick, "Sinai Group Claims Role in Attack on Israel," *The New York Times*, September 23, 2012, <http://www.nytimes.com/2012/09/24/world/middleeast/sinai-militants-claim-role-in-israel-border-attack.html> (accessed February 2, 2018).

³⁹ Ismail Alexandrani, "Ansar Bayt al-Maqdis... The Full Story and Phases of Development," *al-Badil*, February 7, 2014, <https://elbadil.com/2014/02/%D8%A3%D9%86%D8%B5%D8%A7%D8%B1-%D8%A8%D9%8A%D8%AA-%D8%A7%D9%84%D9%85%D9%82%D8%AF%D8%B3-%D8%A7%D9%84%D9%82%D8%B5%D8%A9-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84%D8%A9-%D9%88%D9%85%D8%B1%D8%A7%D8%AD/> (accessed December 7, 2018) and Ismail Alexandrani, "What Relationship Between the Muslim Brotherhood and the Armed Groups in North Sinai?," *al-Akhbar*, August 26, 2013, <https://www.al-akhbar.com/Arab/56325> (accessed December 7, 2018).

⁴⁰ "Egypt crisis: Mass protests over Morsi grip cities," BBC, July 1, 2013, <https://www.bbc.com/news/world-middle-east-23115821> (accessed February 2, 2018).

ins at Rab'a al-Adawiya and al-Nahda squares in Cairo, resulting in the deaths of at least 904 people in one day.⁴¹

Less than a month later, on September 5, a powerful bomb ripped through the armored convoy of Interior Minister Mohamed Ibrahim as it drove through a neighborhood in northeast Cairo, killing one police officer and wounding 10 other members of the police and 11 civilians.⁴² *Ansar Bayt al-Maqdis* claimed credit for the assassination attempt, which marked a dramatic escalation in post-uprising political violence. The group promised further attacks on police and military in retribution for the August mass killings. They called on fellow Muslims “to come together around their *mujahideen* (holy warrior) brothers in their war against those criminals.”⁴³

Joining the Islamic State

The next month, *Ansar Bayt al-Maqdis* stepped up its attacks. On October 19, 2013, a car bomb detonated outside a military intelligence building in Ismailia, a city on the Suez Canal, wounding six soldiers.⁴⁴ In December, another suicide bomber detonated himself inside the Interior Ministry's security directorate in the governorate of Dakhalia, killing 16 people and wounding 132 others.⁴⁵ On January 24, 2014, a remotely detonated car bomb exploded outside the Cairo security directorate, killing four people.⁴⁶ On February 16, a

⁴¹ Human Rights Watch, *All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt*, August 12, 2014, <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt> (accessed February 2, 2018).

⁴² David Kirkpatrick and Mayy el-Sheikh, “Egypt’s Interior Minister Survives Assassination Attempt,” *The New York Times*, September 5, 2013, <http://www.nytimes.com/2013/09/06/world/middleeast/egypts-interior-minister-survives-attack.html> (accessed February 2, 2018).

⁴³ Ismail Alexandrani, “The Difference Between Jond al-Islam and Ansar Bayt al-Maqdis,” *I Love Sinai Blog*, September 13, 2013, <https://ilovesinai.wordpress.com/2013/09/13/%D8%A7%D9%84%D9%81%D8%B1%D9%82-%D8%A8%D9%8A%D9%86-%D8%AC%D9%86%D8%AF-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85-%D8%A7%D9%84%D8%AA%D9%83%D9%81%D9%8A%D8%B1%D9%8A%D8%A9-%D9%88%D8%A3%D9%86%D8%B5/> (accessed December 7, 2018).

⁴⁴ “Group claims responsibility for Ismailia bombing,” *Mada Masr*, October 21, 2013, <https://madasar.com/en/2013/10/21/news/u/group-claims-responsibility-for-ismailia-bombing/> (accessed December 7, 2018).

⁴⁵ “Ansar Bayt al-Maqdis claims responsibility for Mansoura bombing,” *Ahram Online*, December 25, 2013, <http://english.ahram.org.eg/NewsContent/1/64/89992/Egypt/Politics-/Sinais-Ansar-Beit-ALMaqdis-claim-responsibility-fo.aspx> (accessed December 7, 2018).

⁴⁶ “Ansar Beit al-Maqdes claim all four Friday blasts,” *Mada Masr*, January 25, 2014, <http://www.madasar.com/news/ansar-beit-al-maqdes-claim-all-four-friday-blasts> (accessed February 2, 2018).

suicide bomber attacked a bus carrying South Korean tourists from Sinai to Israel, killing three and the Egyptian bus driver and wounding dozens more.⁴⁷

On October 24, 2014, *Ansar Bayt al-Maqdis* carried out its largest operation up until that point: a coordinated daylight attack on two Egyptian security positions in North Sinai, killing at least 31 soldiers and wounding at least 41 others.⁴⁸

On the night of the attack, al-Sisi, who had been elected president that June, declared a three-month state of emergency in North Sinai.⁴⁹ Five days later, Prime Minister Ibrahim Mehleb issued a decree ordering the “isolation” and “evacuation” of 79 square kilometers of Sinai land along the Gaza border, encompassing all of Rafah.⁵⁰ Over the next four years, the military would demolish over 6,850 buildings in Rafah, including thousands of residential homes, permanently evicting families with little or no warning or support afterward.⁵¹

On November 10, 2014, just two weeks after the attack, *Ansar Bayt al-Maqdis* formally pledged allegiance to the Islamic State in an online audio statement.⁵² After the statement, the group began referring to itself on its social media accounts and online postings as *Wilayat Sina'*, or Sinai Province, styling itself as a territorial division of the Islamic State.⁵³

⁴⁷ David Barnett, “Tourist bus targeted in latest Sinai attack, at least 3 killed,” *Mada Masr*, February 18, 2014, <https://madamasr.com/en/2014/02/18/news/u/ansar-beit-al-maqdes-claims-responsibility-for-taba-bombing/> (accessed December 7, 2019).

⁴⁸ David Kirkpatrick, “31 Egyptian Soldiers Are Killed as Militants Attack in Sinai,” *The New York Times*, October 24, 2014, <http://www.nytimes.com/2014/10/25/world/middleeast/militants-kill-at-least-26-egyptian-soldiers-in-sinai-peninsula-attack.html> (accessed February 2, 2018).

⁴⁹ Mohamed Abdullah, “TV: Al-Sisi imposes a state of emergency on North Sinai for three months,” Reuters Arabic, October 24, 2014, <http://ara.reuters.com/article/topNews/idARAKCNoID2lC20141024> (accessed February 3, 2018).

⁵⁰ Human Rights Watch, “*Look for Another Homeland*: Forced Evictions in Egypt’s Rafah,” September 22, 2015, <https://www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypts-rafah> (accessed February 3, 2018).

⁵¹ Ibid. and “Egypt: Army Intensifies Sinai Home Demolitions,” Human Rights Watch news release, May 22, 2018, <https://www.hrw.org/news/2018/05/22/egypt-army-intensifies-sinai-home-demolitions>.

⁵² David Kirkpatrick, “Militant Group in Egypt Vows Loyalty to ISIS,” *The New York Times*, November 10, 2014, <http://www.nytimes.com/2014/11/11/world/middleeast/egyptian-militant-group-pledges-loyalty-to-isis.html> (accessed February 3, 2018).

⁵³ Thomas Joscelyn, “Sinai-based jihadist group rebranded as Islamic State’s official arm,” Foundation for the Defense of Democracies – Long War Journal, November 14, 2014, http://www.longwarjournal.org/archives/2014/11/sinai_jihadists_rebr.php (accessed February 3, 2018).

Following militant attacks on army and police bases in al-Arish in early 2015, the Egyptian president issued a decree to create the Unified Military Command for the East of the Suez Canal and Combating Terrorism. General Osama Roshdy Askar first led this unified command, followed by General Mohamed Abdella and Mohamed al-Masry in 2017 and 2018. The unified command is supposed to supervise and guide counterterrorism efforts of the Second and Third Field Armies that constitute the major troop deployments in North Sinai.

On July 1, Sinai Province carried out simultaneous daytime attacks on more than 15 army and police installations in North Sinai, killing dozens of soldiers.⁵⁴ After 12 hours of fighting, only attacks by Egyptian F-16 fighter jets managed to drive the group's fighters out of Sheikh Zuwayed.⁵⁵ Two weeks later, the group claimed responsibility for a missile attack that damaged an Egyptian navy ship near al-Arish.⁵⁶

Association with the Islamic State appeared to drive not only an uptick in the group's attacks but a further radicalization that justified attacks against different groups.⁵⁷ On October 31, 2015, Sinai Province claimed the bombing of a passenger airplane flying from Sharm al-Sheikh to St. Petersburg, Russia, which killed all 224 people on board.

Several media reports said that, beginning sometime in 2015, and with Egypt's approval, Israel began airstrikes against militants inside North Sinai. Over the next two years, the reports said, Israel conducted more than 100 such strikes. American officials told *The New York Times*, which broke the news of the campaign, that the strikes "played a decisive role in enabling the Egyptian armed forces to gain an upper hand against the militants."⁵⁸

⁵⁴ Ashraf Sweilam, "Militants attack Egyptian army checkpoints in Sinai, kill 50," Associated Press, July 2, 2015, <http://news.yahoo.com/militants-attack-egyptian-army-checkpoints-sinai-kill-30-075034758.html> (accessed February 3, 2018).

⁵⁵ Kareem Fahim and David Kirkpatrick, "Jihadist Attacks on Egypt Grow Fiercer," *The New York Times*, July 1, 2015, <https://www.nytimes.com/2015/07/02/world/middleeast/sinai-isis-attack.html> (accessed February 3, 2018).

⁵⁶ Kareem Fahim, "Egypt ISIS Affiliate Claims Destruction of Naval Vessel," *The New York Times*, July 16, 2015, <https://www.nytimes.com/2015/07/17/world/africa/isis-affiliate-sinai-province-claims-ship-attack.html> (accessed February 3, 2018).

⁵⁷ Ismail Alexandrani, "ISIS Victory in Iraq Echoes in Egypt," *Al-Modon*, June 13, 2014, <https://www.almodon.com/arabworld/2014/6/13/%D8%A3%D8%B5%D8%AF%D8%A7%D8%A1-%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D9%84%D8%AA%D9%82%D8%AF%D9%85-%D8%AF%D8%A7%D8%B9%D8%B4-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82> (accessed December 7, 2018).

⁵⁸ David Kirkpatrick, "Secret Alliance: Israel Carries Out Airstrikes in Egypt, With Cairo's O.K." *The New York Times*, February 3, 2018, <https://www.nytimes.com/2018/02/03/world/middleeast/israel-airstrikes-sinai-egypt.html> (accessed February 3, 2018).

Israeli's government did not comment, and while Egypt's army initially denied the reports, in January 2019, the US news program *60 Minutes* aired an interview with President al-Sisi in which he confirmed his country's cooperation with Israel in the Sinai Peninsula.⁵⁹

In November 2017, militants stormed al-Rawda Mosque in Baer al-Abd, a town in North Sinai, during packed Friday prayers and killed 311 people, including 27 children, in a blaze of gunfire.⁶⁰ The Sinai Province group did not officially claim responsibility, but the men who attacked the mosque carried Islamic State flags.⁶¹

In late December 2017, Sinai Province released a statement and video showing a long-range attack on a military helicopter at al-Arish Airport, using a Kornet anti-tank missile.⁶² The attack apparently targeted Defense Minister Sedki Sobhy and Interior Minister Magdy Abd al-Ghaffar, who were visiting the airport and nearby at the time. Though they survived, the missile strike killed one of the pilots, a security guard, and Sobhy's bureau chief.⁶³

Following the attack, President al-Sisi said they needed to clear a five-kilometer wide buffer zone around the airport to protect it, evicting hundreds of residents and razing thousands of hectares of farmland. No residents appeared to receive compensation and no decrees were issued to define the buffer zones and methods of compensation.⁶⁴ Later, in July 2018, the army began building a six-meter tall wall surrounding the buffer zone.⁶⁵

⁵⁹ "Egypt's President El-Sisi denies ordering massacre in interview his government later tried to block," *60 Minutes*, CBS News, January 6, 2019, <https://www.cbsnews.com/news/egypt-president-el-sisi-denies-ordering-massacre-in-interview-his-government-later-tried-to-block-60-minutes-2019-01-06/> (accessed January 16, 2019).

⁶⁰ Nour Youssef, "Motives in Egypt's Deadliest Terrorist Attack: Religion and Revenge," *The New York Times*, December 1, 2017, <https://www.nytimes.com/2017/12/01/world/middleeast/egypt-sinai-mosque-attack.html> (accessed February 3, 2018).

⁶¹ Ibid.

⁶² Hamza Hendawi, "Islamic State claims attack on airport in Egypt's Sinai," Associated Press, December 20, 2017, <https://www.seattletimes.com/nation-world/egyptian-forces-clash-with-militants-near-sinai-airport/> (accessed February 3, 2018).

⁶³ Amos Hael, "A Daring Assassination Attempt Shows ISIS in Sinai Has the Ultimate Weapon: Intel," *Haaretz*, December 29, 2017, <https://www.haaretz.com/middle-east-news/a-daring-assassination-attempt-shows-isis-in-sinai-has-the-ultimate-weapon-intel-1.5629653> (accessed April 15, 2018).

⁶⁴ Ibid. and Human Rights Watch, "Egypt: Army Intensifies Sinai Home Demolitions."

⁶⁵ Samy Magdy, "Egypt bulldozes zone by Sinai airport, displacing thousands," Associated Press, February 2, 2018, https://www.washingtonpost.com/world/middle_east/egypt-bulldozes-zone-by-sinai-airport-displacing-thousands/2018/02/02/7c068edo-081d-11e8-aa61-f3391373867e_story.html?utm_term=.e502231820be (accessed February 3, 2018); "To Isolate the City from the Airport Zone... Erecting the Six-Meter High 'al-Arish Wall' Began," *Mada Masr*, July 3, 2018, <https://www.madamasr.com/ar/2018/07/03/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D9%84%D8%B9%D8%B2%D9%84-%D8%A7%D9%84%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D8%B9%D9%86-%D8%AD%D8%B1%D>

Increasingly Abusive Counterinsurgency Campaign

After the Rawda Mosque attack, al-Sisi ordered the military to secure the Sinai Peninsula in three months, and publicly ordered his commanders to use “all brute force” to do so.⁶⁶ A few weeks later, the army began operation “Sinai 2018,” which included a wave of arrests and killings.⁶⁷

As of mid-2018, the army had almost entirely demolished Rafah and evicted nearly all its 70,000 residents.⁶⁸ Such demolitions have continued and expanded to encompass other parts of North Sinai. In January 2018, President al-Sisi announced a government plan to bulldoze the populated five-kilometer buffer zone around the airport in al-Arish, Sinai’s capital, potentially evicting thousands residents.⁶⁹ And by late 2018, the government began applying policies that civil society activists described as aiming at “dispossessing” their lands and evicting more cities in Sinai. Some of these laws require Sinai residents to “prove” their Egyptian descent in order to keep their lands.⁷⁰

The army has failed to decisively defeat Sinai Province, but it maintains a suffocating grip on everyday life in the governorate, stifling freedom of movement, raiding homes, conducting mass arrests, and seizing possessions without due process guarantees. The state of emergency and continuous military operations have taken a toll on residents’ daily lives, especially in Rafah and Sheikh Zuwayed, two cities in the east of Sinai.⁷¹ Many Sinai residents who spoke with Human Rights Watch said that while they had initially welcomed the army’s expansion into the Sinai in 2012, believing that army forces would treat them better than the traditionally-abusive police forces, their attitudes quickly changed in 2013

9%85-%D8%A7%D9%84%D9%85%D8%B7%D8%A7%D8%B1-%D8%A8%D8%AF%D8%A1-%D8%AA%D9%86%D9%81%D9%8A%D8%Bo/ (accessed July 13, 2018).

⁶⁶ Ali Abdelaty, “Egypt’s Sisi calls on military chief to secure Sinai in three months,” Reuters, November 29, 2017, <https://www.reuters.com/article/us-egypt-security/egypts-sisi-calls-on-military-chief-to-secure-sinai-in-three-months-idUSKBN1DT13E> (accessed April 15, 2018).

⁶⁷ “Egyptian Army kills 36 extremists in Sinai Peninsula,” Agence France-Presse, March 19, 2018, <https://www.thenational.ae/world/mena/egyptian-army-kills-36-extremists-in-sinai-peninsula-1.714333> (accessed April 15, 2018).

⁶⁸ Human Rights Watch, “Egypt: Army Intensifies Sinai Home Demolitions.”

⁶⁹ Ibid.

⁷⁰ “Between Dispossessing Our Lands and Denying Our Egyptian-hood, We Won’t Leave Sinai,” The People’s Committee of North Sinai, November 10, 2018, <https://www.facebook.com/Peoples.Committee.to.the.north.Sinai/photos/a.2037308919858996/2168233496766537/?type=3&theater> (accessed April 4, 2019).

⁷¹ “Egypt: Looming Humanitarian Crisis in Sinai,” Human Rights Watch news release, April 23, 2018, <https://www.hrw.org/news/2018/04/23/egypt-looming-humanitarian-crisis-sinai>.

due to pervasive fear of arrest by army forces. Many residents said they constantly risk being falsely labeled by authorities as “terrorists.”

Authorities tightly control movement within North Sinai and between the governorate and mainland Egypt, restricting commerce and causing regular shortages of food, water, and medical supplies to towns caught between the military and the militants. They regularly shut all internet and cellular networks across large stretches of North Sinai for days at a time.⁷² Egyptian authorities defend such measures as necessary to disrupt militant attacks.⁷³

Despite the government’s denial of violations, a few rare official statements have admitted problems and violations of Sinai residents’ rights. For example, a member of the National Council for Human Rights wrote on his Facebook account in 2018 that “many residents” had never received compensation despite having their houses demolished or their farms razed, or having been arrested and “released after long periods” without charges or seeing their family members killed or injured. “All state institutions must work to alleviate the tragedy of these victims... Otherwise, we leave an open wound and a gap that widens with time,” the council member wrote.⁷⁴

Media reports have suggested that dozens of army and police officers, some of them from senior ranks or elite forces, have joined militant groups, including Sinai Province.⁷⁵ Human Rights Watch reviewed the prosecution file of a case that was brought before a military court in Ismailia concerning militancy in Sinai that involved 42 defendants, including two former army officers.

⁷² Mostafa Singer, “Resident of Rafah and Sheikh Zuwayed, Five Years of Sufferings,” *al-Shorouk*, August 26, 2017, <https://www.shorouknews.com/news/view.aspx?cdate=26082017&id=09379208-3971-416c-afdd-81a1d2a63e79> (accessed April 4, 2019).

⁷³ Ibid.

⁷⁴ Salah Sallam, member of the National Council for Human Rights, reporting on official statements he made and a letter the council sent to the Prime Minister during the 59th and 60th session of the council, July 10, 2018, https://www.facebook.com/permalink.php?story_fbid=2057764597883969&id=100009513452609 (accessed August 6, 2018).

⁷⁵ “Egypt’s Ex-Army Officers Pose Growing Security Threat,” Reuters, January 30, 2018, <https://www.reuters.com/article/us-egypt-security-military-insight/egypts-ex-army-officers-pose-growing-security-threat-idUSKBN1FJ1V8> (accessed July 22, 2018).

As the conflict has endured, the decades-long marginalization of the area has been coupled with a near-absolute prohibition of independent reporting from Sinai. Pro-government media rhetoric instead frequently describes Sinai residents as “traitors” or the root of the problem, who are at best “are not helping the government enough” to eradicate the militant groups.⁷⁶ Some of these media articles call on the army to “burn Sinai,” “hit it with Napalm,” “evict its residents,” “destroy it completely,” and “leave no body alive there.”⁷⁷

The years-long state of emergency and curfew in North Sinai also has minimized the potential for peaceful opposition and civil society activities, reinforced with an effective ban on independent gatherings. Such activities are mainly led by “the People’s Committee in North Sinai,” an independent group comprising Sinai residents and community leaders. However, the group has been able to hold only a handful of meetings over the last several years. They demanded that the government allows such meetings and issued several statements criticizing the authorities’ arbitrary arrests, orders of forced evictions, and the lack of essential services such as electricity and water. A 2017 statement accused the government’s counterterrorism policies of “targeting Sinai residents” and not “terrorism,” and that the main aim of the abusive army-led campaign is to force Sinai residents to leave their lands.⁷⁸

On July 8, 2017, Gen. Mahmoud Mansour, a former Military Intelligence senior officer, summarized the government’s mentality in the conflict when he told a TV show:

⁷⁶ “Sinai residents feel betrayed by Egyptian media,” *Al-Monitor*, February 26, 2016, <https://www.al-monitor.com/pulse/originals/2015/02/egypt-media-biased-sinai-residents-terrorism-army.html> (accessed October 30, 2018).

⁷⁷ Suleiman Gouda, “Make It the End of Every Traitor,” *Al-Masry al-Youm*, October 25, 2014 <https://www.almasryalyoum.com/news/details/554981> (accessed October 30, 2018) and Mahmoud al-Kordosi, “Viva Fascism,” *Al-Watan*, January 31, 2015, <https://www.elwatannews.com/news/details/652749> (accessed October 30, 2018).

⁷⁸ “We Won’t Leave Sinai,” The People’s Committee of North Sinai, October 20, 2017, https://www.facebook.com/Peoples.Committee.to.the.north.Sinai/photos/a.1811947049061852/1932137033709519/?type=3&__xts__%5Bo%5D=68.ARCKQ3oJds5-wzDo9WNSfawjSjkwWExwW3YgrxcjccicznvuiAaA66QJbSRTjL75Pwlb6nGuHvWtWO9pV_m4UxvWbBR4Co1AJv2zpj1nCJDQ_EaT-05NRT9_anBG9jnZ4ymu8kMTUaj3BmxHmz3Db1JD0tsWUHRjvEsAwcg9b_C3sjK5suakDkekaUn1zgnpC_ctDsGWmkJME-nBl7oXGPgzN1Nsvw6FV7euBxl8QyL_8uc-oyNQCqyyoJPeNLWbbUTL4TpkGkfuiwZk7nRQ_y45bFFXT6BsDtXRBnbouaSXmGPeJeBjgoqZl6ic5z4BR2GdZ-55FjNw9lHltXor_tGBSoE&__tn__=-R (accessed April 4, 2019).

Enough with kindness, and enough [saying that] they are civilians and enough with slogans ... and enough with human rights... Those who are afraid to lose their lives, leave Sinai.⁷⁹

⁷⁹ “Sabah Dream: Gen. Mahmoud Mansour Asks Sinai Residents to Leave [Sinai] to Purge it from Terrorism,” *Dream TV* Youtube Channel, July 8, 2017, https://www.youtube.com/watch?v=i_noa8EdZEM (accessed April 3, 2019).

II. Legal Analysis

The Egyptian army's battle with the ISIS-affiliate Sinai Province has transformed North Sinai governorate into what many interviewees described as a conflict zone. After five years of Egyptian army operations, as well as the likely participation of the Israeli military, many towns and highways are now highly securitized military zones. During this period, Sinai Province militants have demonstrated a high degree of organization, establishing checkpoints for periods of time in urban centers, running "Sharia courts" and "grievance committees," and carrying out punishments in areas where they exert influence. Egyptian officials, including President al-Sisi, have frequently used the word "war" to describe the situation in Sinai as early as in 2014.⁸⁰

Human Rights Watch believes hostilities in North Sinai most likely amount to a non-international armed conflict (NIAC) that began sometime in 2014. In addition to the requirements that an armed conflict exists and that it is "not of an international character," i.e., between government forces and non-state actors or armed groups, determination of a NIAC relies on three additional criteria: 1) the level of violence rises above the threshold of simply internal disturbances; 2) the violence is of a "protracted nature"; and 3) militant or insurgent groups possess armed forces functioning under a certain command structure.⁸¹ Human Rights Watch's research over four years shows that all of these criteria appear to apply in North Sinai.⁸²

In December 2018, the Geneva Academy of International Humanitarian Law and Human Rights, a well-known academic institution focused on international law, released a study that also argued the situation in North Sinai is a NIAC based on the relevant criteria.⁸³

⁸⁰ Hani al-Waziri, "The President to the People: Egypt is Facing an Existential War and Will not Collapse," *al-Watan*, October 2014, <https://www.elwatannews.com/news/details/584237> (accessed April 4, 2019).

⁸¹ International Committee of the Red Cross (ICRC), "How is the Term Armed Conflict Defined in International Humanitarian Law?" March 2008, <https://www.icrc.org/en/doc/assets/files/other/opinion-paper-armed-conflict.pdf> (accessed October 30, 2018).

⁸² Even though Sinai Province claimed responsibility for attacks outside North Sinai, the non-international armed conflict situation applies only to North Sinai.

⁸³ The Geneva Academy of international Humanitarian Law and Human Rights (RULAC), "Egypt: A Non-International Armed Conflict in the Sinai Peninsula with Wilayat Sinai," December 10, 2018, <https://www.geneva-academy.ch/news/detail/180-egypt-a-non-international-armed-conflict-in-the-sinai-peninsula-with-wilayat-sinai> (accessed January 16, 2019).

The State Information Service, a government entity tasked with engaging with foreign media correspondents, released a legal study of the Sinai conflict in July 2018 co-authored by Judge Adel Maged, deputy head of Egypt's Cassation Court. The report stated that the “legal nature of the government response (to the militancy in Sinai) ... is one that is usually regulated internationally by the rules of armed conflict, and locally by military laws.”⁸⁴ The report authors, however, claimed that members of “armed terrorist groups” enjoy no protection under international humanitarian law because, the authors argue, members of these groups are “illegal combatants.”⁸⁵

High Level of Violence and Protracted Nature of the North Sinai Conflict

The level of violence in North Sinai has escalated over the past several years, with the Egyptian armed forces now deploying at least 41 battalions, including up to 25,000 soldiers, according to President al-Sisi in a January 2017 statement.⁸⁶ According to Israeli media, citing the Egyptian military's chief of staff, this troop deployment had doubled by March 2018 to 88 brigades, comprising around 42,000 soldiers.⁸⁷ These forces included hundreds of tanks, armored vehicles, and other heavy machinery. Airstrikes by Apache helicopters and F-16 jetfighters have become a regular phenomenon in North Sinai during the conflict and naval forces have also been mobilized on the coast of North Sinai.

The army claims to have killed at least 3,076 “militants” from January 2014 to June 2018, and according to a Tahrir Institute for Middle East Policy study, militants killed at least 1,226 army and police officers and soldiers in the same period of time.⁸⁸ Government forces and the militants have killed and injured hundreds of civilians. While these casualty

⁸⁴ Judge Adel Maged and Rwan Adel Maged, “Countering Terrorism and its Impact on Human Rights,” *Studies in Human Rights*, issue one, State Information Service, July 11, 2018, p. 15-16, <http://www.sis.gov.eg/Story/169667/%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B9%D9%84%D8%A7%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D8%B9%D9%85%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%B4%D8%A7%D9%85%D9%84%D8%A9-%D9%81%D9%8A-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D9%86%D9%85%D9%88%D8%B0%D8%AC-%D9%81%D9%8A-%D8%A7%D9%84%D8%A7%D9%84%D8%AA%D8%B2%D8%A7%D9%85-%D8%A8%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86?lang=ar> (accessed July 22, 2018).

⁸⁵ *Ibid.* p. 26-27.

⁸⁶ Sada al-Balad, “Al-Sisi: 41 Brigades comprising 25,000 Soldiers and Officers Serve in Sinai,” *El-Balad*, January 9, 2017, <http://www.elbalad.news/2571452> (accessed, July 20, 2018).

⁸⁷ “Egyptian army in Sinai Peninsula doubles in a year, with Israel's blessing” *Times of Israel*, March 1, 2018, <https://www.timesofisrael.com/egyptian-army-in-sinai-peninsula-doubles-in-a-year-with-israels-blessing/> (accessed April 3, 2019).

⁸⁸ Figures provided to Human Rights Watch by the Tahrir Institute for Middle East Policy.

figures stem from the conflict's recent escalation, the Egyptian army actually began its military operations in the area in August 2011 with "Operation Eagle" over 8 years ago.

The army has announced the killings of several ISIS leaders throughout their operations. According to a media review Human Rights Watch conducted, prosecutors have charged or accused at least 725 defendants in different cases with belonging to Sinai Province or its predecessor, *Ansar Bayt al-Maqdis*. Military and criminal courts sentenced some of those defendants to death, mostly residents of Sinai, and some have already been executed. The government also released the names of at least 18 militant leaders it claimed to have killed between 2013 and June 2018, as well as arresting 4 others.⁸⁹

Sinai Province's Level of Organization

The government-sponsored July 2018 legal study of the North Sinai conflict said that "those terrorist groups possess an organized quasi-military nature." The study said:

The seriousness of the attacks launched by terrorist groups [in North Sinai] is exemplified by the large numbers of attackers, the types of weapons used, and the level of planning and methods of fighting used, which make the national criminal and punitive frameworks incapable of dealing with them.⁹⁰

Interviews with victims of Sinai Province abuses and assessments by analysts who closely monitor the group indicate that the militant group displays a significant degree of organization, with a hierarchical structure and multiple operational divisions that act in coordination under a unified leadership.⁹¹ Interviewees told Human Rights Watch that militants have set up "nonpermanent" checkpoints and routinely checked residents' IDs and disciplined individuals for infractions according to their interpretation of Sharia rules in Rafah, Sheikh Zuwayed, and sometimes al-Arish.

⁸⁹ Sherif Abu Fadl, "Security Source: 15 Defendants Executed for Killings Officers and Soldiers," *Al-Ahram*, December 26, 2017, <http://gate.ahram.org.eg/News/1761912.aspx> (accessed July 20, 2018).

⁹⁰ Maged, "Countering Terrorism and its Impact on Human Rights," p. 22.

⁹¹ Human Rights Watch interviews with residents and activists of North Sinai in 2016 and 2017. Detailed in later sections.

Interviewees also stated that Sinai Province runs multiple detention sites where they interrogate detained civilians. Interviewees described what they called “grievance committees,” a Sinai Province division that received residents’ complaints about ill-treatment or injustice inflicted by the group’s members. Human Rights Watch also interviewed a woman who said her husband was a member of the militant group and was killed in an Egyptian army strike in mid-2015. She said that the group maintained a system to take care of the widows and their children. She also said that she feared returning to her community out of fear of arrest.⁹²

In several areas of Rafah and Sheikh Zuwayed, residents expressed in interviews with Human Rights Watch their fear in reporting the militants to the government, due to the militants’ level of control and influence in the area they lived.⁹³

Frequently, the group has released written and video statements about its operations in North Sinai or about the death of its members and leaders. Several former army and police officers have joined the group, according to the group’s statements and media reports.⁹⁴ In November 2018, the group announced the killing of its top leader in Sinai, Abu Osama al-Masry.⁹⁵

International Law and Egypt’s National Laws

In a NIAC, international humanitarian law (IHL) applies. IHL recognizes that a states’ armed forces can target fighters and other military targets but provides a range of guarantees and safeguards concerning the protection of civilians and the treatment of prisoners. Egypt ratified all four Geneva conventions in 1952, as well as its two additional protocols (in 1992) that constitute the main body of IHL.

Human rights law continues to apply during armed conflicts. Egypt is also bound by UN and African human rights standards, including those adopted by the African Commission

⁹² Human Rights Watch interview with widow of a Sinai Province militant, in October 2017. Name and place withheld for security purposes.

⁹³ Human Rights Watch interviews with residents of North Sinai in 2016 and 2017. Detailed in later sections.

⁹⁴ “Province of Sinai video claims former police and military personnel among its ranks, confirms death of Islamic State Sinai leader,” *Mada Masr*, November 17, 2018, <https://madasar.com/en/2018/11/17/news/u/province-of-sinai-video-claims-former-police-and-military-personnel-among-its-ranks-confirms-death-of-islamic-state-sinai-leader/> (accessed November 19, 2018).

⁹⁵ *Ibid.*

on Human and Peoples' Rights, which emphasize a government's obligations to respect fundamental rights while combating terrorism.⁹⁶

The Egyptian Code of Military Justice (Law 25 of 1966) is largely outdated and many of its provisions do not correspond to IHL. It allows officers "in the field" to establish "field courts" consisting of army officers, without any judicial supervision, to try and sentence captured members of an opposing army or armed group immediately. Human Rights Watch is not aware of the Egyptian army in Sinai establishing such courts. Egypt's military code also does not clearly establish the rights of detainees in an armed conflict. It does, however, punish those convicted of "inflicting violence" on individuals who are *hors de combat*, that is, a wounded combatant who is no longer taking part in hostilities.⁹⁷

Egypt's draconian, unreformed Emergency Law (Law 162 of 1958) grants security forces nearly unlimited powers, with little or no judicial checks and balances, including seizing civilian properties and houses, compelling citizens to do "any work" security forces deem necessary, and providing wide latitude to forcibly evict residents.⁹⁸ The government has imposed the state of emergency in North Sinai uninterrupted since October 2014. Egypt should drastically amend its Emergency Law to bring it in accordance with its constitution and international obligations.

In 2015, the government passed a new counterterrorism law that espouses an overly broad definition of terrorism and contradicts international standards. The law punishes journalists for publishing news about counterterrorism operations that contradicts official statements with fines up to half a million Egyptian pounds [around US\$27,800].⁹⁹

Education at Egyptian military academies appears to lack instruction on human rights or international humanitarian law, and Human Rights Watch is not aware of any legal education or training offered to military conscripts.¹⁰⁰ The International Committee for the

⁹⁶ See the African Commission Resolution 88 (2005) on the Protection of Human Rights and the Rule of Law in the Fight against Terrorism.

⁹⁷ See Law 25 of 1966 Regarding the Issuance of Military Justice Law, issued on June 1, 1966 by President Gamal Abdel Nasr.

⁹⁸ See: Articles 3 of "Law 162 of 1958 on State of Emergency" issued by President Gamal Abdel Nasser.

⁹⁹ "Egypt: Counterterrorism Law Erodes Basic Rights," Human Rights Watch news release, August 19, 2015, <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>.

¹⁰⁰ The Military Academy official website mentions no legal courses among the courses offered to its students, see: <http://academy.mod.gov.eg/MiAcStudeyRoles.aspx> (accessed November 19, 2018).

Red Cross (ICRC) 2017 activity report on Egypt said that the ICRC trained 25 senior police officers and 2,911 army officers and cadets, as well as 96 officers assigned to peacekeeping operations on IHL and International Human Rights Law (IHRL). The report said this was “a positive step towards integration of IHL into military education and then into the military doctrine.”¹⁰¹

The government-sponsored July 2018 legal study on Sinai claimed that the fight against terrorist groups is regulated by what it claimed was a “new model” in international law that it called “state versus terrorist groups armed conflict model.” Under this model, the authors argue the “unlawful combatants” do not enjoy any protections stipulated by IHL. They said that the use of “brute force” in Sinai is “justified” because regular law enforcement forces “proved unable” to face those armed groups.¹⁰² The report claimed that civilians are no longer civilians if they become “hostile” to the state. And if they carry arms then they become “unlawful combatants.”¹⁰³

Such an approach appears to ignore the basic principles of international humanitarian law, in particular the overriding requirements to distinguish between civilians and combatants at all times and that attacks may only be directed at combatants, not civilians.¹⁰⁴ The Egyptian government should disregard and withdraw this legal opinion and publicly reaffirm that it will comply only with IHL and its obligations under human rights law. Several resolutions adopted by the UN General Assembly and the African Commission on Human and Peoples’ Rights emphasized that governments should “ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law.”¹⁰⁵

¹⁰¹ ICRC, “Egypt Activity Report 2016,” March 13, 2017, <https://www.icrc.org/en/document/egypt-activity-report-2016> (accessed July 22, 2018).

¹⁰² Maged, “Countering Terrorism and its Impact on Human Rights.” pages 22, 27.

¹⁰³ Ibid., page 29.

¹⁰⁴ See: ICRC, Customary International Humanitarian Law, rule 01.

¹⁰⁵ See: Resolution adopted by the UN General Assembly December 18, 2008, “Protection of human rights and fundamental freedoms while countering terrorism”; and African Commission on Human and Peoples’ Rights, Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa,” 1981.

Israel, and any other country involved in the North Sinai conflict, should ensure that its operations do not violate international standards and do not amount to assisting Egypt in the commission of internationally wrongful acts.¹⁰⁶

War Crimes and other International Crimes

The Egyptian authorities have repeatedly denied any wrongdoing in the course of conducting military operations in Sinai. In October 2013, a senior military commander said: “We haven’t harmed one innocent citizen. We didn’t even injure or kill a cat.” He claimed that the army could have ended its operations in Sinai in six hours if the army was allowed to disregard human rights.¹⁰⁷

The abuses that Human Rights Watch documented by both government security forces and the Sinai Province militant group are serious violations of IHL and some of them appear to amount to war crimes, including the use of torture and the deliberate killings of civilians and prisoners.

Individuals who commit serious violations with criminal intent—that is, intentionally or recklessly—may be prosecuted for war crimes. Individuals may also be held criminally liable for assisting in, facilitating, aiding, or abetting a war crime. All governments that are parties to an armed conflict are obligated to investigate alleged war crimes by members of their armed forces.

In addition, some of these crimes such as arbitrary arrests, enforced disappearances, torture, unlawful killings, and the forcible transfer of population may constitute crimes against humanity that fall within the jurisdiction of the International Criminal Court. Crimes against humanity are defined as such crimes that cause great suffering or serious injury to body or to mental or physical health and are committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”¹⁰⁸ The failure of the Egyptian government to investigate, or even admit, such

¹⁰⁶ Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa, Part 7.

¹⁰⁷ Ibid and Abdel Azim, “General Ahmed Wasfy to al-Watan: The Military Operations in Sinai Ended, We Entered The ‘Cleansing’ Stage.” *al-Watan*, October 2, 2013, <https://www.elwatannews.com/news/details/333863> (accessed April 3, 2019).

¹⁰⁸ UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 17, 1998, ISBN No. 92-9227-227-6, article 7, available at: <https://www.refworld.org/docid/3ae6b3a84.html>.

serious abuses reflect a larger failure of the senior officials who know, or must have known, about these abuses as and did not appear to investigate or prevent their recurrence.

Arbitrary Arrests, Secret Detentions, Ill-Treatment, and Torture

International human rights law continues to apply during a conflict situation and although some rights may be slightly more restricted during a publicly declared state of emergency threatening the nation, other rights are “non-derogable,” meaning they can never be suspended or modified regardless of the situation. In a NIAC, all detainees should be swiftly brought to a judge to decide their detention or release, and they should never be ill-treated, tortured, or extrajudicially executed. They should only be kept in official places of detention, and authorities should swiftly release them in case of lack of evidence of wrongdoing and compensate them for the periods they spent in custody without charge.

Egyptian security forces, especially the military, have repeatedly violated all of these guarantees. Government forces have arbitrarily arrested and forcibly disappeared Sinai residents on a widespread and systematic scale. The majority of prisoners from North Sinai are held in three detention facilities where Human Rights Watch documented inhuman conditions, and where detainees are often deprived of access to the outside world, including their families and legal counsel.

An arrest is arbitrary and unlawful when it happens for no internationally-recognized offenses, such as when someone is arrested for exercising their fundamental rights, or when a person is deprived of their right to due process, such as when they are arrested without a basis in law or without swift judicial review, or when a person remains in detention after the sentence ordered by a court has ended.¹⁰⁹

Former detainees told Human Rights Watch that the military also tortured them.¹¹⁰ As documented in this report, military detention sites are not only secret, they also lack the basic minimum requirements according to UN guidelines, including adequate access to

¹⁰⁹ UN General Assembly, Report of the Working Group on Arbitrary Detention, United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court, May 4, 2015, available at: <http://www.ohchr.org/Documents/Issues/Detention/DraftBasicPrinciples/BasicPrinciplesAndGuidelines.doc>.

¹¹⁰ Human Rights Watch interviews with 54 Sinai residents, April 2016 to April 2018.

food and health care. Some detainees died in custody because of ill-treatment and a lack of medical care. The prohibition on torture is recognized as a fundamental guarantee for civilians and persons *hors de combat*. This also means that combatants, when detained, should never be tortured, ill-treated, or killed. Torture consists of the infliction of “severe physical or mental pain or suffering” for purposes such as “obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.”¹¹¹ The UN Convention Against Torture (CAT), which Egypt ratified in 1986, categorically bans torture and other cruel, inhuman, or degrading treatment.¹¹²

Every detainee must be treated humanely at all times. Visits from family members must be allowed if practicable. Under applicable human rights law, children should be detained only as a measure of last resort and for the shortest appropriate period of time. In all cases, children should be held separately from adults, unless they are detained with their family. Human Rights Watch documented that the army held children detainees for months in the same secret detentions with adults and abused them.

As documented in this report, the militants in Sinai have also used secret detentions and have subjected detainees to legal proceedings that do not correspond to any international standards. They have used hanging and flogging among other means of punishment which likely amount to torture.

The ban against torture and other ill-treatment is one of the most fundamental prohibitions in international human rights and humanitarian law. No exceptional circumstances may justify torture, and states are required to investigate and prosecute those responsible for torture.

Detaining Children

As documented in this report, the Egyptian army held child suspects in secret detentions alongside adult detainees. When charged, child detainees faced prosecution before military and criminal courts instead of juvenile courts.

¹¹¹ ICRC, Customary International Humanitarian Law, rule 90.

¹¹² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

International law allows authorities to detain children in limited situations, but only if formally charged with committing a crime, not merely as suspects, and only as a measure of last resort and for the shortest appropriate period of time.¹¹³ Children should never be detained alongside unrelated adults.¹¹⁴ In cases where children were members of armed groups, they should not be “treated as security threats ... and administratively detained or prosecuted for their alleged association,” which harms their best interests as well as society’s interest in their reintegration, the UN Secretary General reported in 2016.¹¹⁵ In order to fulfill its obligations under the Optional Protocol on Children and Armed Conflict, which Egypt acceded to in 2007, authorities should provide children accused of involvement with militant groups with “all appropriate assistance for their physical and psychological recovery and their social reintegration.”¹¹⁶

Extrajudicial Killings

Egyptian security forces and Sinai Province militants have repeatedly killed detainees, whether combatants or civilians, without any due process. Murdering persons detained in connection with a conflict is a war crime. The Geneva Conventions list “willful killing” of protected persons as a grave breach. Additionally, the African Charter for Human and Peoples’ Rights, which Egypt ratified, prohibits the “arbitrary deprivation of the right to life.” This prohibition is non-derogable under these treaties and therefore applicable at all times, including in times of war.¹¹⁷

Egypt’s 2015 counterterrorism law, which local civil society and international rights groups strongly criticized for eroding basic rights and protections, gives security personnel immunity from any criminal investigation in case they used lethal force during their operations.¹¹⁸

¹¹³ UN General Assembly, Convention on the Rights of the Child, November 20, 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 37, available at: <https://www.refworld.org/docid/3ae6b38fo.htm>.

¹¹⁴ ICRC, Customary International Humanitarian Law, Rule 102.

¹¹⁵ Report of the UN Secretary-General on Children and Armed Conflict, A/70/836 - S/2016/360, April 20, 2016, paragraph 16, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/70/836&Lang=E&Area=UNDOC (accessed July 31, 2018).

¹¹⁶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, article 6.3. Egypt acceded to the OPCAC in November 2007, see: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=_en.

¹¹⁷ ICRC, Customary International Humanitarian Law, rule 89.

¹¹⁸ Human Rights Watch, “Egypt: Counterterrorism Law Erodes Basic Rights.”

Militants in Sinai have also likely targeted and killed hundreds of civilians in attacks attributed to them, including the attacks noted above against al-Rawda Mosque and against Egyptian Christians in al-Arish. Article 13(2) of Additional Protocol II prohibits acts or threats of violence the primary purpose of which is to spread terror among the civilian population. In addition, the prohibition is included in other instruments pertaining to non-international armed conflicts.¹¹⁹

Human Rights Watch also found government forces sometimes impeded the collection and evacuation of wounded individuals during fighting or security incidents in North Sinai. All warring parties have a duty to search for, collect, and evacuate the sick and the wounded, even if they were combatants.¹²⁰ This violation includes the army's ban on ambulance movement and emergency help during curfew hours. Many witnesses described how relatives of bystanders had to arrange, haphazardly, for evacuation of wounded civilians because the government did not send any help, and the army indiscriminately shot at moving objects, including vehicles attempting to evacuate wounded civilians.

Indiscriminate and Disproportionate Use of Explosive Arms

The laws of war prohibit deliberate or indiscriminate attacks on civilians. Attacks that are not directed at a specific military objective or cannot distinguish between civilians and military objectives are considered indiscriminate. An attack is unlawfully disproportionate if the anticipated loss of civilian life and property is greater than the expected military gain from the attack. Warring parties must do everything feasible to verify that targets are military objectives.¹²¹

When used in densely populated areas, missiles with large payloads of high-explosives have a wide-area destructive effect that cannot distinguish adequately between civilians and military objectives, almost invariably resulting in civilian casualties. Military commanders, as a matter of policy, should not use such missiles with wide-area effects in populated areas.

¹¹⁹ ICRC, Customary International Humanitarian Law, rule 2.

¹²⁰ ICRC, Customary International Humanitarian Law, rule 109.

¹²¹ ICRC, Customary International Humanitarian Law, rules 12, 13 .and 14.

While the July 2018 government-sponsored legal study claimed that the army never used its air force except outside civilian-inhabited areas, Human Rights Watch found that the Egyptian army bombardment of Sheikh Zuwayed and Rafah led to dozens of civilian casualties in a way that was possibly unlawful. As a result, most of the villages have been deserted as families no longer felt safe to live there. Even in cases when the army offered compensation for families affected, no investigation occurred to determine legal responsibility and no recourse was given to those offered compensation that did not satisfy them or did not receive any compensation. There is no national legal framework that provides for government compensation for civilians affected during military operations.

Use of Civilian Properties for Military Purposes

IHL specifically prohibits the destruction or seizure of the property of an adversary, unless required by the imperative of military necessity.¹²² The government forces' use of civilian houses to establish checkpoints and launch attacks and the militants' use of civilian houses to plant improvised explosive devices would seem difficult to justify under military necessity.

Collective Punishment, Dispossession, and Forced Evictions

IHL prohibits attacks against "objects indispensable to the survival of the civilian population." This is further prohibited when it is done "for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive."¹²³ Only two exceptions exist for this rule: if the object qualifies as a military target, or if the sustenance are used solely by combatants.¹²⁴

Residents and activists in North Sinai told Human Rights Watch that government forces imposed cuts to essential services such as of electricity and drinking water for up to weeks at a time. They said that the government's restrictions on fuel for cars, as well as the army's destruction of agricultural lands (approximately 80 percent of farmed land in North Sinai has been razed by the army) made their lives harder and forced many to leave the

¹²² ICRC, Customary International Humanitarian Law, rule 50 and Rome Statute of the ICC, art. 8(2)(e)(12).

¹²³ ICRC, Customary International Humanitarian Law, rule 54.

¹²⁴ Ibid.

area.¹²⁵ Human Rights Watch’s previous research has shown that the army has imposed severe restrictions on the movement of goods and people in and out of North Sinai governorate and between cities in the governorate.¹²⁶ These restrictions have increased since the start of operation “Sinai 2018” in February 2018 and have affected the availability of food and goods and led to a loss of income for many of the area’s residents.¹²⁷

Any warring party controlling an area has a responsibility to provide enough food and life essentials or allow humanitarian organizations to provide these services if authorities are unable to meet community needs.¹²⁸

The government’s restrictions and violations may also amount to collective punishment, which is a war crime and is defined as the imposition of sanctions or harassment of any sort on the basis of collective rather than individual responsibility.¹²⁹ A state of emergency cannot be invoked to justify collective punishment.¹³⁰ Forced displacement of civilian populations can also be a war crime and, if carried out as a state or organizational policy in a widespread or systematic manner, a crime against humanity.¹³¹ By early 2018, the government had evicted and nearly destroyed the entirety of Rafah, located on the border with Gaza. Human Rights Watch documented previously how these evictions were disproportionate and likely violated a range of guarantees under human rights laws.¹³²

Command Chain

Commanders and civilian leaders may be prosecuted for war crimes committed by their subordinates as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent

¹²⁵ “Egypt: Looming Humanitarian Crisis in Sinai.” Human Rights Watch news release.

¹²⁶ Mostafa Singer, “Lack of Cooking Gas Leads to Shortage of Bread,” *al-Shorouk*, March 5, 2018, <https://www.shorouknews.com/news/view.aspx?cdate=05032018&id=03f6fff6-2723-4d83-bf1d-76fc81d4dbda> (accessed April 4, 2019), and Mostafa Singer, “Power Cut in Rafah and Sheikh Zuwayed for the Third Week,” *al-Shorouk*, December 11, 2017, <https://www.shorouknews.com/news/view.aspx?cdate=11122017&id=e76ce95b-575f-412f-a72d-4dc2c6886c5f> (accessed April 4, 2019).

¹²⁷ *Ibid.*

¹²⁸ ICRC, Customary International Humanitarian Law, rule 56.

¹²⁹ ICRC, Customary International Humanitarian Law, rule 103.

¹³⁰ *Ibid.*

¹³¹ ICRC, Customary International Humanitarian Law, rule 129.

¹³² Human Rights Watch, “Look for Another Homeland,” *Ibid.*

them or punish those responsible.¹³³ Those found to be responsible should be fairly prosecuted before courts that meet international fair trial standards.¹³⁴ The laws of war also require a state to make full reparations to victims of laws of war violations.¹³⁵

Human Rights Watch documents in this report how Egyptian authorities have comprehensively failed to investigate any of the crimes committed in North Sinai and that security forces' detention sites have limited if any judicial oversight. The government has passed additional legislation to further shield military officers from any form of domestic accountability. The 2015 Counterterrorism Law states that law enforcement forces shall not be questioned "when using force to carry out their duties."¹³⁶ In July 2018, President al-Sisi approved Law 161 of 2018 for "the treatment of some senior armed forces' commanders," which states that, unless there is permission from the Supreme Council of Armed Forces, no questioning or prosecution of any senior military commander can be launched for any decision or order taken between former President Morsy's ouster in July 2013 and January 2016.¹³⁷ This also means that an international inquiry is likely the only effective way for accountability for abuses in North Sinai.

Arms' Suppliers

Egypt is one of the biggest importers of arms in the world.¹³⁸ As the North Sinai conflict escalated between 2013 and 2017, Egypt's arms imports grew by 215 percent.¹³⁹ Many of these weapons, especially from the United States, come in the form of aid.¹⁴⁰ The US, France, Germany, and, to a lesser extent, Russia are among the main providers of weapons to Egypt.¹⁴¹ Many of these weapons, such as American Humvees, Apache helicopters, and

¹³³ ICRC, Customary International Humanitarian Law, rule 153, citing ICC Statute, art. 28.

¹³⁴ ICRC, Customary International Humanitarian Law, rule 158, citing the Geneva Conventions and the ICC Statute.

¹³⁵ ICRC, Customary International Humanitarian Law, rule 150.

¹³⁶ Law 95 of 2015 for Confronting Terrorism, art. 8.

¹³⁷ Law 161 of 2018 for The Treatment of Some Senior Armed Forces' Commanders, art. 5.

¹³⁸ "Report: Egypt 3rd largest arms importer globally, 2nd regionally in 2017," *Mada Masr*, March 14, 2018, <https://madamasr.com/en/2018/03/14/news/u/report-egypt-3rd-largest-arms-importer-globally-2nd-regionally-in-2017/> (accessed January 10, 2019).

¹³⁹ *Ibid.*

¹⁴⁰ Brad Plumer, "The U.S. gives Egypt \$1.5 billion a year in aid. Here's what it does." *The Washington Post*, July 9, 2013, https://www.washingtonpost.com/news/wonk/wp/2013/07/09/the-u-s-gives-egypt-1-5-billion-a-year-in-aid-heres-what-it-does/?utm_term=.77bo416f1309 (accessed January 10, 2019).

¹⁴¹ "European Arms Sales to Egypt," the Tahrir Institute for Middle East Policy, October 29, 2018. <https://timep.org/reports-briefings/timep-briefs/european-arms-sales-to-egypt/> (accessed January 10, 2019).

M1A1 tanks, appear to have been used in North Sinai. Governments have an obligation to monitor the end use of the arms they export and halt these transfers when they are used in gross abuses. The UN General Assembly has called on member states in a number of cases to refrain from supplying arms and other military assistance to countries found to be committing serious human rights violations.

A 2016 US government report stated that Egyptian recipients of US equipment were not adequately vetted for human rights.¹⁴² In August 2013, following the mass killings of protesters in Egypt, EU member state governments agreed to suspend arms exports that could be used in “internal repression and to reassess export licenses of equipment ... and review their security assistance with Egypt.”¹⁴³ Yet many countries violated this agreement.¹⁴⁴

¹⁴² “U.S. Government Should Strengthen End-Use Monitoring and Human Rights Vetting for Egypt,” the U.S. Government Accountability Office, May 12, 2016 <https://www.gao.gov/products/GAO-16-435> (accessed, January 10, 2019).

¹⁴³ The European Union Foreign Affairs Council’s conclusions on Egypt, August 21, 2013. http://trade.ec.europa.eu/doclib/docs/2013/september/tradoc_151710.pdf.

¹⁴⁴ “EU: Halt Arms Transfers to Egypt to Stop Fuelling Killings and Torture,” Amnesty International, May 26, 2016 <https://www.amnesty.org/en/latest/news/2016/05/eu-halt-arms-transfers-to-egypt-to-stop-fuelling-killings-and-torture/> (accessed January 15, 2019).

III. Mass Arbitrary Arrests and Enforced Disappearances

“As soon as they entered the house, we all began to scream with fear, because we know whoever the army arrests might not come back again.”

--A woman who witnessed the arrest of her husband and son in 2014. She has not seen her husband since his arrest.

Based on direct interviews with six former detainees and 20 interviews with relatives and acquaintances of detainees, Human Rights Watch documented 50 cases of in which the authorities arbitrarily arrested individuals, of whom 39 were likely forcibly disappeared in North Sinai—including four children and three women. The police arrested most of them from their homes or in mass arrest raids. The army carried out most of the arrests, but the police carried out nine of them, all between 2014 and April 2018.¹⁴⁵ Eight families said that pro-government militia members also participated in the arrest of their relatives. Egyptian media and human rights organizations have frequently reported that hundreds of other North Sinai residents have been arrested and possibly forcibly disappeared over the past several years.¹⁴⁶

Three witnesses also told Human Rights Watch that security forces threatened to arrest and sometimes arrested women relatives of suspects, especially after the beginning of the military campaign “Sinai 2018” in February 2018.¹⁴⁷ In one incident in April 2018, National Security Agency forces arrested a woman along with her mother and two daughters to force her husband to turn himself in, a witness told Human Rights Watch.¹⁴⁸

Of the 39 cases of enforced disappearance Human Rights Watch documented while researching this report, at least 14 remain missing. Five, including one child, have been

¹⁴⁵ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018. Cases of enforced disappearance that ended in killings of the detainees are addressed in “Extrajudicial Killings” chapter.

¹⁴⁶ “Sinai on the International Human Rights Day,” Sinai Observatory, December 11, 2015, <https://www.facebook.com/sinaiobservatory/photos/a.450720301765867.1073741828.4505807017719827/495213380649892/> (accessed May 3, 2018) and “Al-Galaa Military Base, Theatre of Torturers and Hidden Base of the Disappeared,” The Egyptian Commission for Rights and Freedoms, June 2017, <http://www.ec-rf.net/?p=1978> (accessed November 16, 2018).

¹⁴⁷ Mahmoud Khalil, “Sinai Women, Targets for Security,” *Al-Araby*, March 13, 2018, <https://www.alaraby.co.uk/society/2018/3/12/%D9%86%D8%B3%D8%A7%D8%A1-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D9%81%D9%8A-%D9%85%D8%B1%D9%85%D9%89-%D8%A7%D9%84%D8%A3%D9%85%D9%86-1> (accessed December 10, 2018).

¹⁴⁸ Human Rights Watch interview with witness via mobile texting, April 2018. Identity withheld for security purposes.

released without charges. Relatives have been able to determine the whereabouts of three detainees, including one child. In some cases, relatives only heard of the detainees' place of detention two years after their arrest, when the Supreme State Security Prosecution finally charged them and transferred them to official prisons outside Sinai.¹⁴⁹

The authorities have held most of the detainees documented in this report in one of three military sites: Battalion 101 Base, the main military installation in al-Arish in North Sinai; Camp al-Zohor in Sheikh Zuwayed, a converted youth and sports center; and al-Azoly, a military prison inside Al-Galaa Military Base, which is the headquarters of the Second Field Army in the city of Ismailia. Al-Azoly, according to those Human Rights Watch interviewed, held the largest number of forcibly disappeared Sinai residents and appeared to be used for longer-term detentions. The Interior Ministry also held six of the detainees whose cases are documented in this report in the North Sinai headquarters of its National Security Agency, located in al-Arish.

Nearly all of those Human Rights Watch interviewed said they felt too intimidated by the authorities to file a complaint with prosecutors about their relatives' arbitrary arrest and enforced disappearance. Rather, most families sought to use other channels to inquire about their relatives' whereabouts, including through clan leaders, members of parliament, and members of the army-sponsored militia that operates at the military's behest in North Sinai. Some said they bribed army officers, militia members, or other intermediaries to gain information about their relatives or attempt to secure their release. Several families said they did not hire a lawyer, while others said that they approached lawyers who refused to work for them out of fear of retaliation from the authorities. Those interviewed by Human Rights Watch who sent complaints to prosecutors never received any response from the authorities.¹⁵⁰

"My husband disappeared, and I refuse to let my children ask about him in any army base because I lost a lot of them and I can't lose the rest," said a woman whose husband was arrested and forcibly disappeared by the army after an airstrike on their home killed two of their daughters. "If the army wants to release my husband, they'll release him without us

¹⁴⁹ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

¹⁵⁰ Ibid.

asking, and if they want to kill him, they'll kill him too. Nobody can change his fate with the army.”¹⁵¹

In addition to the pain and distress inflicted on relatives by security forces' arbitrary arrests and the enforced disappearances of their loved ones, the loss of a husband or son for North Sinai families where only men are typically employed outside the home has also caused economic hardship. Because authorities have not made an official acknowledgement of any of the arrests Human Rights Watch documented in this report, families were unable to prove to employers that their detained relatives were being held, leaving them unable to secure benefits. For example, one woman was unable to receive her forcibly disappeared husband's pension.¹⁵² Another woman was forced to falsify medical notes, which she brought to her detained son's university in the hope they would prevent his expulsion and allow him to resume his studies once released.¹⁵³

Egyptian law requires a prosecutor to visit any detained person within 24 hours of their arrest. It also requires prosecutors to routinely inspect all detention facilities. However, the Military Code of Justice (Law 25 of 1966) stipulates that only military prosecutors can supervise military prisons and that it is their responsibility to “send their remarks to relevant bodies.” Unlike laws that regulate the Interior Ministry's prisons, the 1966 military law does not have any clear mechanisms for establishing and supervising military prisons. But each of those interviewed by Human Rights Watch who were affected by arbitrary arrests and enforced disappearances said that there was no judicial review of detentions, and that prosecutors only saw detainees after the army sent them for military trials, which was often months after the enforced disappearance. Only three detainees among those documented in this report went before the Supreme State Security Prosecution (SSSP), and that happened only weeks or months after their initial secret detention.¹⁵⁴

Regardless of whether the SSSP or military prosecutors charged the detainees, all of the detainees Human Rights Watch documented in this report were sent to trial without any meaningful access to lawyers. And in all cases about which Human Rights Watch received

¹⁵¹ Human Rights Watch interview with the wife of a detainee and one of their daughters, North Sinai, December 2016. Identity withheld for security purposes.

¹⁵² Human Rights Watch interview with “Heba” in North Sinai, December 2016. Identity withheld for security purposes.

¹⁵³ Human Rights Watch remote interview with the mother, via phone, May 2016. Identity withheld for security purposes.

¹⁵⁴ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

information regarding mistreatment, prosecutors and judges ignored claims of torture, ill-treatment, and secret detention.¹⁵⁵ Similarly, Human Rights Watch is not aware of any case in which the government offered compensation to a detainee eventually released after being held for weeks or months without charges in secret detention.

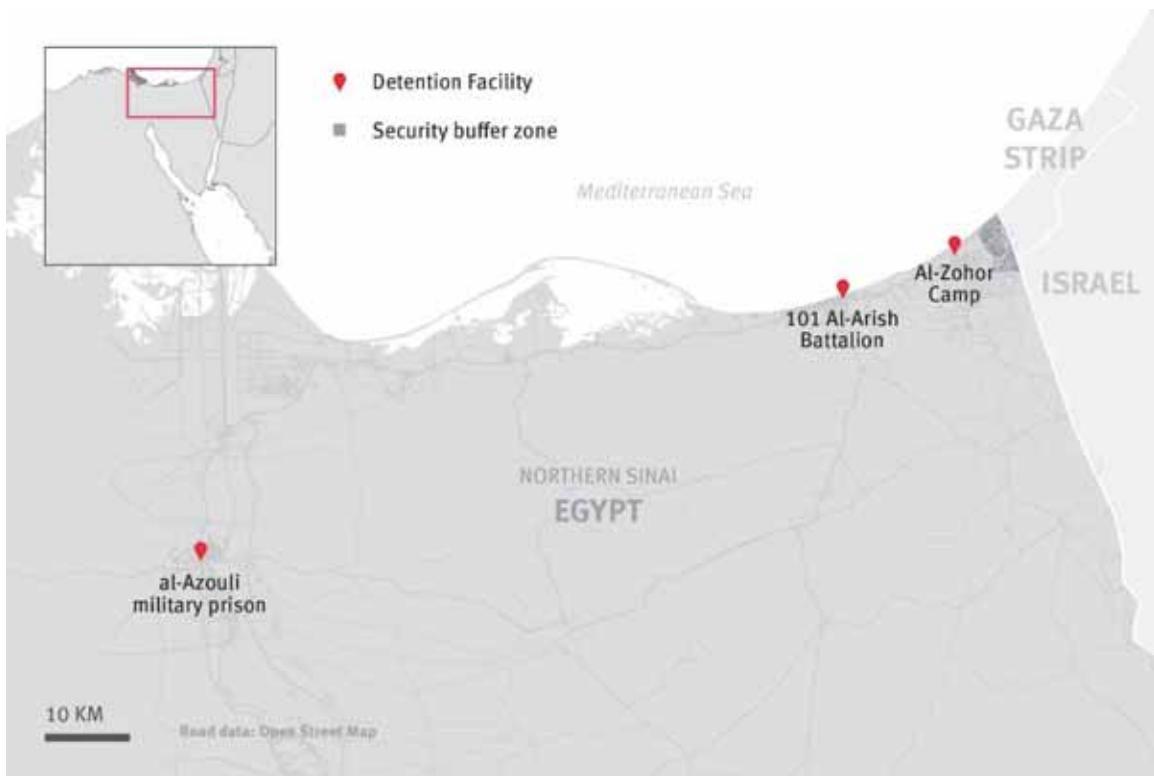
Members of parliament from North Sinai have criticized the security forces' behavior and, on several occasions, compiled lists of detainees that they later submitted to the army, asking them to "review" the detainees' situation and release those held with no evidence of wrongdoing. On a few occasions, these efforts yielded the release of some of those held incommunicado. For example, parliamentarian Ibrahim Abu Shaira, from Sheikh Zuwayed, said on his official Facebook page in December 2016 that he managed to get 27 detainees from al-Azoly prison released in 2016 from the lists that he presented to authorities.¹⁵⁶

The victims and their families shared compelling, consistent accounts of arrests. The arrest cases that Human Rights Watch documented for this report often followed a pattern: an army patrol dispatched from a nearby checkpoint or base arrived in a neighborhood to carry out raids on one or more houses. Patrols consisted of several armored personnel carriers, Humvees, and sometimes civilian cars. Human Rights Watch research indicated that the involvement of Interior Ministry police appears to have been confined mostly to al-Arish, while in Rafah and Sheikh Zuwayed, where militant activity has been higher, the army usually led arrest operations. Several witnesses affected by army raids described arrests in which soldiers were dressed in camouflage uniforms led by officers who sometimes wore civilian clothes. Militia members often accompanied these patrols. They said they were able to identify them as militiamen because they covered their faces with the Bedouin scarf known as a *shemagh*, did not always wear standard camouflage uniforms, and spoke in local accents.¹⁵⁷

¹⁵⁵ Ibid.

¹⁵⁶ Ibrahim Abu Shaira post on Facebook, December 24, 2016, <https://www.facebook.com/Shaira2015/posts/1277198922371835> (accessed November 6, 2018) and Iyad Sherif "11 Sinai Detainees Released from Al-Azoly Prison in Ismailia", Masr Al-Arabiya, January 20, 2017, <http://www.masralarabia.com/%D8%A7%D8%AE%D8%A8%D8%A7%D8%B1-%D9%85%D8%B5%D8%B1/1349293-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-11-%D9%85%D8%B9%D8%AA%D9%82%D9%84%D8%A7-%D8%B3%D9%8A%D9%86%D8%A7%D9%88%D9%8A%D8%A7-%D9%85%D9%86-%D8%B3%D8%AC%D9%86-%D8%A7%D9%84%D8%B9%D8%A7%D8%B2%D9%88%D9%84%D9%8A-%D8%A8%D8%A7%D9%84%D8%A5%D8%B3%D9%85%D8%A7%D8%B9%D9%8A%D9%84%D9%8A%D8%A9> (accessed July 16, 2018).

¹⁵⁷ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.



Map of North Sinai showing the three main Sinai detention centers: Al-Azouli military prison (inside Al-Galaa Military Base at Ismailia on the Suez Canal), Battalion 101 in al Arish, and al-Zohor camp in Sheikh Zuwayed. *Map copyright HRW 2019, road data OSM 2019. © 2019 Human Rights Watch*

Witnesses described how once the army or police arrived in a neighborhood, they would begin raiding houses and arresting residents. In no case that Human Rights Watch documented did the police or army present a warrant or give a reason for the arrest of the targeted persons.¹⁵⁸ In most cases, arresting officers told family members that the men were wanted for routine investigations and would be returned soon. However, in practice, Human Rights Watch found that arrested individuals would be forcibly disappeared for weeks or months, and sometimes several years, without knowledge of their fate or whereabouts. Most of those arrested, released or not, were never charged.¹⁵⁹

Much of the information about what happened to detainees following their arrest emerged later when detainees were sent for military trials. The military court usually allows detainees a brief time, roughly a few minutes, to talk with their lawyers before or after the trial sessions, which occur at al-Galaa Military Base in a military courtroom. During these

¹⁵⁸ Ibid.

¹⁵⁹ Ibid



Picture taken from the video, “The armed forces continue to raid terrorists’ strongholds in Rafah, Sheikh Zuwayed and al-Arish,” on the Army Spokesman Official Facebook Page and published September 8, 2015. The picture shows how former detainees and residents described the army blindfolding detainees once arrested by asking them to cover their faces with their own *shemagh* or t-shirts.

brief moments, detainees were able to communicate with their relatives through their lawyers. The lawyers attending court sessions sometimes received oral or smuggled written messages from detainees inside to carry them to the families to whom the messages were addressed.

“Hamza” and his brother “Youssef”

“Hamza” witnessed the army’s arrest of his 27-year-old brother, “Youssef,” a farmer, in August 2014 south of al-Arish and described the state of fear precipitated by the army’s arrival:

It was as if they came to arrest Bin Laden! Huge army forces with armored vehicles and Humvees. They were all army with no police, and it was part of a big arrest campaign in the Mazra’a area [in al-Arish]. They searched all the

houses and took anyone [any men] they met. People were running away. No one wanted to meet them out of fear.¹⁶⁰

Hamza said that army officers approached their home and that one of the officers, a general, asked him about Youssef. When he told them that Youssef was at their farm, the army waited for 15 minutes and then told Hamza to send his brother later to Battalion 101 because they wanted to “interrogate him about a few things and then send him back.” The next day, Hamza accompanied his brother Youssef to the gates of Battalion 101, where they told the soldiers that the general had asked Youssef to come to the base. The guards told them that the general was not there and that he would be back in 15 days.

Three days later, a second army patrol came to detain Youssef. Army officers, accompanied by a militia member, prepared to raid Hamza’s house, but Hamza convinced them that this was unnecessary and that he would call Youssef to come downstairs. When Hamza went upstairs and came down with his brother holding hands, he recalled, “I felt I was not going to see him again, although we did not even know what his charges were.” The officers told Youssef that they needed him “for an hour of interrogation and then you will be sent back [home].”

In 2015, a released detainee who had spent months in al-Azoly prison met Hamza and told him that Youssef was “okay” and wanted photos of his children to be sent to him. Hamza said they sent the photos and some clothes with another family who was going to see their detained relative but never found out if the photos or clothes reached Youssef. Although Hamza has inquired in several detention facilities, he does not know where Youssef is or whether he is still alive.

“Hamad”

Government forces also conducted mass arrests in public places, such as weekly street markets. The army arrested “Hamad,” a 29-year-old man from Sheikh Zuwayed, during an arrest sweep at the local al-Gora Market in early 2014, his relative told Human Rights Watch:

¹⁶⁰ Human Rights Watch interview with “Hamza,” North Sinai, December 2016. Identity withheld for security purposes.

An army convoy arrived at al-Gora Market ... Hamad was arrested by the army while he was selling vegetables. The army raided the market with seven armored vehicles and four Humvees. They surrounded the market and started arresting people.¹⁶¹

Hamad's relative, who was not at the market but described what happened based on Hamad's father's account, said that the army appeared to arrest people based on their appearance and kinship ties, such as men with beards or relatives of detainees or wanted suspects. Hamad's relative said that Hamad's father was accompanying his son and tried to persuade the army not to arrest Hamad, but that they did not listen.

Hamad's wife told Human Rights Watch that when his father came back from the market, he told her that people had seen the convoy coming from the direction of Camp al-Zohor. Hamad's wife and mother went to al-Zohor later the same day to ask about him. An officer told them that Hamad was there and that he would be released after "some investigations" but that no visits were allowed. However, when the family went to ask again the next day, they were told that Hamad had been sent to Battalion 101 in al-Arish. At Battalion 101, army officers denied they were holding him.

Hamad's wife said that they went back and forth between several other army bases and police stations but that officials at these locations all denied knowledge of Hamad's whereabouts until four months later, when another detainee's family was visiting their son, "Khaled," during his military trial at al-Galaa Military Base. Khaled told his family to inform Hamad's family that Hamad was detained in al-Azoly prison, inside al-Galaa, and that he was "okay." Hamad's wife said that the last message they received from him came through the same family in December 2015.¹⁶²

When Khaled was eventually released from al-Azoly, Hamad's wife said, he secretly visited her husband's family and told them that he was surprised that Hamad hadn't been released and returned home yet. Khaled told Hamad's family that three days before his release, army officers called on Hamad and other detainees and told them they would be

¹⁶¹ Human Rights Watch interview with Hamad's relative, North Sinai, December 2016. Identity withheld for security purposes.

¹⁶² Human Rights Watch interview with "Hamad's" wife, North Sinai, December 2016. Identity withheld for security purposes.

released. They were removed from the detention center, but Khaled did not know where they were taken.

Hamad's wife said that her husband's family is covering the expenses of her three children, the oldest of whom is six, and that she felt sick from worry concerning Hamad's fate. Khaled mentioned to Hamad's wife the names of four other North Sinai men he claimed were being detained in al-Azoly at the time he was there. Human Rights Watch was able to verify two of the four names in an interview with another man who had been disappeared but was later released. Hamad's family said they felt too scared to file an official complaint about Hamad's disappearance.

"Ahmed" and "Nedal"

In 2014, "Fatma" witnessed the army arrest her 70-year-old father, "Ahmed." Fatma's family lived in a village between Rafah and Sheikh Zuwayed. In late 2014, after hearing an explosion, "we hurried outside to see what was happening, and we saw the [the army] attacking us," Fatma said.¹⁶³

The army convoy consisted of four Humvees, five armored vehicles, and soldiers, she said.

"They attacked the house as if there was a crime happening inside," Fatma said.

She said that the convoy came from the direction of Camp al-Zohor, and that many people fled their homes before it arrived but that others, including her family, stayed. Fatma's father believed that no one would "unjustly arrest him," she said, adding that he was taking medication for diabetes and a heart condition at the time. But when the army came to the house, they arrested him. Fatma said she believed that the arrest stemmed from a prior dispute between her father and a militia member.

The next day, Fatma's brother "Nedal" took his father's medicine to deliver it to him in al-Zohor, but when he arrived, the army arrested him too. Later, the family found out that the army had held Nedal there for four days and then transferred him to Battalion 101. Fatma said that she went with her husband to ask about her father and brother at Battalion 101,

¹⁶³ Human Rights Watch interview with "Fatma," North Sinai, December 2016. Identity withheld for security purposes.

but that soldiers at the gate told them that the two men had been transferred to al-Azoly prison after 10 days.

Months later, in late 2014, the army released Nedal. When he returned home, he told his family that one week before his release, the guards had called his father's name, took him out of his cell, and said that he was going to be released.

“When my brother came [back home], he was thinking he would find his father here,” Fatma said.

She said the family did not file a complaint to the authorities but hired a lawyer to attempt to locate their father. After three months of making inquiries with the authorities, the lawyer told them he could not find anything.

Fatma said:

We do not know where my father is and whether he is alive and taking his medicine... There are people who are liquidated [extrajudicially killed] and then thrown onto the road with a weapon [so the army] can claim they were killed in a shootout.

Photos and Videos Showing Detainees

The army has released videos and photos showing detainees in army detention facilities in North Sinai, yet the government had not acknowledged the detention of most of those in the photos and videos.¹⁶⁴

Though the authorities generally refuse to officially acknowledge the arrest of detainees or identify their whereabouts to their relatives, both the military and Interior Ministry have released videos and photos, typically on their official social media accounts, showing detained individuals whom the authorities usually accuse of being involved in terrorism crimes. Some of those Human Rights Watch interviewed for this report said they had seen

¹⁶⁴ “Confessions of Terrorists Arrested In Sinai,” *Al-Ahram* YouTube channel, <https://www.youtube.com/watch?v=xoHOT42N-PU&nohtml5> September 15, 2013, (accessed April 30, 2016).



Image taken from the video titled “Confessions of Terrorists Arrested In Sinai,” that was circulated by the army and published by different local media including Al-Ahram’s YouTube channel. The image shows big numbers of detainees the army arrested in North Sinai inside one of the military bases, likely al-Galaa Military Base.

their disappeared relatives in such videos and photos.¹⁶⁵ Human Rights Watch has been able to verify that at least two individuals shown in videos and two photos posted on the Facebook page of the military spokesperson were forcibly disappeared by the army. A former soldier, who served at al-Galaa Military Base, said that another video published by *al-Ahram*, a state-owned newspaper, showed scores of detainees inside the base.¹⁶⁶

“Ayman”

“Samia,” a mother from al-Arish, told Human Rights Watch that the army arrested her husband, “Ayman,” in late 2015 at a checkpoint in the Abu Saql neighborhood. She said that her husband and a close friend of his, “Safwan,” were in a shared taxi when the army stopped the car and took her husband, according to Safwan, who later told her what happened.¹⁶⁷

¹⁶⁵ Human Rights Watch interviews with Hossam, May 2016, and Samia, December 2016.

¹⁶⁶ Ibid., and Human Rights Watch interview with a former army soldier, outside Egypt, June 2016. Identity withheld for security purposes.

¹⁶⁷ Human Rights Watch interview with “Samia,” North Sinai, December 2016. Identity withheld for security purposes.

Ayman's father went to ask about his son at Battalion 101 and the Military Intelligence office in al-Arish, but they denied knowledge of his whereabouts. Weeks later, his family saw a video, posted on the military spokesman's official Facebook page a day after Ayman's arrest. The video showed groups of detained and blindfolded men.¹⁶⁸ According to Samia, Ayman was one of the men.

"I don't know how they would call him a terrorist and without an investigation," Samia said. "That's why I feel they killed him. When the army releases photos of people saying they are terrorists, the army would kill them or at least those people would never show up and no one would know anything about them again."

She told Human Rights Watch that she had spoken with lawyers from al-Arish, but they said no one would be able to get information from Battalion 101. In June 2016, a detainee from al-Arish who was released from al-Azoly prison told Ayman's father that Ayman was detained there and that he was "okay" but not on trial or facing charges. The man said that Ayman spent two months in Battalion 101 before being transferred to al-Azoly.

Samia said:

Until now, I tell my kids that their father is living abroad for work. My young daughter is now two, and she doesn't recognize her father... I hope someone would help me know if he is alive or dead.

Human Rights Watch reviewed another video, broadcasted by several Egyptian television stations and the *al-Ahram* website which they said they had obtained from the army spokesperson.¹⁶⁹ The video showed scores of detainees the army arrested in North Sinai in September 2013 and described them as "terrorists." A former army conscript who served at al-Galaa Military Base for one year between 2010 and 2011, before the escalation of the

¹⁶⁸ "The armed forces continue to raid terrorists' strongholds in Rafah, Sheikh Zuwayed and al-Arish," Army Spokesman Official Facebook Page, September 8, 2015, <https://www.facebook.com/EgyArmySpox/videos/716917255105926/> (accessed November 6, 2018).

¹⁶⁹ "Confessions of Terrorists Arrested In Sinai," *Al-Ahram* YouTube channel <https://www.youtube.com/watch?v=xoHOT42N-PU&nohtml5> September 15, 2013, (accessed April 30, 2016) and "Confessions of Some Terrorists Arrested in North Sinai", *Al-Nahar TV* YouTube page, September 15, 2013, <https://www.youtube.com/watch?v=Sp2XxRleCPs&t=2s> (accessed May 4, 2018).

conflict, told Human Rights Watch he recognized the location as al-Galaa Military Base.¹⁷⁰ A journalist from Sheikh Zuwayed told Human Rights Watch he could identify several of the detainees and that he thought most of them had been arrested arbitrarily.

Detaining Children

The army has also arrested and forcibly disappeared children, keeping them in military detention facilities alongside adults and sometimes referring them to military trials or to the Supreme State Security Prosecution (SSSP). Human Rights Watch documented the detention of four children. At least two former detainees Human Rights Watch interviewed said they saw children during their detention in army facilities. One of them was probably extrajudicially executed.¹⁷¹

The army spokesperson occasionally posted photos of children in the army's custody on the official armed forces Facebook page. One former detainee at al-Azoly told Human Rights Watch that a photo the spokesperson posted on January 8, 2014, showed a child he met in detention in al-Azoly. The army claimed the child was involved in spying on army checkpoints.¹⁷²

¹⁷⁰ Human Rights Watch interview with a former army soldier, outside Egypt, June 2016. Identity withheld for security purposes.

¹⁷¹ Human Rights Watch interviews with 40 North Sinai residents, April 2006 to April 2008. Identity withheld for security purposes.

¹⁷² Human Rights Watch interview with "Hossam," via mobile texting, May 2016. Identity withheld for security purposes.

“Ismail”

In early 2014, army forces raided the house of “Mahmoud,” a government employee and father of several children, in a village west of Sheikh Zuwayd. Most of the village residents had fled their homes because of the conflict.¹⁷³

“Heba,” Mahmoud’s wife, told Human Rights Watch that the army arrested her husband and her son, “Ismail,” a 17-year-old high school student, during the raid. The army forcibly disappeared Ismail for more than two months before releasing him, while his father’s whereabouts remain unknown.¹⁷⁴

Heba recalled the arrival of the army patrol:

The army forces raided our house shortly before dawn. We heard the noise of the [army] convoy all around. We heard tanks and armored vehicles ... They knocked hard on the door and then pushed it in quickly. As soon as they entered the house, we all began



إحباط مخطط للجماعات الإرهابية لترهيب الشرطة والجيش باستغلال الأطفال".
- قامت عناصر القوات المسلحة أول أمس الاثنين [6/1/2014] ، بإلقاء القبض على الطفل / أيوب موسى عواد " 12 سنة " ، وذلك لقيامه بمراقبة تحركات دوريات القوات المسلحة الثابتة والمتحركة بمدينة الشيخ زايد ، وبعد إكتشاف محاولته تعجير عبوة ناسفة باستخدام جهاز لاسلكي .
- وكلفت الأجهزة الأمنية قد كشفت عن مخطط للجماعات التكفيرية والإرهابية في شمال سيناء خلال الفترة الأخيرة ، أعتمد على تجنيد الأطفال ممن لم يبلغوا سن الرشد ، في مراقبة تحركات الدوريات العسكرية وقوات الشرطة باستخدام أجهزة لاسلكية صغيرة الحجم .
- يكنى ذلك باستمراراً لمخطط الجماعات الارهابية لحرق الوطن ، دون مراعاة للشعور الإنساني البسيط ، في استغلال الأطفال والنساء ، والمأجرة بهم ، في عملياتهم المشبوهة ، التي تنغى محاولة زعزعة إستقرار الوطن ، الذي سيظل قريباً بئانه الذين يضحون بدمائهم في سبيل حماية مصر .



Pictures of a child detainee the army posted on its official Facebook account. The army claimed that they arrested children whom the militants were recruiting to spy on the army. Several former detainees told Human Rights Watch they saw children inside army detention facilities in North Sinai. Source: “Aborting Terrorists’ Plots to Intimidate Police and Army by Using Children,” The Armed Forces Spokesperson Official Facebook Page, January 8, 2014, <https://www.facebook.com/EgyArmySpox/photos/a.420385058092482/420385118092476/?type=3&theater> (accessed December 11, 2018).

¹⁷³ Identifiable information withheld for security purposes.

¹⁷⁴ Human Rights Watch interview with “Heba” in North Sinai, December 2016.

to scream with fear, because we know that whoever the army arrests might not come back again.

Around seven officers entered the house, she said, and one pointed his gun at the family.

“They forcibly grabbed my husband from us, and [the officer] said he would be interrogated for two days and sent back,” she said. “They went outside but minutes later they came back and took my son. The officer pointed his gun at my head to [make me] let go of him. He was holding me and both of us were crying.”

Heba said that a few months later, Ismail was released. He told his mother that he was interrogated about whether he had “monitored army checkpoints,” a frequent accusation used against detainees in military court trials, especially against children.

According to Heba, the army kept Ismail most of the time in al-Galaa Military Base. Heba has not seen or heard from her husband Mahmoud since his disappearance. The army never acknowledged his arrest despite her frequent requests, Heba said.

“Wael”

In early 2016, police arrested and forcibly disappeared “Wael,” a 17-year-old boy, from his workplace in al-Arish, Wael’s relative, “Omar,” told Human Rights Watch.¹⁷⁵

Omar saw police forces arriving in Humvees, unaccompanied by the army. The police arrested everyone in the workshop. Though Wael’s co-workers were released shortly thereafter, police kept Wael in custody.

Omar said that when he went to ask about Wael at Battalion 101 and other security offices in al-Arish, they all denied holding him. Five months later, Wael’s family heard that a group of lawyers had written a post on their Facebook page saying that Wael had been seen in the SSSP office in Cairo. The lawyers said that Wael had been held in the National Security Agency headquarters in al-Arish.

¹⁷⁵ Human Rights Watch interview with “Wael’s” relative, “Omar,” via phone, in May 2016.

Omar told Human Rights Watch that Wael was not involved in any political activities and was “just a child.” According to Omar, Wael’s father, who earned a living for the family, had been forcibly disappeared in October 2013 and was later sentenced to two years in prison by the military court in al-Galaa Military Base.

In October 2018, seven Egyptian human rights organizations issued a report on Abdallah Boumadian, 12, where they said security forces arrested Boumadian from home in al-Arish on December 31, 2017. The organizations said that Boumadian was held incommunicado for seven months, including in Battalion 101, and was only presented to SSSP in July 2018, which ordered him detained pending investigation.¹⁷⁶

Interior Ministry Forces’ Involvement

While the Egyptian army leads the counterterrorism campaign in North Sinai governorate, Interior Ministry security forces support the army’s activities, especially in al-Arish. Human Rights Watch has documented incidents in which the Interior Ministry’s National Security Agency officers and the regular police arrested, forcibly disappeared, and possibly extrajudicially killed some detainees.

“Mohsen”

“Maysa,” who is around 60 years-old, witnessed the arrest of one of her three sons, “Mohsen,” who is married and has children, in late 2015.¹⁷⁷ Maysa told Human Rights Watch that about 12 policemen in black uniforms, accompanied by a masked man whom Maysa believed was a militia member, raided the yard where they lived in al-Arish.

“They immediately grabbed my son without [asking] any questions,” Maysa said. She started yelling at them, asking why they were taking her son, and they said they needed him for investigations and would send him back. Later, she found out that his arrest had been part of a coordinated raid on several houses in the neighborhood, and that the police

¹⁷⁶ “Egypt: 12-year old child forcibly disappeared and held in solitary confinement in state’s ‘fight against terrorism,’” Cairo Institute for Human Rights Studies Press Release, October 30, 2018 https://cihrs.org/egypt-12-year-old-child-forcibly-disappeared-and-held-in-solitary-confinement-in-states-fight-against-terrorism/?lang=en&fbclid=IwARo611tAwwlwf-U5JbChHrSo_XqLIEN-Nxe7-3Tml1o7ZGuVaOQ_TGI0Cg (accessed April 4, 2019).

¹⁷⁷ Human Rights Watch interview with Mohsen’s mother and wife, North Sinai, December 2016. Identifiable details withheld for security purposes.

searched for and arrested many men, like Mohsen, whose families had been displaced from Rafah and Sheikh Zuwayed.

“They pulled my son by his neck and told him to come outside with them,” she said. “His wife and I ran after them and we saw them beating others arrested in the same area. I heard young men screaming.”

Maysa said that she spent a week visiting different police headquarters and police stations in al-Arish, but they all denied holding her son. She also visited Battalion 101, but soldiers told her Mohsen was not there. Maysa added:

I stopped going to the army and police [to ask about Mohsen], but every time [people] say that a body was found on the road or that the army killed people in clashes, I ask my son’s wife to check the army spokesperson’s Facebook page... and read the names. Maybe I’ll find my son’s name.

“Eid”

Police forcibly disappeared “Eid,” a father of several children, in late 2015. His wife, “Azza,” told Human Rights Watch that they lived in Sheikh Zuwayed and that her husband had traveled to see friends in al-Arish.¹⁷⁸

She described how she first became aware of his disappearance:

Because of the curfew I knew he wasn’t going to be back that night. He called me and said that he was going to have dinner with his friends some place on the sea... It was only two weeks after I gave birth to our youngest baby. That’s why I couldn’t go with him. In the morning, I tried to call him... His phone was switched off. I tried many times... I called a friend that accompanied him... I barely managed to obtain his [the friend’s] number.

Eid’s friend, “Asad,” told Azza that the police had stopped him, Eid, and a relative of Eid’s at a checkpoint in al-Arish. When the police saw that Eid and his companions’ IDs showed

¹⁷⁸ Human Rights Watch interview with “Azza,” North Sinai, December 2016. Identity and identifiable information withheld for security purposes.

they were from Sheikh Zuwayed, the police told them to come for brief interrogations at the nearby al-Arish Second Police Station.

Police released Asad 13 days later. After his release, Asad told Azza that they had been taken from the police station to the National Security Agency headquarters in al-Arish. Once there, officers separated them, and he did not see Eid again. He said that he had to sleep on the floor and was given only a folded cardboard box to sleep on, and that he was taken every day and asked the same questions, which included where he prayed, for how long he had done so, whether he liked Presidents al-Sisi or Morsy, and whether he knew any “*takfiris*” (extremists).

Azza said she contacted a member of parliament to help her find the whereabouts of her husband, but he said authorities denied Eid was in custody. She said she was trying to provide for her family since her husband’s disappearance.

Unlawful Confiscations and Theft by Security Forces

Several interviewees told Human Rights Watch that soldiers or militia members stole their possessions, including cash, mobile phones, and gold jewelry during raids on their homes. On other occasions, soldiers or militia members confiscated detainees’ money, cars, and motorcycles and either used them or destroyed them.

Some interviewees said these confiscations of money or possessions occurred at checkpoints during routine inspections on the roads between different cities in North Sinai, especially the road between Sheikh Zuwayed and al-Arish. In all cases, the officers showed no judicial orders justifying confiscations and no recourse was offered to regain or receive compensation for these stolen or damaged possessions.

However, some witnesses said when a detainee arrived at an army detention facility with money or possessions, such as mobile phones, the army usually returned these possessions to them, partially or completely, when released. Since army detentions are outside judicial oversight, the entire process is conducted and supervised by army officers and soldiers.

In January 2015, an army patrol raided the house of Mohamed Borhom Attia (real name) in Sheikh Zuwayed and arrested him after previously arresting and forcibly disappearing his father and brother two days earlier, an acquaintance of Attia’s family told Human Rights Watch.¹⁷⁹ Attia owned a gold jewelry store in Sheikh Zuwayed, and the militia members and soldiers also raided his store the same night and stole all the jewelry he had, the family acquaintance said. The next day, bystanders discovered Attia’s body in an area called al-Sha’rawy intersection in Sheikh Zuwayed. His body appeared to have nine gunshot wounds, the acquaintance said, and the family only received permission to bury the body after they signed a certificate stating that a “gunshot of unknown source” was the cause of death. The whereabouts of Attia’s father and brother remain unknown.

The Sinai Observatory, an independent group reporting on the rights situation in Sinai, reported Attia’s name among a list of men it said were killed while being held in army detention in Sinai. It categorized him as an individual who was “liquidated” on January 11, 2015.¹⁸⁰

“Younes,” a man from Sheikh Zuwayed, told Human Rights Watch that the army raided his home in late 2014 when he was at work, even though his neighbor told the officers he was not at home. Militia members in Humvees, followed by army officers, then went to Younes’s workplace, arrested him, and took him to Camp al-Zohor, where the army interrogated him for two days. When they released Younes and he returned home, he found that his motorcycle, perfumes, and 1,500 Egyptian pounds (around US\$210 at the time) were missing.¹⁸¹

Army officers stopped a government employee from Sheikh Zuwayed in November 2014 at a checkpoint outside al-Shallaq Primary School. He told Human Rights Watch that the army officers kept him in an armored vehicle until sunset as they were stopping and arresting

¹⁷⁹ Human Rights Watch interview with an acquaintance of Attia’s family, North Sinai, July 2016. Identity withheld for security purposes.

¹⁸⁰ “Sinai Observatory Documents 42 Murder Cases of Civilians in Sinai by Torture and Direct Liquidation,” Sinai Observatory, Facebook, April 10, 2016, <https://www.facebook.com/sinaiobservatory/photos/a.450720301765867.1073741828.450580701779827/542339712603925/?type=3&permPage=1> (accessed May 4, 2018).

¹⁸¹ Human Rights Watch interviews with “Younes” via mobile texting and phone in April 2016 and June 2017. Identity withheld for security purposes.

more people at the checkpoint. Soldiers appeared to arrest one man simply because he was carrying 5,000 Egyptian pounds (around US\$700 at the time), the man said.¹⁸²

“They kept hitting him saying ‘So, you were paid for [planting] the IEDs,’” he said. They later released the man. The soldiers took the money.

The man also said that soldiers stopped another car carrying three young men who were smoking marijuana. The car belonged to the driver’s father. The officer ordered his soldiers to pour gasoline on the car and burn it in front of them.

¹⁸² Human Rights Watch interview with the man via phone and mobile texting, June 2016. Identity withheld for security purposes.

IV. Extrajudicial Killings

Human Rights Watch was able to document at least 14 extrajudicial killings of detainees in North Sinai, based on interviews with six Sinai residents who described seven separate incidents involving the Egyptian army, Interior Ministry police and army-sponsored militia.¹⁸³ Security forces arrested and forcibly disappeared these victims and then executed them, falsely announcing that they had killed them in “shootouts” or security “raids.” In addition to cases documented in this report, Human Rights Watch documented and published before on the extrajudicial killings of at least 6 and perhaps as many as 18 detainees in North Sinai in two separate incidents.¹⁸⁴

Human Rights Watch did not find any evidence indicating that prosecutors opened an investigation into any of these extrajudicial killing cases. In only one extrajudicial killing case identified in this report did Egyptian Military Intelligence appear to open an internal investigation.

The army rarely provides the names of those they claim to have killed in clashes, or evidence that their killing (rather than capture) was a military necessity.

Cases of Extrajudicial Killings of Detainees

Witnesses described how the army carried out extrajudicial killings of detainees. On the day an execution was planned to occur, soldiers removed detainees from their cell, usually late at night or around dawn, telling them they were going to be released. Rather than release them, security forces transported the detainees to uninhabited areas of North Sinai and shot them dead, leaving the bodies behind, in many cases after photographing them with planted weapons. Afterward, the official military spokesman would release a statement, sometimes including images of the bodies with the weapons, claiming the slain detainees were militants killed in clashes.

¹⁸³ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

¹⁸⁴ Human Rights Watch, “Egypt: Videos Show Army Executions in Sinai,” and Human Rights Watch, “Egypt: Possible Extrajudicial Killings in Sinai.”

Families typically only found out that their relatives had been killed by chance, when other Sinai residents contacted them to tell them their relatives' corpses had been discovered. As the conflict has escalated, families of disappeared detainees have gathered each time new corpses were found to check if their detained relatives were among the dead. Several former detainees who spent time in army detention told Human Rights Watch that they began to fear that any detainee taken out of detention around dawn and informed he was going to be released was instead going to be executed.

“Younes”

“Younes,” a detainee whom the army arrested and tortured at Camp al-Zohor, told Human Rights Watch that authorities held him with five detainees several hours before the army probably executed these five individuals.¹⁸⁵ He said that the five men, whom he saw in custody on the base in March 2015, just as he was about to be released, were found dead just hours after the army let him go. He personally knew three of them, including Mohamed Fayez, a 17-year-old child, and Ibrahim Salman, a man who had a disability and could not speak.¹⁸⁶

Younes said another detainee told him that the military had tortured the five detainees the day before they were killed:

He told me they were five [detainees together], and that they were held for about 12 days. He said the five were horribly tortured and badly treated... He said that the five were forced to confess things after electrocution and waterboarding.

Younes also said that he saw “soldiers beating the mute guy and laughing at the sound of his screams.” The army released Younes the next day. After his release, he learned that local residents discovered the corpses of the five detainees in al-Sabkha area, west of Sheikh Zuwayed.

¹⁸⁵ Human Rights Watch interviews with “Younes” via mobile texting and phone in April 2016 and June 2017. Identity withheld for security purposes.

¹⁸⁶ The names of the killed persons are real.

Younes confirmed to Human Rights Watch that the bodies he saw were the same five people he saw in detention just before he was released, including the child and Salman, the man who could not speak. He said that Salman had bullet wounds in his back and that his body had to be carried out on a donkey cart, because the authorities do not allow cars to enter the area. Both the independent newspaper *al-Shorouk* and the pro-government newspaper *Youm7* reported that local residents found the five bodies on March 5, but the articles did not publish the victims' names.¹⁸⁷ *Youm7* said that the men were shot in the head and that they were recognized by locals as men who had previously disappeared after being “kidnapped by masked men in vague circumstances.”

The Al Jazeera news network reported that the men included Mohamed Fayez and Ibrahim Salman.¹⁸⁸ The official military spokesperson claimed in a statement the next day that the army had killed five “terrorists” after they fired at army forces who ambushed them in al-Sabkha area. A photo accompanying the statement showed five bodies lying face down. The statement did not mention the names of those killed, but it claimed that two guns, bullets, and a walkie-talkie were found.¹⁸⁹

“Mohamed”

“Mohamed,” a business owner from Rafah in his 40’s, told Human Rights Watch that the army arrested two of his brothers, “Farouk” and “Yahya,” from Yahya’s home in al-Arish in early 2015. Yahya lived in al-Arish neighborhood, and Farouk had come to visit him.¹⁹⁰

Mohamed did not witness the arrest, but Yahya’s wife described it to him afterward. Relying on acquaintances with connections to the army, they learned that the army was

¹⁸⁷ Mohamed Hussein, “Five Bodies Found West of Sheikh Zuwayed in North Sinai,” *Youm7*, March 5, 2016, <https://www.youm7.com/story/2016/3/5/%D8%A7%D9%84%D8%B9%D8%AB%D9%88%D8%B1-%D8%B9%D9%84%D9%895-%D8%AC%D8%AB%D8%AB-%D8%BA%D8%B1%D8%A8-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B2%D9%88%D9%8A%D8%AF-%D8%A8%D8%B4%D9%85%D8%A7%D9%84-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1/2615568> (accessed December 17, 2018) and Mostafa Singer, “Six Bodies Found In Sheikh Zuwayed,” *al-Shorouk*, March 5, 2016, <http://www.shorouknews.com/news/view.aspx?cdate=05032016&id=1f071d6f-d22f-48f3-9bf8-ed9a19doa8e4> (accessed December 17, 2018).

¹⁸⁸ “Corpses Found in Sheikh Zuwayed in Sinai,” Al Jazeera Arabic, March 6, 2016, <https://www.youtube.com/watch?v=Wy5ljUleGbQ> (accessed December 17, 2018)

¹⁸⁹ “The Armed Forces Continue its Efforts to Raid and Search Places in Counterterrorism Operations Area,” The official Facebook page of the Egyptian Army Spokesman, March 6, 2016, <https://www.facebook.com/EgyArmySpox/photos/a.219625808168409.52727.217455035052153/789668357830815/?type=3&theater> (accessed December 17, 2018).

¹⁹⁰ Human Rights Watch interview with “Mohamed,” North Sinai, July 2016. Identity withheld for security purposes.

holding the brothers in Battalion 101, but they were too afraid to visit the base to inquire about them. Two days later, another of Mohamed's brothers called and told him that residents in al-Raysan, a remote village south of al-Arish, had found some corpses. When Mohamed went to al-Raysan, he recognized the dead as Farouk and Yahya.

Mohamed told Human Rights Watch:

I found Farouk with eight bullets in his back and three in his face, with blood-stained trousers but no torture marks. Yahya only had bullets in his head... his skull was broken, and his brain was out.

The bodies had been dumped by the side of the road about two kilometers from al-Raysan, Mohamed said. The tracks of what looked like a heavy vehicle, like a Humvee, were visible in the dirt.

The day after Mohamed found his brothers' bodies, a group of men who had been detained in Battalion 101 with Farouk and Yahya were released and came to where Mohamed's family was gathered for the funeral to offer their condolences. The men said that soldiers had called Farouk and Yahya out of their cell to be released around 9a.m. on the day they were apparently extrajudicially executed.

Video Evidence of Extrajudicial Killings

In April 2017, Human Rights Watch reported on a leaked video, apparently authentic, that showed the army carrying out executions in Sinai.¹⁹¹ The video showed a group of soldiers, including a Military Intelligence officer and a militia member, participating in what appeared to be the execution of at least two blindfolded detainees, probably including a child, and perhaps as many as eight others, by shooting them to death from point blank range and then placing weapons next to their bodies.¹⁹²

¹⁹¹ "Egypt: Videos Show Army Executions in Sinai," Human Rights Watch news release.

¹⁹² Ibid.



In at least two incidents, Human Rights Watch verified extrajudicial executions by government forces in North Sinai. This picture, provided to Human Rights Watch by a Sinai activist, shows the bodies of victims of extrajudicial executions by the army in April 2017.

Three Sinai residents confirmed to Human Rights Watch that the executioner was a well-known militia member from Sheikh Zuwayed whom they knew personally.¹⁹³ An Egyptian Military Intelligence officer, recognizable by his military uniform arm patch, appeared to be observing and directing the first execution, and the soldiers appeared to use the US-made Humvee vehicles to transport the detainees.¹⁹⁴ In December 2016, before the video was leaked, the army posted an official statement on Facebook with images of the slain individuals and weapons placed next to them, claiming they were “armed terrorist elements” killed in a security raid.¹⁹⁵ Activists in North Sinai reported that the two of the victims were brothers, ages 16 and 19, whom the army had arrested from Rafah and forcibly disappeared in July 2016.¹⁹⁶

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ “Law Enforcement Forces Continue to Raid Terrorists’ Places in North Sinai,” The Official Facebook page of The Army Spokesperson, December 6, 2016, <https://www.facebook.com/EgyArmySpox/posts/951388961658753> (accessed December 17, 2018).

¹⁹⁶ The Facebook Page Sinai 24 that used to publish news on Sinai and reported the names of the two brothers was later deleted.

Sinai for Human Rights, a nonprofit organization based in Geneva, published a list of names of the executed detainees and said, based on eyewitnesses, that the execution occurred on November 2, 2016.¹⁹⁷

In a separate incident in January 2017, the Interior Ministry claimed in a statement posted to its Facebook page that its counterterrorism forces had tracked a group of suspected ISIS fighters to an abandoned house in al-Arish earlier that day and killed all 10 suspects in an exchange of fire. That same day, the ministry also released a short video purporting to show the raid itself.¹⁹⁸

Human Rights Watch analyzed the video and interviewed relatives of three of the dead men and a lawyer representing a fourth. The information gathered indicated that the Interior Ministry's security forces had actually arrested the men without warrants months before the alleged January raid took place and forcibly disappeared them. It is likely the security forces staged the video to cover-up the extrajudicial killings of these detainees.¹⁹⁹

Several other videos purporting to show extrajudicial executions have been broadcast on opposition TV channels, but Human Rights Watch has not been able to verify them. They include a video broadcast on May 7, 2018, purporting to show the execution of a child. Human Rights Watch reviewed the Facebook posts of an officer allegedly involved in the events depicted in the video. In the posts, the officer acknowledges his participation in the events and justifies the killing of the child on the grounds that he was arrested with his father in clashes. The Facebook posts were later deleted, but Human Rights Watch maintains a copy of them.²⁰⁰

¹⁹⁷ Sinai for Human Rights, "Mass Executions of Detainees in Egyptian Army's Custody in Battalion 101," April 23, 2017, <http://www.sinaihr.org/archives/2224> (accessed on June 28, 2018).

¹⁹⁸ "A Statement by the Interior Ministry," the official Facebook page of Egyptian Interior Ministry, January 13, 2017, <https://www.facebook.com/MoiEgy/posts/1287299064647087:0> (accessed December 17, 2018)

¹⁹⁹ Human Rights Watch, "Egypt: Possible Extrajudicial Killings in Sinai."

²⁰⁰ Facebook account named "Moo Amer" was later deleted. Human Rights Watch maintains screenshots of posts he made on May 8, 2018.

Pro-army militias, including the “Sinai Tribes’ Union,” a pro-government armed group created in April 2017, have routinely claimed responsibility for combat missions that involved killings of what they described as Sinai Province members.²⁰¹

The Egyptian army has not publicly commented on any of these videos or pictures.

Absence of Investigations and Accountability

None of the victims’ families Human Rights Watch interviewed said that prosecutors investigated the killings of their relatives. Families felt intimidated by security forces and therefore accepted hospital burial permission forms and police reports that identified “bullets from an unknown source” as the cause of their relatives’ death. Those interviewed said they had to agree to this cause of death in order to obtain burial permissions, seek medical treatment for their relatives, or sometimes receive compensation. One family said they buried their relative without permission or a death certificate.



A screenshot sent by an activist to Human Rights Watch that showed statements posted on May 8, 2018, on Facebook by an Egyptian army officer apparently confirming his participation in an extrajudicial killing of a child. The officer did not respond to Human Rights Watch inquiries about his statements and the account was later deactivated. Human Rights Watch reviewed other pictures he posted of himself, in which he was carrying a weapon and wearing an Egyptian military uniform.

²⁰¹ Sinai Tribes’ Union Official Website, “Al-Tarabeen Clan Ambushes and Kills 8 Takfiris and Seize their Weapons,” November 26, 2018, <https://www.sinai.news/sinai/%D9%82%D8%A8%D9%8A%D9%84%D8%A9-%D8%A7%D9%84%D8%AA%D8%B1%D8%A7%D8%A8%D9%8A%D9%86-%D9%81%D9%8A-%D9%83%D9%85%D9%8A%D9%86-%D9%85%D8%AD%D9%83%D9%85-%D8%AA%D9%82%D8%AA%D9%84-8-%D8%B9%D9%86%D8%A7%D8%B5%D8%B1/> (accessed December 18, 2018).

Ammar Youssef Zere'i

In only one case that Human Rights Watch documented, that of Ammar Youssef Zere'i (his real name), a resident of Rafah whom the army arrested and killed, did there appear to have been a Military Intelligence internal investigation into the circumstances of his death. Human Rights Watch interviewed three acquaintances of Zere'i and a former detainee who saw him in detention.

Zere'i, 29, was a man with intellectual disabilities who had two sons and a daughter. An acquaintance of Zere'i told Human Rights Watch that they witnessed the army arresting him from his house in early November 2014.²⁰² The army also destroyed his furniture. Roughly ten days later, Zere'i was found dead near Sheikh Zuwayed cemetery. In a November 8 statement, the military's official spokesman listed him as one of 249 "criminal, terrorist elements" arrested in army raids in North Sinai governorate between October 27 and November 7 that year. The statement named none of the 249 except for Zere'i and four others, whom the statement described as "extremely dangerous terrorist elements."²⁰³ Human Rights Watch reviewed copies of Zere'i's burial permission and his government ID.

"Khaled," a resident of Sheikh Zuwayed, told Human Rights Watch that he saw Zere'i in detention in Camp al-Zohor.²⁰⁴

"He was mentally handicapped. I thought they brought him to entice him [recruit as an informer], give him some food maybe, and get some information from him," Khaled said. "This was Thursday. On Saturday, they came early and took him."

Khaled said that when he was released from detention later, he asked about Zere'i, and people told him Zere'i had been found dead.

²⁰² Human Rights Watch interview with two acquaintances of Ammar Youssef Zere'i's, North Sinai, July 2016 and a separate interview with a third acquaintance via mobile texting and phone in March and April 2016. Identities withheld for security purposes.

²⁰³ The official Facebook page of the Egyptian Army Spokesperson, November 8, 2014, <https://www.facebook.com/EgyArmySpox/posts/565331156931204> (accessed December 17, 2018).

²⁰⁴ Human Rights Watch interview with "Khaled" via phone and mobile texting, June 2016. Identity withheld for security purposes.

“I calculated the time between the moment they took him and the moment he was found killed. It was hours,” Khaled said. Khaled also said that days later, he received a phone call from a Military Intelligence officer who seemed to be investigating Zere’i’s death and asked him if Zere’i had been wounded when Khaled saw him in custody. Khaled told the officer Zere’i was not wounded. He told Human Rights Watch he did not know of any further action following the phone call.

The Youth and Sports Directorate in North Sinai later issued his family a certificate, which Human Rights Watch reviewed, celebrating him as a “martyr” who “gave his good soul for the sake of the homeland.”

V. Unlawful Killings at Checkpoints and During Raids

Eyewitnesses told Human Rights Watch that soldiers stationed at army checkpoints on major roads in North Sinai, which are tightly controlled by dozens of checkpoints and military installations, sometimes shot at approaching individuals and civilian vehicles that posed no apparent security threat.²⁰⁵ Human Rights Watch documented three cases of likely unlawful killings at checkpoints and during raids based on three interviews detailing these incidents.²⁰⁶

In these cases, the army did not announce the killings, but local media usually reported these incidents by claiming that the victims were “shot by an unknown source.”²⁰⁷ The witnesses’ accounts, including a journalist from Sinai and another journalist working for an international media service who met former soldiers who were stationed in Sinai, suggest that soldiers at checkpoints sometimes started randomly firing at approaching vehicles out of a general sense of fear due to the tense security situation.²⁰⁸ They also randomly fired in the air when curfew hours began or when they heard noises of explosions or clashes. These stray bullets sometimes hit nearby civilian homes and people who were nearby.

In the three incidents Human Rights Watch documented, witnesses said that emergency medical aid could not be delivered to assist victims because hospitals were afraid to send ambulances, fearing army personnel at the checkpoint would also shoot at them. Witnesses also said the curfew the government has imposed from early evening to early morning on most of North Sinai since October 2014 has restricted the movement of

²⁰⁵ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

²⁰⁶ Ibid.

²⁰⁷ Iyad al-Sherif, “Eyewitnesses: Three Killed, Two Injured by Security Fire in Sheikh Zuwayed,” *Masr al-Arabiya*, April 25, 2015, <http://www.masralarabia.com/%D8%AD%D9%88%D8%A7%D8%AF%D8%AB/568947-%D8%B4%D9%87%D9%88%D8%AF-%D8%B9%D9%8A%D8%A7%D9%86-%D9%85%D9%82%D8%AA%D9%84-3-%D9%88%D8%A5%D8%B5%D8%A7%D8%A8%D8%A9-2-%D8%A8%D8%B1%D8%B5%D8%A7%D8%B5-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A8%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B2%D9%88%D9%8A%D8%AF> accessed (January 23, 2018).

²⁰⁸ Human Rights Watch interview with a journalist, outside Egypt, October 2018. He shared unpublished interviews with the former soldiers with Human Rights Watch.

emergency personnel. In a few incidents, local newspapers reported ambulances also being shot by “unknown gunmen.”²⁰⁹

Hani Mohamed Hassan

“Tarek,” a resident of al-Arish, told Human Rights Watch about an incident in which police shot and killed his friend, Hani Mohamed Hassan (his real name), 35, a worker on a chicken farm who was married with three sons and two daughters, at al-Ma’sara checkpoint outside al-Arish.²¹⁰

It was around 7a.m. on April 18, 2016, and Tarek was driving in his pickup truck with Hassan. Tarek said that they were passing through a double checkpoint manned by the army and the police separated by several hundred meters. He said they had just passed the first inspection, managed by the army, and been allowed to move along, when the police shot at them without warning from only a few meters ahead. Later, authorities threatened Hassan’s family not to say that the police shot him.

Tarek recalled what happened at the checkpoint:

When we were approaching, around 450 meters away, they started firing in the air. I stopped, then they stopped firing. We waved at them and they waved back like they were saying we had to go back. I started driving back but after moving ten meters away they started firing heavily. Suddenly, Hassan fell on my chest. I kept driving until the army checkpoint.

The wound to Hassan’s head was bleeding profusely, though he was still talking, Tarek told Human Rights Watch. He said that the army called an ambulance that took one hour to arrive because it had to pass through five checkpoints, each one of which can take around 10 minutes to pass through. He traveled with the ambulance to al-Arish General Hospital. The hospital transferred Hassan to another hospital in Zagazig governorate, since there was no neurosurgeon in al-Arish, and Hassan died a few days later, having never emerged from a coma.

²⁰⁹ Hanaa al-Tabrany, “A Driver and a First-Aid Worker Injured by Gunfire Against an Ambulance in Al-Arish by Unknown Gunmen,” *al-Ahram*, September 1, 2016 <http://gate.ahram.org.eg/News/1233780.aspx> (accessed January 31, 2019).

²¹⁰ Human Rights Watch interview by phone with “Tarek,” via phone, May 2016.

At the police station in al-Arish where Tarek filed a report about the shooting, the policeman who took the report wrote that Hassan had been killed by stray bullets fired by unknown gunmen, and in order to avoid trouble with the authorities. Tarek agreed. Tarek said he heard the policeman tell Hassan's family that if they insisted on claiming the police shot Hassan, he would "never get out of here," and that if he died, they wouldn't give them his body.

No prosecutors investigated the incident or asked about what happened, Tarek said. The lawyer of Hassan's family advised them to do what the police wanted to avoid getting in trouble. Hassan died seven days later, on April 25.

Human Rights Watch reviewed Hassan's two medical reports and the family's burial permission request. The medical report, dated April 25, stated that Hassan had a "cerebral hemorrhage resulting from a bullet injury in the head."

Tarek said that what he experienced happened routinely at checkpoints in North Sinai. He said that al-Ma'sara checkpoint was one of the fixed and well-known checkpoints in al-Arish. It had two armored vehicles, one officer, and more than ten soldiers. Several websites and organizations reported Hassan's killing, including Sinai for Human Rights.²¹¹ The group released a report in January 2017 titled "Victims at Checkpoints" that documented several other killing incidents at checkpoints in Sinai.

"Adel"

"Walid," a young worker from Rafah, witnessed the killing of his brother, "Adel," who was a worker in his 40's, when the army raided their neighborhood in mid-2015.²¹²

The family was sitting together at home during the Eid al-Fitr holiday when they heard people outside saying that an army patrol was coming. Walid said he and the others, fearing arbitrary arrests, ran, but Adel stayed, saying he did not have the energy to run and that everything would be fine. Walid hid inside a farm until the patrol left. When he returned to his home, he found a crowd gathered outside.

²¹¹ "Victims at Checkpoints During Curfew in North Sinai," Sinai for Human Rights, March 2017, <http://www.sinaihr.org/archives/1660> (accessed May 2018).

²¹² Human Rights Watch interview with "Walid," North Sinai, July 2016. Identity withheld for security purposes.

“When I entered, I found my brother, Adel, shot... The bullet exited from his heart,” Walid said.

Walid’s parents, who had been home during the incident, told him what happened:

When the army came closer to the house, Adel heard them, felt scared, and told his mother, “I’m going to run. It seems they will enter the house and take me. I wish I had run with my brothers.” ... He ran to hide in the cemetery [nearby]. An officer came out from an armored vehicle with three soldiers... He said into the walkie-talkie that there was a *takfiri* running to the cemetery. The officer yelled at Adel to stop but he did not hear them.

A relative who was there said that Adel was not running anymore but the officer shot him in the back. He fell.

Walid said that the officer asked his soldiers to go check if Adel was alive or dead and bring his ID, and the army took his body away. Later, the men were too afraid of arrest to retrieve Adel’s body, so they sent women to take it back on a donkey cart. The family agreed to accept a burial permission from the doctor that identified “bullets from an unknown source” as the cause of death.

Later, Walid said, the family used an intermediary with connections to the Military Intelligence to secure an unofficial compensation of 35,000 Egyptian pounds [around \$4,375 USD at that time] and a monthly pension for Adel’s wife of around 800 to 1,000 pounds [\$100 – 124 USD].²¹³

²¹³ The real amount of money is altered to avoid identification.

VI. Ill-treatment, Torture, and Death in Detention

It is true that in the army [detention center] some people are taken wrongly, and others die, but we also fight takfiris and arrest [many] of them.

--An army officer talking to a detainee he tortured in al-Zohor base.

Six former detainees and acquaintances of four other detainees described to Human Rights Watch how they were abused and tortured while being detained in isolation from the outside world.²¹⁴ Torture included flogging and electric shocks. Witnesses and relatives of detainees interviewed for this report described how they or their imprisoned relatives were held in dire conditions where they suffered from a lack of access to sufficient food and clean water, adequate clothing, and healthcare, and did not receive any judicial review of their detention status.²¹⁵

The military detains most of those arrested in North Sinai at three main sites: Battalion 101, located in al-Arish; Camp al-Zohor, a converted youth and sports center in Sheikh Zuwayed; and al-Azoly, a military prison inside al-Galaa Military Base which is the headquarters of the Second Field Army in the Suez Canal city of Ismailia.²¹⁶ Those arrested by the Interior Ministry were usually held in the National Security Agency's headquarters in al-Arish.²¹⁷

Cells in the detention centers were often overcrowded, sometimes filled with dozens of detainees at a given time, some of whom were injured or in poor health. Witnesses said that most of the individuals carrying out the torture and mistreatment were army officers and soldiers in uniform. "Othman," an activist from North Sinai who was once detained in Battalion 101 for a week in late 2013, gave details to Human Rights Watch on his detention conditions:

The cell had a toilet without a door. Only one gallon of water was provided for all people and for all purposes. The food given was so little, and that's

²¹⁴ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

²¹⁵ Ibid.

²¹⁶ See Appendix III.

²¹⁷ Human Rights Watch interviews with 40 North Sinai residents, April 2016 to April 2018.

why we didn't need the toilet a lot. Later, the water gallon became a common joke; everyone who got released, we jokingly asked him if the gallon was still there. I didn't face torture, but I heard people loudly screaming, and I asked other detainees who said they were electrocuted and flogged.²¹⁸

“Hossam,” who spent months in al-Azoly, said that he witnessed three fellow prisoners die in detention in 2015, either under torture or because of negligence and the absence of necessary medical care.²¹⁹

Two detainees said they witnessed the death of a man in detention in al-Azoly prison named Hajj Faraj al-Sab'. Hossam told Human Rights Watch that he and other fellow detainees tried to attract the guards' attention by knocking on their cell doors when al-Sab' appeared to be dying sometime in October 2015. A guard came and took his body after he appeared to have died, and Hossam said they did not know what happened to al-Sab' afterward. Al-Sab' was over 65 years-old, was a paraplegic, and spoke “sluggishly” in prison, apparently due to poor health, Hossam said.²²⁰ “Safwat,” a young man who also spent months in al-Azoly, told his family that he saw an old man with paraplegia dying who appeared to have been al-Sab'.²²¹

Ahmed Younes al-Qayyem (his real name) was a young man from Sheikh Zuwayed who worked as a technician in a lab in al-Arish. According to relative of al-Qayyem living outside Egypt, four former detainees separately confirmed to his family that al-Qayyem died under torture in the army's custody in Battalion 101 around mid-May 2017.²²² However, his family could not retrieve his body, and they were not allowed to receive a death certificate or official confirmation of his death.²²³ Al-Qayyem's relative told Human Rights Watch that government forces had arrested al-Qayyem from his family's home on

²¹⁸ Human Rights Watch interviews with “Othman” via mobile texting and calls, March and August 2016. Identity withheld for security purposes.

²¹⁹ Human Rights Watch interview with “Hossam” via mobile texting, May 2016.

²²⁰ Ibid.

²²¹ Human Rights Watch interview with a relative of “Safwat,” via phone and mobile texting, May 2016.

²²² Human Rights Watch interview on Facebook with relative of el-Qayyem living abroad, May 2017.

²²³ Several websites and Facebook pages reported al-Qayyem's death. See for example: Khawater Sinawy's page, July 3, 2017, <https://www.facebook.com/505737276189674/photos/a.505778922852176/1368369819926411/?type=3> (accessed November 13, 2018).

January 22, 2017. Former detainees later told the family that he had been forcibly disappeared in Battalion 101.

Army forces arrested Essam al-Bateen (his real name), a man in his thirties and a father of three, in Sheikh Zuwayed in August 2013, a relative told Human Rights Watch.²²⁴ The relative said that the army severely abused al-Bateen, along with three other men, including another relative, in Battalion 101. Later, the army transferred al-Bateen, along with the other detainees, in a helicopter to al-Galaa Military Base, the relative said. The relative said he later heard from detainees who were released that al-Bateen died when soldiers beat him on the head.²²⁵

“Younes”

“Younes,” the young man from the Kawthar neighborhood in Sheikh Zuwayed (see above), said that in late 2015, after his third arrest, he was tortured and electrocuted at Camp al-Zohor.²²⁶ He said that on the second day after he arrived, soldiers blindfolded him and took him to the interrogation room. He said he believed there were around ten men interrogating him, including three officers and two militia members whom he identified from their accents as being from Sinai’s local community.

An officer started asking Younes personal questions about his family while hitting him on the back with a whip. He also asked him how long he had been “religious” and other questions about certain verses in the Quran. The officer asked Younes about militants whom he claimed were seen together visiting a relative of Younes. Younes denied knowing them.

A day later, Younes said the officer brought him to the “electrocution room” and tied him to a chair. The officer started asking Younes the same questions and Younes again denied he knew the two militants:

Suddenly, when I was talking, I found myself screaming. It was a feeling I experienced for the first time in my life. I started saying the *shahada* [the

²²⁴ Human Rights Watch interviews with relative of Essam al-Bateen, via mobile texting, April 2016 and June 2017.

²²⁵ Ibid.

²²⁶ Human Rights Watch interviews with “Younes” via mobile texting and calls, April 2016 and June 2017.

Muslim affirmation of faith]. He [kept] asking and I kept saying I didn't know. Then he would electrocute [me] again for three or four seconds, stop, and repeat again. I have an uncle who died under torture and I remembered him [at that moment].

The officer electrocuted Younes a few more times until his head started shaking, he said. They left him for a while. Then the officer said that all the other people in the room had left and asked Younes to give him the names of the two militants. The officer started talking less aggressively.

“We also pray and fast. We like religious youth,” the officer told Younes. “It is true that in the army [detention] some people are taken wrongly and others die, but we also fight *takfiris* and arrest [many] of them.” Hours later, the officer told Younes he could go back home on the condition that “we don't hear of you again.”

When Younes was about to leave, the officer said that they “hear a lot of things,” and that “everyday people die from our side,” trying to justify why he tortured Younes. He then apologized, saying he was sorry. Younes also said that while in detention, he saw army soldiers beating a detainee he knew who was 17 and who appeared to be “severely tortured.” Inside the detention cell, he met another detainee he knew who also told Younes he had been badly tortured.

“Hossam”

“Hossam” told Human Rights Watch that he was arrested in North Sinai in 2015 and held at a Military Intelligence facility in Cairo, where he said he was first tortured before being transferred to the new al-Azoly building at al-Galaa Military Base in Ismailia. When Hossam arrived at the detention center, soldiers stripped him of his clothes to examine his body, then subjected him and other detainees to a beating common in Egyptian prisons and police stations known as the “welcoming party.”²²⁷

²²⁷ For more information on routine torture and ill-treatment in Egypt's detention, see Human Rights Watch, “*We Do Unreasonable Things Here: Torture and National Security in al-Sisi's Egypt*,” September 6, 2017, <https://www.hrw.org/news/report/2017/09/06/egypt-05/we-do-unreasonable-things-here/torture-epidemic-may-be-crime-against-humanityand-national-security-al-sisis-egypt>.

Hossam described how officers came to take detainees for interrogation sessions in al-Azoly that involved severe torture every day:

They come after 10a.m. each day. When you hear your name, you put a blindfold over your eyes and you go outside where military police soldiers take you to a place called “S8.” It consists of two floors with three rooms: A room for detention, a room for the officer, and a torture room. There are National Security officers and [military] intelligence officers. You know the difference when you have experience.

Hossam said he was tortured in the “S8” building several times:

They electrocute you for five to ten seconds each. There is also “*al-falaka*”: you go up on a chair, they hang you on the wall from the wrists, and then they remove the chair and keep you hanging. Then, military police soldiers come and start beating you. I got a disc prolapse in my lumbar spine [a spinal injury that involves disc herniation]. After torture, they always send you to solitary confinement for a day so that you don’t talk with anyone.

The Egyptian Commission for Rights and Freedoms said that S8 was the abbreviation for a Military Intelligence unit.²²⁸

Hossam told Human Rights Watch that he was electrocuted so severely that his injuries, many of which resulted from his torture in Cairo before arriving to al-Galaa, required authorities to transfer him to the hospital three times. Al-Galaa Military Base hosts al-Galaa Military Hospital, which mainly treats military staff. He said he was given very little care.

Human Rights Watch obtained a copy of Hossam’s medical documents from his family. The documents showed that he suffered from a coagulation of blood in the deep blood vessels in one of his legs and an inflammation of nerves in his arms and one leg. Both conditions were likely a result of his torture, ill-treatment, and lack of food and water in detention, he

²²⁸ “Al-Galaa Military Base, Theatre of Torturers and Hidden Base of the Disappeared,” The Egyptian Commission for Rights and Freedoms, June 2017, <http://www.ec-rf.net/?p=1978> (accessed November 16, 2018).

said. This included being suspended from the ceiling in severe stress positions and electrocuted many times.

Hossam said that eventually a Supreme State Security prosecutor came to interrogate him in the hospital a few hours after his transfer to the hospital:

[He] interrogated me for six hours while I was in extreme fatigue, almost fainting and unable to speak properly. Days later I was shocked to know I was ordered detained pending investigations... The interrogation happened in a ward that had no other patients. Only the prosecutor and someone who was writing down [notes]... The prosecutor had documents with him... I told him to ask me his own questions and not from the papers, but he kept laughing at me.

Hossam said that the prosecutor acknowledged that he had no idea where Hossam had been detained, when, or why:

I told him I was in al-Azoly but he said he didn't know this place. I said I was detained for [several months] and that I was disappeared. I don't know if he wrote this down or not. He had no arrest warrant. I asked him, sarcastically, if he knew where I was arrested; he said, "no." I asked if he knew when; he said, "no." I asked if he knew how I came here, and he said "no."

Hossam was later sentenced to several years in prison on charges of "joining an illegal group." He is currently in a prison in Cairo.

Hossam said there were at least three children in al-Azoly at the time he was there. Human Rights Watch reviewed pictures of one of them, Ayoub Ayyad (his real name), 12, which the military spokesperson published on his official Facebook page. Hossam said he could recognize that the picture was taken inside al-Galaa.²²⁹

²²⁹ See section: "Detaining Children."

A second child whom Hossam said he met in detention, Adel Eid Ouda (his real name), 12, was reported released by several independent news websites in December 2015.²³⁰

Hossam said a third child, Anas Hossam al-Din Badawy (his real name), 14, whom he saw being badly treated in detention, was later transferred to al-Mostakbal Prison in Ismailia and charged with violence-related charges. Badawy's family told the independent news website *Masr al-Arabiya* that the army arrested their child on January 8, 2015, and forcibly disappeared him, refusing to tell them of his location when they asked. The family said that they later discovered that the authorities were detaining him in al-Azoly.²³¹ On October 6, the pro-government newspaper *Youm7*, reported that a judge ordered him released.²³²

“Safwat”

“Safwat” spent almost one and a half years in al-Azoly after National Security forces arrested him at his home in al-Arish in late 2014 and took him to an unknown location, a member of his family told Human Rights Watch.²³³ He had turned 18 just a few months earlier. National Security forces asked if his name was Safwat when they raided his home and then carried him out immediately, without even giving him time to put his shoes on, the relative said.²³⁴

A month after his arrest, Safwat managed to send his family a message through another detainee held with him. The fellow detainee was seeing his lawyer during a trial session in al-Galaa Military Court. Safwat's message informed his family that he was detained in al-Azoly and that he needed clothes because he had been wearing the same clothes since his

²³⁰ Hanaa al-Tabrany, “25 Sinai Residents Released from Ismailiyya Prisons,” *Al-Ahram*, December 19, 2015, <http://gate.ahram.org.eg/News/824797.aspx> (accessed December 19, 2015) and Iyad Sherif, “11 Sinai Detainees Released from Al-Azoly Prison in Ismailia.”

²³¹ Iyad Sherif, “The Child Anas, One Year of Enforced Disappearance,” *Masr al-Arabiya*, December 11, 2015, <http://www.masralarabia.com/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D9%88%D8%AA%D8%AD%D9%82%D9%8A%D9%82%D8%A7%D8%AA/832853-%D8%A7%D9%84%D8%B7%D9%81%D9%84-%D8%A3%D9%86%D8%B3-%D8%B9%D8%A7%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D8%A7%D8%AE%D8%AA%D9%81%D8%A7%D8%A1-%D8%A7%D9%84%D9%82%D8%B3%D8%B1%D9%8A> (accessed November 16, 2018).

²³² Mohamed Abdel Razik, “Anas Hossam, the Defendant in Sinai Province, Ordered Released,” *Youm7*, October 6, 2016, <http://www.youm7.com/story/2016/10/6/%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-%D8%A3%D9%86%D8%B3-%D8%AD%D8%B3%D8%A7%D9%85-%D8%A7%D9%84%D8%AF%D9%8A%D9%86-%D8%A7%D9%84%D9%85%D8%AA%D9%87%D9%85-%D8%A8%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1/2910211> (accessed November 16, 2018).

²³³ Human Rights Watch interviews via calls with “Safwat's” relative, May 2016.

²³⁴ *Ibid.*

arrest. His family managed to send him clothes through the lawyer, who later told them he never managed to see Safwat himself.

The relative recounted the first time they were able to hear Safwat's voice, when he called them from a new prison:

One year and five months after his arrest, Safwat called and said, "I'm out of the tomb." He said he went to al-Mostakbal Prison in Ismailia. He was extremely happy and said, "I'm ok now, even if I'm not released."

The family visited Safwat later in the Tora Prison Complex in Cairo:

He developed piles [anal hemorrhoids] [in al-Azoly] because there was no toilet and he had abscesses and pimples all over his body [because of the lack of hygiene]. He was bleeding from his nose... It's an inhuman place.

Safwat told his family about the torture and ill-treatment in al-Azoly. The relative said that they could not bear hearing many details about the torture, but that Safwat told them he had been electrocuted and assaulted:

In al-Azoly, [the guards] were not human beings... If someone said any word of objection, he would be beaten. Sometimes they opened the cells suddenly and started beating everyone... The cell was packed like a sardine can without sun or air. They used to throw a bucket of urine on those who objected. Safwat said he was always beaten... There were old men. [The guards] were stepping on the old men's heads with their feet.

Safwat told his family that, because of overcrowding in the cell, there was no space to stretch his legs. When Safwat called his family for the first time after his transfer from al-Azoly he was yelling, "There's a toilet here, mom! We ate cheese and tomatoes," the relative told Human Rights Watch.

Safwat was first brought before prosecutors in early 2016, nearly a year and a half after his arrest. Supreme State Security prosecutors came to interrogate him in prison. His family

said they urged him to tell the prosecutors everything about his disappearance and detention, but that prosecutors participated in the falsification of Safwat's true arrest date:

The prosecutor told him, "Consider those [months] a sacrifice for the sake of the homeland. You are registered in my papers that you were arrested on today's date."

The prosecutor then ordered Safwat detained 15 days pending investigation and later charged him in a case involving alleged members of the Sinai Province militant group.

VII. Role of the Pro-Army Militias

The masked army collaborators are the ones who settle scores with people and are the reason why many innocent people are arrested.

--Brother of a disappeared person taken from his home in al-Arish

The army, which had not operated in North Sinai for decades before the recent escalation of violence and therefore lacked local intelligence, began in 2015 to recruit local residents into irregular militias that have since played a major role in abuses, according to Sinai residents interviewed by Human Rights Watch.²³⁵ Called *manadeeb* (delegates) by the authorities and *gawasees* (spies), *molathameen* (the masked ones), or “Battalion 103”—a play on the name of the Battalion 101 military base—by North Sinai residents, this irregular militia performs a function that blends intelligence gathering with police action.²³⁶ The militias operate at the direction of the military, which gives them uniforms and weapons and often a place to live on military bases, and they play an important role in the army’s arrest campaigns.²³⁷ Residents said militia members often use these campaigns as a means to settle personal disputes or to further their own business interests.

“They turn people in and that’s it,” a former army officer, who served in North Sinai, told Human Rights Watch. “Anyone who pesters them or who they’re annoyed with.”²³⁸

The creation of such militias was, however, publicly opposed by many prominent leaders of different Sinai clans who thought that arming civilians could result in more local tensions. The North Sinai People’s Committee, an independent gathering of community leaders, issued a public statement against arming the militias and saying that only “political participation” could be the solution.²³⁹ A 2017 report by the government-

²³⁵ Human Rights Watch interviews with 40 Sinai residents and several activists, two former army officers, April 2016 to April 2018.

²³⁶ According to these interviewees, North Sinai residents colloquially referred to the Islamic State affiliate in the area as “Group 102.”

²³⁷ “The Armed Forces’ men in Sinai,” *Mada Masr*, August 29, 2016, <https://madasr.com/en/2016/08/29/feature/politics/the-armed-forces-men-in-sinai/> (accessed November 20, 2018).

²³⁸ Human Rights Watch interview with former army officer, Egypt, May 2017.

²³⁹ “In Order to Avoid the Annihilation of Everyone,” The North Sinai People’s Committee, November 27, 2017, <https://www.facebook.com/Peoples.Committee.to.the.north.Sinai/photos/a.1811947049061852/1949587281964494/?type=3&theater> (accessed December 17, 2018).

sponsored National Council of Human Rights described civilians taking up arms to support the army as “sparking concerns.”²⁴⁰

The exact size and make-up of the militia is unknown, but many of those Human Rights Watch interviewed said it was common to see militia members—easily recognized by their mixed uniforms, face-covering *shemagh* (scarf), and local accents—accompanying army convoys and pointing out individuals for arrest. Residents told Human Rights Watch that the army paid militia members and appeared to recruit men who had criminal records. Media reports show that authorities promised some of those militia members they would cancel their in-absentia convictions in order to encourage them to support the army.²⁴¹

“Most of the group members are known and have criminal records [*sawabiq*] or were thugs [*baltageya*],” a former Egyptian army officer said. “And most of them are of low social status because of drug addiction, because their tribes renounced them due to their past behavior. So they couldn’t find a safer refuge than the military cover they’re working through.”²⁴²

In addition to the “*Manadeeb*” militias directly controlled by the army, the military also helped to create and arm the Sinai Tribes’ Union, which some clan members established in April 2017 to fight next to the army against Sinai Province and to organize those willing to join the fight against ISIS. The group describes itself on Facebook as a group “established... to offer logistic support to the armed forces.” The group “proudly” announced its involvement in several combat missions. The group’s main Facebook page shows an announcement encouraging residents to report about suspected militants to them and that they would guarantee confidentiality and safety of anyone reporting.²⁴³

²⁴⁰ The Egyptian National Council for Human Rights, “The Twelfth National Council For Human Rights Report 2016-2017,” P. 13, December 13, 2017, <http://www.nchregypt.org/index.php/2010-02-07-16-22-57/2010-02-07-16-23-32/1947-annual-report-of-the-twelfth-national-council-for-human-rights-2016-2017.html> (accessed January 8, 2019).

²⁴¹ Mahmoud Khalil, “Egyptian Authorities Entice Sinai Tribes by Canceling The -In-Absentia Verdicts,” *Al-Araby Al-Jadeed*, December 16, 2018, <https://www.alaraby.co.uk/politics/2017/12/15/%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D8%AA%D8%BA%D8%B1%D9%8A-%D9%82%D8%A8%D8%A7%D8%A6%D9%84-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D8%A8%D9%88%D8%B1%D9%82%D8%A9-%D8%A5%D9%84%D8%BA%D8%A7%D8%A1-%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D8%BA%D9%8A%D8%A7%D8%A8%D9%8A%D8%A9> (accessed August 8, 2018).

²⁴² Human Rights Watch interview with a former army officer, Egypt, May 2017.

²⁴³ The “official” Facebook page of Sinai Tribes’ Union, March 15, 2018, https://www.facebook.com/pg/Sinai.Tribes.News/about/?ref=page_internal (accessed July 18, 2018).

The army has not released any statements officially acknowledging the existence of such militias despite their visibility, and the government has not issued any decrees regulating them. But news reports have said that the army was arming some clans in Sinai to fight against Sinai Province.²⁴⁴

The Sinai Tribes' Union has posted audio recordings of what it described as confessions of the arrested "Sinai Province" leaders on its Facebook page. The group also said it paid two million pounds to one informant who provided information that led to the arrest of one leader.²⁴⁵

Many North Sinai residents have stories of how altercations and past disputes with militia members led to their arrest.

"There was an electricity pole [my father] wanted to put up in front of our house," said a woman from the town of Rafah, whose father was forcibly disappeared by the army in 2014.²⁴⁶

And afterward there was a *mandoub* [militia member] who worked with the army ... [who] came to the house and said, 'You can't put that here,' and they had an argument in the street ... My father told the *mandoub*, 'I'll complain about you to the army,' and [he] started laughing loudly and said to my father, 'If you open your mouth, I'll take you to the army from your home.' And two days after the argument, we found a convoy of Humvees and armored vehicles enter the neighborhood and come to our home.

Sometimes, militia members themselves have carried out the worst abuses, such as the extrajudicial killing of detainees shown in a leaked April 2017 video (see IV. Extrajudicial

²⁴⁴ Brian Rohan, "Egypt arming Sinai tribesmen in fight against Islamic State," Associated Press, September 7, 2018, <https://www.yahoo.com/news/egypt-arming-sinai-tribesmen-fight-against-islamic-state-062417306.html?guccounter=1> (accessed November 17, 2018).

²⁴⁵ "Confessions of the Terrorist and Sinai Province Leader Ibrahim al-Dn," The "official" Facebook page of Sinai Tribes' Union, August 3, 2018, <https://www.facebook.com/Sinai.Tribes.News/videos/283790899093283/> (accessed December 17, 2018).

²⁴⁶ Human Rights Watch interview with Rafah resident, North Sinai, December 2016.

Killings). Two former army officers who spoke with Human Rights Watch said that executions such as those were a regular occurrence.²⁴⁷

On occasion, militias were also involved in combat missions. Some prominent clan leaders played major roles in fights against Sinai Province. Salem Abu Lafi, a prominent leader of the Sinai Tribes' Union and a member of al-Tarabeen clan had previously been arrested in 2008 and charged with killing a police officer in Sinai. He managed to flee for several years.²⁴⁸ Later, he sided with the army in their battle against the Sinai Province militant group until he died in a combat mission against them in May 2017.²⁴⁹ Lafi's killing was widely covered in Egyptian pro-government newspapers, who described him as the "martyr" who faced ISIS. Pictures circulated by Egyptian newspapers showed an army officer greeting Lafi while apparently in the field in Sinai.²⁵⁰

Involvement in Raids

"They [the police] raided the yard. They were about 12 men, all dressed similarly except the masked spy. The policemen were not masked," said "Maysa," the resident from South Rafah whose son was arrested in late 2015.²⁵¹ Maysa's neighbor, Sara, said that the army and police seem to rely more on militia members in areas the authorities consider particularly dangerous.

²⁴⁷ Human Rights Watch interviews with two former Egyptian military officers and three North Sinai residents, May and June 2017.

²⁴⁸ Abdel Hamid Salem, "Youm7 Exclusively Talks with the Fugitive Salem Abu Lafi," *Youm7*, June 6, 2010, <https://www.youm7.com/story/2010/6/4/%D8%A7%D9%84%D9%8A%D9%88%D9%85-%D8%A7%D9%84%D8%B3%D8%A7%D8%A8%D8%B9-%D9%8A%D9%86%D9%81%D8%B1%D8%AF-%D8%A8%D8%A7%D9%84%D8%AD%D9%88%D8%A7%D8%B1-%D9%85%D8%B9-%D8%A7%D9%84%D9%87%D8%A7%D8%B1%D8%A8-%D8%B3%D8%A7%D9%84%D9%85-%D8%A3%D8%A8%D9%88-%D9%84%D8%A7%D9%81%D9%89-%D8%A7%D9%84%D9%85%D8%AA%D9%87%D9%85/236424> (accessed July 18, 2018).

²⁴⁹ "A Leader of al-Tarabeen among Several killed in Clashes against Sinai Province," *Al-Araby Al-Jadeed*, May 10, 2017, <https://www.alaraby.co.uk/politics/2017/5/10/%D9%82%D8%AA%D9%84%D9%89-%D8%A8%D9%8A%D9%86%D9%87%D9%85-%D9%82%D9%8A%D8%A7%D8%AF%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%AA%D8%B1%D8%A7%D8%A8%D9%8A%D9%86-%D8%A8%D8%A7%D8%B4%D8%AA%D8%A8%D8%A7%D9%83%D8%A7%D8%AA-%D8%B6%D8%AF-%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-> (accessed July 18, 2018).

²⁵⁰ Hesham al-Sorogy, "Five Reasons Behind Killing Colonel al-Mansy," *Sout al-Omma*, July 7, 2017, <http://www.soutalomma.com/Article/600452/5-%D8%A3%D8%B3%D8%A8%D8%A7%D8%A8-%D9%88%D8%B1%D8%A7%D8%A1-%D8%A7%D8%B3%D8%AA%D8%B4%D9%87%D8%A7%D8%AF-%C2%AB%D8%A7%D9%84%D9%85%D9%86%D8%B3%D9%8A%C2%BB> (accessed August 15, 2018).

²⁵¹ Human Rights Watch interview with "Maysa," North Sinai, December 2016. Identity withheld for security purposes.

“We know that the police and army [apprehend] any men... especially when they are from south Rafah and South Sheikh Zuwayed... The spies are everywhere, and they report everyone [to the army] especially those from south Rafah,” Sara said.²⁵²

“Aisha,” an al-Arish resident, described witnessing a military patrol raid her neighbor’s house in the Sabeel area in November 2016:

[The army] had a Bedouin masked man in army commando trousers and a black shirt. I overheard him as he was talking in a Bedouin [accent] with them. He [was wearing] flip-flops.... He was the only one masked.

“Hamza,” a man from al-Arish who witnessed the arrest of his brother Youssef in late 2014, described the prominent role played by the militia member who accompanied the army patrol:²⁵³

Before I finished talking, the masked spy carrying a walkie-talkie was telling the soldiers to ignore the first floor and go directly to the second floor. Our house is two stories and is surrounded by a big farm... but I don’t know how the spy knew Youssef was on the second floor.

“Rania,” who witnessed the army arrest her husband and son in early 2014, said that she believed a militia member who was a relative of her husband played a role in their arrest. The relative, whom Rania said was also involved in drug dealing, had sold a piece of family-owned land in al-Arish, and when her husband objected and demanded his share of money, the relative refused to give it to him and threatened to denounce him to the army as a “*takfiri*.” Four days later, the army patrol came to their home. ²⁵⁴

²⁵² Human Rights Watch interviews with mother, wife and a neighbor of “Mohsen,” North Sinai, December 2016.

²⁵³ Human Rights Watch interview with “Hamza’s” brother, North Sinai, December 2016.

²⁵⁴ Human Rights Watch interview with “Heba,” North Sinai, December 2016.

Involvement in Torture

In addition to their main role as informants, militia members were also involved in torture and killings, according to witnesses and video footage reviewed by Human Rights Watch.²⁵⁵

Limited information is known about the fate of alleged militants captured by pro-army militias. But in one incident, the Sinai Tribes' Union published a video saying it burned alive a Sinai Province member they captured, claiming that that the militant participated in the same act previously against a policeman.²⁵⁶

A Facebook page named "Sinai Mawtiny," meaning, "Sinai My Home," described its administrators as "young people from Sheikh Zuwayed" who "love their homeland" and published footage that included alleged extremists confessing on video. Two Sinai activists told Human Rights Watch they believed that militia members who live on the army bases run this page and others similar to it.

Demanding Money and Bribes

Four families told Human Rights Watch that they paid money to bribe militia members to provide information on the whereabouts of their detained relatives or release them.

A young man, 26, from Sheikh Zuwayed, said that army forces stopped him at a checkpoint near the city in late 2013. The officers arrested him and two friends accompanying him after militia members checked their IDs and told the officers to do so. They sent the man and his friends to Battalion 101, where he was held for almost 10 days. The army released his two friends after two days.²⁵⁷

²⁵⁵ Human Rights Watch interviews with 40 Sinai residents, several activists and two former army officers, April 2016 – April 2018.

²⁵⁶ "Sinai Tribes Threaten ISIS... al-Tarabeen Burns an ISIS Leader Alive," *Annahar*, April 28, 2018, <https://www.annahar.com/article/576587-%D9%82%D8%A8%D8%A7%D8%A6%D9%84-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D8%AA%D8%AA%D9%88%D8%B9%D8%AF-%D8%AF%D8%A7%D8%B9%D8%B4%D8%A7%D9%84%D8%AA%D8%B1%D8%A7%D8%A8%D9%8A%D9%86-%D8%AA%D8%AD%D8%B1%D9%82-%D8%A3%D8%AD%D8%AF-%D9%82%D9%8A%D8%A7%D8%AF%D9%8A%D9%8A%D9%87-%D8%AD%D9%8A%D8%A7-%D8%B5%D9%88%D8%B1> (accessed August 8, 2018); Mohamed al-Demerdash, "Al-Tarabeen Spokesperson Reveals the Details of Burning an ISIS [member] Alive in Sinai," *Veto Gate*, April 30, 2017, <http://www.vetogate.com/2691381> (accessed August 8, 2018).

²⁵⁷ Human Rights Watch interviews via mobile texting and phone with resident of Sheikh Zuwayed, June 2016. Identity withheld for security purposes.

While in detention, the man talked with one of the militia members, who claimed to know a senior officer in Camp al-Zohor. The militia member told the man that he could get him released if he paid money. The man's family paid around 23,000 Egyptian pounds (around \$2,900 at that time), and he was subsequently released.²⁵⁸ The man said that he later saw a video in which ISIS militants killed this militia member. The man said that he also later learned that the senior officer involved in taking bribes was imprisoned after the army prosecuted him in a military trial. Another former detainee in al-Zohor told Human Rights Watch that two army officers were prosecuted for receiving bribes to release those detained.

"Ashraf" told Human Rights Watch that the army arrested his brother at his home in al-Arish in late 2015, a week after he had a dispute with a militia member over issues related to drugs. While Ashraf's brother was detained, he said, the family approached another militia member they knew to try to find his brother. The militia member told them to give him the names of five "fugitives" so that he could give the names to the army and that afterwards he would get Ashraf's brother released.²⁵⁹

"Eid," whom the police arrested and forcibly disappeared in al-Arish in late 2015, had been arrested once before in Sheikh Zuwayed by militia members, his wife, Azza, told Human Rights Watch. She said that militia members stopped him while he was driving his car loaded with goods he brought from al-Arish for his own business. They accused him of planning to smuggle the goods and took him from the army checkpoint at the railroad station in Sheikh Zuwayed to al-Zohor. The army released Eid after three days, after the family got a clan leader to intercede on his behalf, but the army seized the goods and the car.²⁶⁰

Eid's wife said that they later saw the militia members driving the car. She said that Eid tried for weeks to ask the army to return his car. ISIS militants eventually attacked the militia members while they were in the car and burned it. At the time, Eid was still in army detention after having been arrested for the second time. Eid's wife said the authorities never compensated them for the car.

²⁵⁸ Real amount of money is altered to avoid identification.

²⁵⁹ Human Rights Watch interview with "Ashraf's" brother, North Sinai, December 2016. Identity withheld for security purposes.

²⁶⁰ Human Rights Watch interview with "Azza," North Sinai, December 2016. Identity withheld for security purposes.

VIII. Possible Unlawful Air and Ground Attacks

Human Rights Watch interviewed individuals from 15 families who said they witnessed 15 incidents in which the army damaged or destroyed their properties or killed or injured relatives in attacks that happened, to their knowledge, without any clashes or militant activities in the area around their homes. In a few additional cases, families said that militants operated close to where they lived, and ongoing clashes resulted in the army shelling their houses. None of the individuals Human Rights Watch interviewed said that they received a warning to evacuate the area before shelling occurred.²⁶¹ In the shelling incidents documented in this report, 11 children, 6 women, and one man were killed, and 6 children, 4 women, and 3 men were injured.

A former Egyptian government official who worked in North Sinai from 2012 to 2015 said that army shelling of civilian houses was routine, especially by artillery. “They launched the artillery, and it fell sometimes 500 meters away from the target. Residents were always scared,” he said.²⁶²

Human Rights Watch has found no record of the army ever having acknowledged any civilian casualties from ground shelling or airstrikes. But the army or the government did offer monetary compensation to 9 of the 15 families Human Rights Watch interviewed, and three of them were also offered temporary housing. The compensation ranged from a three thousand Egyptian pounds to larger sums of money.²⁶³ However, Human Rights Watch was unable to identify any transparent mechanisms or judicial oversight processes that exist for investigating civilian casualty incidents and compensating victims; rather, the process was mostly based on opaque Military Intelligence internal decisions, according to those witnesses.

The families affected by the military’s shelling and strikes told Human Rights Watch that they usually first went to visit the Military Intelligence office in Al-Arish or another city to file a report about the incident. The officers there would tell them to come back after a

²⁶¹ Human Rights Watch interviews with 40 Sinai residents, April 2016 to April 2018.

²⁶² Human Rights Watch interview with former Egyptian government official via mobile texting, 2017, location withheld.

²⁶³ Human Rights Watch interview with 40 Sinai residents, April 2016 to April 2018. The equivalent amount in US Dollars is between 1 USD = 8 Egyptian pounds until late 2016 and 18 Egyptian pounds in later years.

couple of weeks to receive the decision. Some families received compensation while others did not, with no explanation of the decision and no possibility to appeal.

In all cases, officials, including hospital employees, army personnel, and police officers, would instruct relatives of victims throughout the process, and from the beginning when victims were received in hospitals to sign official documents that the casualties resulted from shelling “from an unknown source.” Prosecutors never investigated any of the cases Human Rights Watch documented. For those who initially insisted on reporting that the army carried out the shelling that killed, injured, or damaged relatives or property, the army would intimidate them to change their accounts.²⁶⁴

According to a Human Rights Watch review of Egyptian newspapers between 2015 and June 2018, local media reported over 100 residents killed and 250 injured by “shelling from an unknown source.” This included over 75 women and more than 100 children. Sinai activists and families interviewed said that “shelling from an unknown source” was the only form allowed for newspapers to report on civilian casualties by army shelling.²⁶⁵

Egyptian and Israeli armed forces possess the capacity to conduct airstrikes and artillery attacks in North Sinai. Sinai-based militants predominantly use ground-launched weapons such as rocket-propelled grenades and improvised explosive devices or landmines, according to residents.²⁶⁶

At the start of “Sinai 2018” operation in February 2018, the Egyptian military posted a video to its social media accounts that showed US-manufactured CBU-87 cluster bombs, each containing 202 BLU-97 bomblets, being loaded on to Egyptian aircraft.²⁶⁷ Another video shared on Twitter on February 20, 2018 by the Egyptian army’s official spokesperson showed a Mk-118 submunition from US made Rockeye cluster bombs lying on the ground that Egyptian armed forces alleged they found and destroyed in northern Sinai.²⁶⁸ Human

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

²⁶⁷ “Egypt: Cluster bomb video highlights human rights concerns in North Sinai,” Amnesty International news release, February 14, 2018, <https://www.amnesty.org/en/latest/news/2018/02/egypt-cluster-bomb-video-highlights-human-rights-concerns-in-north-sinai/>

²⁶⁸ Egyptian Army spokesman, video, “Eleventh statement of the General Command of the Armed Forces,” 20 February 2018, <https://twitter.com/EgyArmySpox/status/9661898926559234> (accessed January 14, 2019).

Rights Watch reviewed other videos posted by the official army spokesperson that was reportedly recorded from the cockpit of army aircraft and purports to show air attacks on alleged targets in Sinai. The resulting explosions indicate the possible use of cluster bombs, but Human Rights Watch was not able to verify the use of these arms.

As of January 1, 2019, Egyptian officials have not responded to requests from the Cluster Munition Coalition or its chair, Human Rights Watch, Amnesty International, and others to confirm or deny that the country's armed forces are using cluster munitions in northern Sinai. Egypt has not acceded to the 2008 Convention on Cluster Munitions. According to Cluster Munition Monitor, Egypt continues to produce and stockpile cluster munitions, while there is evidence that it transferred cluster munitions to Syria in the past.²⁶⁹

Incidents of Possible Unlawful Shelling

In most of the cases of civilians affected by army shelling that Human Rights Watch documented, victims claimed there were no clashes or military targets nearby. Under international humanitarian law, all sides can only target military objectives. Targeting civilians or civilian objects, indiscriminate attacks that fail to distinguish between military and civilian targets, and disproportionate attacks, where the damage to civilians or civilian property outweighs any military advantage gained, are all prohibited. Families also complained that usually no ambulances rushed to rescue the wounded and that they had to arrange for transporting the wounded to the nearest hospitals.²⁷⁰

Several families also complained that the army would not allow them to take their furniture and possessions when they had to leave their houses that were destroyed in shelling.²⁷¹

“Nasr”

“Nasr,” a farmer who have children below the age of four, said the army damaged his one-story house with artillery shelling in al-Touma village, south of Rafah, in late 2014.²⁷² He said he was forced to leave with his wife and children to al-Arish.

²⁶⁹ Egypt, Cluster Munition Monitor, August 2, 2018, <http://the-monitor.org/en-gb/reports/2018/egypt/cluster-munition-ban-policy.aspx>

²⁷⁰ Human Rights Watch interviews with 40 Sinai residents, April 2016 to April 2018.

²⁷¹ Ibid.

²⁷² Human Rights Watch interview with “Nasr,” North Sinai, December 2016. Identity withheld for security purposes.

It was late 2014. Clashes occurred between the army and the militants. There were a few people still living there [in al-Touma]. The clashes were not close to my house. But I could hear it coming from the north. I didn't see army or militants, but I could determine, me and my neighbor, that it was clashes because we could identify the sound of firing and counter-firing. I was sitting with my friend [neighbor] in front of [my] house, hearing the clashes... and wondering when this pain [the conflict] would be over. Suddenly, I heard the shell hitting the house from behind. It hit a corner of the house and demolished it. My wife and kids were outside [the house], thank God. The corner that fell was the kitchen and the bathroom.

Nasr said he did not file a complaint. He said that later in early 2015, gunmen in front of his farm in al-Touma attacked the army and minutes later army jetfighters struck and destroyed his farm. He said that this incident made him “lose hope” and decide to leave the village. “There’s no one left. We, al-Touma villagers, can’t gather anymore and don’t know where everyone went to,” Nasr said. “I could have renovated my house... but no cement or bricks were allowed [by the army] to enter beyond Sheikh Zuwayed,” Nasr said. “I left with my wife and children taking only our clothes.”

He also said that he could not even take his furniture and possessions because the army did not allow pick up cars to enter the area and that he wanted to leave “quickly” because he feared the army arbitrarily arresting him when they came to inquire about the owner of the farm. Nasr said he moved twice seeking a rent he could afford and that he also relied on help from charity groups.

Nasr said that later he heard that people were getting compensation for their destroyed houses. He called one of the Sinai clans’ leaders who mediated with authorities in several cases, who advised him to file a police report in Sheikh Zuwayed police station.²⁷³ But Nasr said he was “afraid” to do so because he thought the army could arrest him if he reported about the destroyed house and farm because militants were operating in his farm area. He said he could not report the militants either because they would kill him if he did.

²⁷³ Name of the leader withheld.

“Mokhtar”

“Mokhtar,” 25, lived in a village west of Rafah, with his parents and several brothers while his married sisters lived in other houses. The army hit his family’s one-story house, likely with artillery, in early 2014. It demolished part of the house but injured no one. The house became open to the street.

Mokhtar’s father then decided to leave the house and their (hundreds of) olive trees and move to al-Arish.²⁷⁴

“We spent 2013 in horror and fear because of the random fire,” Mokhtar said. The army raided the area frequently with tanks and armored vehicles and people gradually fled their homes because of the clashes with the militants, he said.

The night our house was hit, there was no electricity. I heard people screaming and the strikes continued. Artillery shells were falling all around from the nearby [army] posts... There was a [military] post on a tall building in al-Gora Square ... [Soldiers] there used to keep shelling randomly to spread fear and force people to leave.

He said that residents of the area had discussed the issue of frequent night-time random shelling with the officer of al-Gora Square army post, but he had responded that it was necessary to secure the area, that it was a “war,” and those who did not like it should leave: “My father was crying... that all of his work [and belongings] were going away.”

Mokhtar said that a day after the shelling his father tried to arrange for a pick-up truck to transfer their furniture to al-Arish, but the officer at al-Gora post refused. He told them “you hide terrorists in your place.” Mokhtar said they only managed to carry some clothes in plastic bags.

In March 2016, an army airstrike destroyed his house and several other houses in the area, said Mokhtar, who found out from neighbors who were still visiting the area sometimes and they told him that all the furniture was destroyed.

²⁷⁴ Human Rights Watch interview with “Mokhtar,” North Sinai, December 2016. Identity and identifiable details withheld for security purposes.

Mokhtar said he convinced his mother to file a police report about their home destruction and their loss of the furniture, but they had received no compensation at the time of the interview in 2016. He did not go with his mother for fear of arrest. “Any one in al-Arish from South Sheikh Zuwayed fears [arbitrary] arrest.”

“Shehab”

“Shehab” lived with his wife and daughters in a village, south of Sheikh Zuwayed. In mid-2015, an army airstrike hit his house that killed one daughter who was 18 and injured his wife and the two younger daughters.²⁷⁵

I was at the mosque praying [in the evening] ... We heard the noise of shelling, but it was far. We rushed outside. Everyone was running back home. When I approached my home, I saw masses of people. They were carrying bodies and wounded outside ... I found out that my two-story house was hit. My daughter Rahma, 18, was immediately dead. She had just finished her high school and received her results the day before. My wife and two other daughters were injured.

There were no clashes or militants around that day, Shehab said.²⁷⁶ He said he called a relative who works in a court in al-Arish to ask him to send ambulances from there because at that time no ambulance staff were willing to move from Sheikh Zuwayed. His relative sent four ambulances because there were several others injured in the strike.

When Shehab reported that his daughter was killed in an airstrike, police officers pressured him to say it was a strike from “unknown source.” They changed his account without his permission, he said. He received compensation from the Ministry of Social Solidarity. They gave him the equivalent of about \$1,875 for the wounded and the equivalent of about \$3,000 for the house.²⁷⁷ Shehab received no response to his complaint that this was not enough. He also reported the incident to the Military Intelligence office in al-Arish but received no response at time of the interview.

²⁷⁵ Human Rights Watch interview with “Shehab,” North Sinai, July 2016. Identity withheld for security purposes.

²⁷⁶ This airstrike was only a few days following the “grand” Sinai Province attack when they tried to take control over Sheikh Zuwayed on July 1.

²⁷⁷ The exact amounts are altered to avoid identification.

Shehab moved with his family to a student dormitory in al-Arish that the government used to temporarily host displaced families. He received some food and other aid from charity groups. He said that a government employee visited them frequently to ask them to leave the building, but he had no money to go anywhere else.

“Awtar”

“Awtar,” a resident of North Sinai, lost two daughters in an army airstrike on her house in Sheikh Zuwayed in late 2015. A third daughter was severely injured and hospitalized.²⁷⁸ “We saw jetfighters in the sky above Sheikh Zuwayed, and we prayed to God that militants don’t do anything [otherwise the army would start striking],” one daughter said.

I saw a big black ball falling from the sky, I didn’t know what it was. It fell on our house. I did not feel anything. I don’t remember what happened ... I was in panic. Our house fell in front of my eyes. I got injured in my left leg below the knee ... I was bleeding a lot but didn’t feel anything.

Awtar’s daughter said that neighbors arranged for a mule-pulled cart to transfer her to Sheikh Zuwayed Hospital and then an ambulance took her to al-Arish Hospital.

A couple of weeks after the shelling, Awtar heard from relatives of her neighbors that the army had arrested her husband. She never heard of him since and does not know his whereabouts.²⁷⁹

Awtar said no officials came to investigate the incident and that she relied on charity and donors for temporary accommodation. But around four months later, her sons submitted papers for compensation at the governor’s office. The government paid the family the equivalent of about \$3,125 as a compensation.²⁸⁰

Eventually, the family left to a city outside Sinai. “Even if the situation gets better, we will not return to Sinai,” Awtar said.

²⁷⁸ Human Rights Watch interviews with “Awtar” and one of Awtar’s surviving daughters, Egypt, December 2016.

²⁷⁹ Ibid. Identities withheld for security purposes.

²⁸⁰ Exact amount is slightly altered to avoid identification.

Possible Internal Investigations

None of the cases documented by Human Rights Watch was investigated independently. But in some cases of shelling that hit civilians, army officers or officials from the North Sinai governorate have proactively approached victims' families and offered them compensation or medical care, perhaps following internal investigations. However, the army never publicly acknowledged any wrongdoing. President al-Sisi has previously said that the government was compensating families of those who "fell by mistake."²⁸¹

"Souhaib"

"Souhaib," a farmer in his 50's, lived next to his father's house in Rafah. He said that army artillery hit his father's house in early 2016 during fighting between the army and militants who were attacking the army from the roof of a school close by. He said his father's house was about 200 meters from the school.²⁸²

When I arrived [at the scene], it was a mess. Bodies and wounded [were everywhere]. I could not focus or tell what was going on. Witnesses told me the army and militants hit each other. When I entered the house, the scene was terrifying so that I could not look much. A lot of bodies, mostly children.

Souhaib lost two sons who were under 10 and a daughter who was under 18. Another son and daughter were injured. At the time Human Rights Watch interviewed Souhaib, his daughter was still in "bad condition" and receiving treatment to injuries in the head and eye, he said.

Besides three of his own children, four other children were killed including one nephew and two nieces. They were all attending a family gathering at his father's home at the time of the attack.

²⁸¹ DMC Youtube Channel, "A Tale of A Homeland – President Sisi: Arish Airport Must Resume Functioning Without Threats, Help Us or Help Us."

²⁸² Human Rights Watch interview with "Souhaib," North Sinai, July 2016. Identity and identifiable details withheld for security purposes.

Souhaib said they took all the injured and the dead to Rafah hospital where the hospital transferred those injured to al-Arish Hospital. He said he did not know who signed and arranged for the burial permissions because he was accompanying the injured to al-Arish. He did not communicate with any officials that day, he said.

A few days following the incident, the Military Intelligence office in al-Arish called him. Souhaib said the intelligence officer showed him a report that said that the shelling was a “mistake” by the army. Souhaib signed papers and received about \$10,000 for each of the children killed, and the army also ordered that his injured daughter should be treated for free in a military hospital.²⁸³

However, Souhaib said that al-Arish Police Station officers tried to convince him to sign a police report about the incident which said the shelling was from an “unknown source.” He said he refused to sign.

Souhaib moved with the remaining members of his family to another city outside Sinai. “I won’t forgive the army nor the militants. They both [are responsible] for the killing of my children,” Souhaib said.

²⁸³ The exact amounts are slightly altered to avoid identification.

IX. Sinai Province Abuses Against Sinai Residents

Human Rights Watch interviewed 14 North Sinai residents who reported abuses by the ISIS-affiliated Sinai Province group, 12 of whom said that they witnessed militants committing violations against their family members or other acquaintances.²⁸⁴ The abuses included abduction, torture, and killing. In written and video statements, the militant group has frequently acknowledged its killing, including beheadings of civilians and security personnel those it has kidnapped.²⁸⁵

The government-sponsored National Council for Human Rights said in 2018 that 650 civilians were killed by Sinai Province militants in recent years, not including the 2017 incident in which over 300 mosque-goers were killed.²⁸⁶ The Tahrir Institute for Middle East Policy provided Human Rights Watch with a study, based on media reviews, that showed militants in Sinai killed at least 908 civilians from 2014 to June 2018. The same study showed also that militants killed at least 89 civilians they accused of spying for the army or being informants.

Militants also punished and killed local Sinai residents whom they perceived as not conforming with the group's extreme religious views, such as Sufi groups.²⁸⁷ Sinai Province has also killed Christians, leading to a mass migration of Christians out of North Sinai.²⁸⁸ The group also targeted civilian workers at government-run businesses in Sinai such as a

²⁸⁴ Human Rights Watch interviews with 14 Sinai residents, September to October 2017.

²⁸⁵ Murad Hegazy, "Al-Sabeeka Attacks in al-Arish... Between Coincidence and Betrayal," Mada Masr, September 5, 2017, <https://www.madamasr.com/ar/2017/09/05/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%A7%D8%B9%D8%AA%D8%AF%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D9%84%D8%B3%D8%A8%D9%8A%D9%83%D8%A9-%D8%A8%D8%A7%D9%84%D8%B9%D8%B1%D9%8A%D8%B4-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D8%B5%D8%AF%D9%81/> (accessed July 22, 2018) and Aljazeera Mubasher, "Sinai ISIS Publishes a Video Showing Execution of Two Sufi Sheikhs in al-Arish," March 29, 2017, <https://www.youtube.com/watch?v=1Fz9RIYIYY> (accessed July 22, 2018).

²⁸⁶ "The Thirteenth National Council For Human Rights Report 2017-2018," P. 21, The Egyptian National Council for Human Rights, December 16, 2018, <http://www.nchregypt.org/index.php/2010-02-07-16-22-57/2010-02-07-16-23-32/2102-annual-report-13.html> (accessed January 8, 2019).

²⁸⁷ Ahmed Mohamed Hassan, Lin Noueihed, "Special Report: Islamic State seeks to impose religious rules in Egypt's North Sinai," *Reuters*, May 2, 2017, <https://www.reuters.com/article/us-egypt-politics-sinai-specialreport-idUSKBN17Y10N> (accessed July 20, 2018).

²⁸⁸ "Egypt's Christians Flee ISIS Violence," Human Rights Watch news release, March 13, 2017, <https://www.hrw.org/news/2017/03/13/egypts-christians-flee-isis-violence>.

cement factory, a bank and the al-Arish harbor.²⁸⁹ In July 2018, Sinai Province published a video that showed a child they kidnapped, for allegedly spying for the pro-army militias, forced to dig his own grave before they executed him by slicing his throat.²⁹⁰

Rather than fully controlling a whole territory or specific towns, Sinai Province exerts significant influence in several areas of Sinai where the army appears to have been unable to eradicate them or protect civilians from the militant group.²⁹¹ According to residents' accounts and media reports, in these areas they regularly set up checkpoints and detain suspected members of the pro-army militias. They have established an Islamic morality police, the *hisba*, which imposes their extremist interpretation of Islam, including strict dress codes for women and a ban on cigarettes.²⁹² They established their own Sharia courts, which worked according to their extreme religious beliefs, and a "grievances committee" to receive complaints about their members' abuses.²⁹³

Residents said that the military and the police have not sent troops to protect them from the militants' abuses and that no army or police came to investigate the abuses when militants killed residents. Other witnesses abducted or abused by the militants said they did not report to the army or the police because they feared they would be arrested and also because they feared retaliation by the militants.²⁹⁴

²⁸⁹ Mourad Hegazy, "New security measures at military-owned Arish cement factory after contracted drivers halt work," *Mada Masr*, November 19, 2017, <https://madasar.com/en/2017/11/19/news/u/new-security-measures-at-military-owned-arish-cement-factory-after-contracted-drivers-halt-work/> (accessed April 4, 2019).

²⁹⁰ "Sinai Province Kills a Child for Allegedly Cooperating with the Awakenings," *Mada Masr*, July 11, 2018, <https://madasar.com/ar/2018/07/11/news/u/%D8%A7%D9%84%D8%B4%D8%B1%D8%B7%D8%A9-%D8%AA%D9%82%D8%AA%D9%84-11-%D9%85%D8%B3%D9%84%D8%AD%D9%8B%D8%A7-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D9%8A%D8%B4-%D9%88%D9%88%D9%84%D8%A7%D9%8A%D8%A9/> (accessed April 4, 2019).

²⁹¹ Human Rights Watch interviews with 14 Sinai residents in North Sinai September to October 2017.

²⁹² Ibid. and Ahmed Mohamed Hassan, Lin Noueihed, "Special Report: Islamic State seeks to impose religious rules in Egypt's North Sinai," Reuters, May 2, 2017, <https://www.reuters.com/investigates/special-report/egypt-politics-sinai/> (accessed April 8, 2019).

²⁹³ Human Rights Watch interviews with 14 Sinai residents in North Sinai September - October 2017.

²⁹⁴ Ibid.

Abducting and Torturing Residents

“Ziad”

Ziad, 40, from Rafah, said that Sinai Province militants raided his house and abducted him in mid-2016 for smuggling cigarettes.²⁹⁵ Ziad said his former business partner, whom he fell out with after they disagreed on how to split profits, reported his smuggling activity to ISIS fighters. After Ziad escaped from the militants, he said Sinai Province kidnapped his son, under 18, and partially demolished his house. The militant group then kidnapped Ziad again, flogged and tortured him, and confiscated his car as punishment for smuggling cigarettes (which the group says is forbidden by Islamic law).

Ziad recounted what happened in the second time the militants abducted him. Three gunmen blindfolded him, forced him into a car, and, when they arrived, detained him in an underground place.

They tied me up, hanging me [up by my wrists], and flogged me. My skin was burning [with pain]. Maybe it was an hour of flogging, then they left me. Then, they hung me to a pillar from my hands and kept me hanging for roughly four hours. I felt it was like a year. I kept screaming until I lost my voice. Underground, in a room like a tunnel, no one would hear me even if I screamed for a year.

Later, militants brought Ziad water, untied him, and two of them began to interrogate him about his smuggling activities and his escape. They told him that his flogging was because he “disobeyed” [Islamic] legal orders by escaping. They brought him a loaf of bread and cheese. Two days later, they told him he would be released, and his son would follow him on the condition that he never “touches” cigarettes again. He “begged” them to allow his son to leave with him. They agreed. They put them in a car and drove them to an area where they could walk.

Ziad said that the militants seized his car and told him that it was the punishment for smuggling cigarettes and that next time they would “cut his hands.” “My son and I left the car and removed the blindfolds. We hugged each other and were crying.” Ziad said that he

²⁹⁵ Human Rights Watch interview with “Ziad,” North Sinai, September 2017. Identity withheld for security purposes.

bought medicines and tried to cure his flogging wounds at home because he feared that if he went to a hospital he would be interrogated by the army.

Two days later, gunmen came to Ziad and told him that a “Sharia court” ordered him his car back if he would pay a 18,000 Egyptian pound fine (around \$2,250 at that time). After negotiations, they agreed to make it a bit less.²⁹⁶ Ziad said he still could not afford this. Later, Ziad submitted a complaint to the Sinai Province “grievances committee.” The committee ordered those who had taken Ziad’s car to give it back to him. They gave him a document with an “ISIS stamp” that allowed him to receive his car. The committee also gave him 5,000 pounds compensation for the kidnapping of his son. He said that he had to leave his demolished house and lived in “a shack” and that his son stopped going to school as he was suffering psychologically, including involuntarily urinating from the trauma.

“Ammar”

Ammar, another man who smuggled cigarettes to earn money, told Human Rights Watch he was forced to move to Gaza with his family, through tunnels, because of the threat from Sinai Province militants.²⁹⁷ But later, Ammar returned to Sinai to continue his smuggling business. In mid-2017, Sinai Province fighters detained him. Ammar described the torture they used both to punish him and to coerce him to divulge information:

First, they tied my arms behind my back and tied me to a pole in the ceiling. I was kept hanging for six hours. I screamed a lot from pain and anger. They beat me a lot. They call it flogging I think. I felt my skin cut into small pieces ... No one humiliated me like this before.

Ammar said four men then interrogated him. Every time he did not tell the truth, they flogged him again:

I was tortured in [the Sinai Province’s] detention for 13 days. When I was let go of, I couldn’t work or do anything for a living. I am still being treated [due to the flogging]. Every day five gunmen, sometimes different from the

²⁹⁶ The exact amounts of money were slightly altered for security purposes.

²⁹⁷ Human Rights Watch interview with “Ammar,” North Sinai, October 2017. Identity withheld for security purposes.

previous ones, came to interrogate, torture, and beat me ... [Creating] hunger and thirst were among the torture methods. Every day they hung me for five or six hours. Sometimes, they hung me upside down, with my head down, but then it was only three hours. You know, I was screaming like a slaughtered [animal].

Ammar said that his family knew nothing of his whereabouts for 13 days. On the last day, two men from the Sinai Province’s Islamic legal committee came, gave him back his phones, but told him that they had seized his car. They said he would have to pay a 170,000 Egyptian pound (\$9,444) fine to get it back.²⁹⁸ He said he lost most of his income after they seized his car and that, even if he got his car back, he could not use it because the army had probably seen the militants using it. He said he could not report anything to the army because they would likely force him to work for them as a *mandoob* [pro-government militia member] and that he would not do that.

“Soltan”

“Soltan,” a young man from a village south of Rafah, witnessed Sinai Province militants killing his father and cousin and kidnapping another man in mid-2015.²⁹⁹ The incident started when Soltan saw Sinai Province militants shooting at an approaching army convoy above a school in the village. Soltan said they recognized they were Sinai Province fighters because of their mixed camouflaged and “Pakistani-like” tops and pants. They carried walkie-talkies and machine guns.

Soltan said that he had just finished midday prayers in the village’s mosque and was out with 13 other mosque-goers. He and a friend of his, “Ahmed,” decided to talk to the militants and ask them not to use the area for their fighting activities. However, trouble started when Soltan and other young men confronted the militants, seized one of their guns, and told them to leave the area.

My father came from outside the mosque and started yelling at us... ‘We don’t want troubles. Let them leave before the army comes.’ They [the militants] said, ‘Give us the gun back and we will leave.’ My father took the

²⁹⁸ The exact amount was slightly altered to avoid identification.

²⁹⁹ Human Rights Watch interview with “Soltan,” North Sinai, October 2017. Identity withheld for security purposes.

gun and one of them approached him and took the gun. We thought that the quarrel was over. But after the jihadist took the gun back, he stepped back and shot at my friend, Ahmed, but the bullet hit Ayman, my cousin. My cousin was one of those standing with us. He was 18 ... The bullet hit his head and killed him immediately. Our blood was boiling. My father shouted while approaching them, “Why are you doing [this]! I gave you the gun so that you leave the whole area.” While my father was shouting at them, the same gunman shot him, and he fell immediately in front of us. They became a group of five people with guns, but we had nothing.

Before leaving, they took one of us, Omar. They detained him. When he was back a week later, he said they flogged him with 80 lashes for ‘Opposing soldiers of the *khilafah* [caliphate].’ He did not tell us [details] about what happened. He said he did not see [anything] except the shack he was kept in ... On the third day, they flogged him with 80 lashes in front of three men they called the “ISIS legal committee.”

Soltan said that almost a year after the incident militants came to his house to seek a “reconciliation.” But Soltan said that he did not meet them because he wanted to avoid them. He said that they buried his father and cousin without issuing death certificates for them as they could not report how they were killed to the army. “I don’t know whether I should complain to the army about the militants or complain to the militants about the army. Our lives now are like dogs’ lives in the desert.”

Execution of Local Residents

“*Talal*”

Militants beheaded “Talal,” 18, a taxi driver from a village south of Sheikh Zuwayed, in late 2016, six days after kidnapping him from home, his mother “Fayza” told Human Rights Watch.³⁰⁰ They killed him because they suspected he was giving the army information about the group. Fayza said that Talal was her youngest son, and after he graduated from a technical school, she wanted to keep him busy so that he did not get involved in “bad things,” so she bought him a taxi.

³⁰⁰ Human Rights Watch interview with “Fayza,” North Sinai, October 2017. Identity withheld for security purposes.

Fayza recounted how her son was kidnapped from home, and six days later, his severed head was thrown at their door:

We were eating when there was a loud knock at the door. I saw four young kids, around 19 or 20. They looked young and were masked. [They said] they wanted Talal. I kept crying, pushing them and begging them to leave him. I told them, “If you want me to leave [my home] and the area, I’d leave next morning but leave my son.” I couldn’t stop screaming. All my neighbors heard me, but no one could help. No one can confront them [the militants]. I wish they took me and left him. They said they would question him and let him go. They took him in his car and his two [mobile] phones.

Six days after they kidnapped him, I was awake around 9 in the morning. I heard noises outside the house. People gathered. I was putting on my clothes to go check what was going on when my [other] son entered and told me, “Don’t go outside, mom.” [However,] I just went out of the door to the house and saw my other son and his cousin carrying a [small] carpet. It was round. I didn’t know what they were carrying inside. It looked like a wrapped ball. I started feeling comfortable that my son wasn’t dead as long as his body was not outside. They entered the hallway and put the carpet on a chair in the middle for us to see what was inside. I found my son, Talal’s, head. I didn’t know this would be the end.

Fayza said that they buried her son’s head, but no army or police units came to investigate. Fayza said also they had to leave their house, as a message they found in Talal’s car said that Talal’s father and brother should turn themselves into the Sinai Province group in 24 hours. Her other son left Sinai and she herself rarely goes back home.

“Ragab” and His Friend

“Saleh,” a father who has several children and used to live west of Rafah, told Human Rights Watch that Sinai Province fighters killed one of his sons, “Ragab,” after they suspected he was cooperating with the army.³⁰¹ Saleh said his son had old personal

³⁰¹ Human Rights Watch interview with “Saleh,” North Sinai, October 2017. Identity withheld for security purposes.

relations with a Military Intelligence officer from former President Mubarak's time. The relationship was linked to smuggling goods through tunnels between Gaza and Rafah. Saleh said that after the war escalated in Sinai, Ragab cut communications with the intelligence officer.

Saleh said that militants kidnapped Ragab in late 2017:

They took him in his car. After they took him, people came immediately to inform us that Ragab was taken by ISIS... One, two, three days passed. On the fifth day I thought we should go and ask [the militants] again. I met them. They said he would be released tomorrow. I believed them because I knew my son was "clean." On the sixth day we made [a lot of food]... and were happy [waiting for the son to come back]. When people called me to come outside ... I found people gathering [outside]. There was a car that I didn't know who was inside and four gunmen on motorcycles. When people shouted, "Ragab's father is here," I was [surprised], wondering what was going on. Gunmen opened the car and took Ragab outside of it ... I ran towards him but he didn't. I knew he wasn't alright. I realized that his arms were tied behind his back. They [the gunmen] walked about 200 meters. They shouted that Ragab was a spy and would be executed according to the [Islamic] legal committee's decision. The words were like an electric shock that struck my heart and mind. I lost it. My son was going to be killed in front of me? Why? Where's the law and where's the army and the police? Why's our blood so cheap for everyone? I ran towards my son. I saw his tears. He was crying. People started to leave as they didn't want to see anything. Gunmen held me. They didn't allow me to hug him or say goodbye or let his mother see him. They killed my son in front of me. They shot him three times; one in the head and two in the chest.

Saleh said they took Ragab's body to al-Arish hospital so that they could officially record his death. The next day, they went to bury him when gunmen showed up again, objecting to burying him in a Muslim cemetery. "I confronted them. I told them, 'you already killed him. What do you need from his funeral?'" Saleh said. But they prevented people from digging the grave and ordered them to leave, although local residents resisted.

A few of the gunmen went to call for reinforcements. We found [the whole place] full of [gunmen on motorcycles] and guns, but people still refused [to leave]. They started firing to force people to leave. A bullet hit the head of one of Ragab's friends. He was 18. I thought that was enough. We didn't want more blood.

Saleh said he didn't want to be the reason for more people to be killed. He told the militants he would take Ragab's body. They took Ragab's body and the injured man back to the hospital. They buried Ragab in al-Arish. A week later, the man who militants shot during the confrontation at the cemetery fell into a coma and died. Saleh also said that no army or police came to investigate how the two men died.

Carrying Out Attacks Next to Residents' Homes

Several local residents told Human Rights Watch that Sinai Province militants used civilian areas, such as schools and residential homes, for military purposes, including attacking government forces. In some incidents documented by Human Rights Watch, when civilians tried to tell militants not to use civilian properties, ISIS militants kidnapped or tortured those who opposed them.³⁰²

"Kazim"

"Kazim," a farmer and father of several children, used to live in a village west of Rafah before militants forcibly planted an explosive device in his house in late 2015 in order to target an army convoy; the army demolished the house in response. Kazim recounted how Sinai Province militants detained, tortured, and forced him to leave their home.³⁰³

Immediately after [Sinai Province militants] took me, they blindfolded me. They said, 'The security official [of the province] wants to talk to you. One or two days and you'll be sent back.' I stayed blindfolded. I told them 'Okay. Noted. But please don't harm me and let me go back to my kids. I don't work for the army...' They said, 'We know.'

³⁰² Human Rights Watch interviews with 14 Sinai residents, North Sinai, September - October 2017.

³⁰³ Human Rights Watch interview with "Kazim," North Sinai, October 2017. Identity withheld for security purposes.

Kazim said militants detained and interrogated him then told him that he had to leave his house and that this was “a religious order.” They gave him 24 hours to leave and threatened to abduct his son and make him “pay the price.” When Kazim refused, the militants flogged him.

They flogged me. I don't remember how many lashes. I was screaming. Do you know what it means for a man to scream? I even feel humiliated now that I am telling you this... I shouted, 'OK! I will leave the house but leave me and my children alone.'

The militants took Kazim back, blindfolded, to his house and threw him out of the car. He thought they would kill him. But they told him “don't make us come back again.” The next day, militants came and put an explosive device next to Kazim's house when an army convoy was approaching. He told his wife they had to leave immediately. But the army convey arrived. An officer shouted, “Come out! Come out!”

We went out. The army started arresting men from the neighboring houses. Three soldiers came to hold me and beat me hard. They said, 'You work with the terrorists, *ya rouh ummak* [insult meaning a mother's spoiled child].' I told them, 'Pasha, I just got flogged by them two days ago. Remove my clothes and you can see with your own eyes.' They put me inside the armored vehicle and beat me to say who planted the explosives. I don't know except that they were gunmen. I told him what happened in detail. But he insisted that I knew their names and locations. He kept saying, 'You are all traitors like each other...'

He said, “'Never enter this house again. I'll teach you, *ya welad almara* [insult meaning children of women] ... You are the reason for all of what's happening [in Sinai].'

The army left the explosive device and said that those who planted it should come and take it. Residents begged the officer to remove the device, saying, “pasha, we have kids and families,” but he ignored them. A while later, the army hit Kazim's house with artillery, he said.

“Why all of this? Should we carry weapons and work with the militants or work with the army or live like victims? Everyone is preying on us,” Kazim said. Kazim said they slept at a neighbor’s place that night. Next morning, they hired a pickup car to collect what was left of their possessions and furniture and moved to another area.

“Salman”

“Salman,” a farmer in his sixth decade from a village close to Rafah, told Human Rights Watch that Sinai Province militants kidnapped and tortured him in late 2015 because they suspected he was working for the army, which he denied.³⁰⁴ He said the militants’ suspicions were due to the fact that every morning he would wake up early and walk around his house to find out if there were any improvised explosive devices (IEDs) nearby that militants had planted. He feared that the army could demolish his house or arrest him if they found IEDs near his house.

Salman said militants hung him from a ceiling for 18 hours (he kept track of time because he was still wearing his watch) and beat him with a whip and a stick. They then interrogated him and inspected his phone messages and call logs. When they finally believed he was just worried about explosive devices but not working for the army, they left him and told him to wait for the Islamic Sharia court’s decision.

“I felt my shoulders were dislocated,” he said. “I tried to put my hands together and sleep, but I couldn’t because my hands were tied behind my back. I slept hungry and tired. I felt my whole body aching. I am an old man. I kept calling [them] in so that someone could bring me my hypertension pills from my car... I felt I was dying.”

At dawn, a militant came to the detention room, untied Salman, and told him, “Please forgive us, Hagg [honorific for older men]. You have nothing on you.” While they were taking him out, Salman passed out for a couple of hours. When he woke up, they tried to give him water and splash water on his face. Some of them went to bring his car and they told him they would drive him back home.

³⁰⁴ Human Rights Watch interview with “Salman,” North Sinai, October 2017. Identity withheld for security purposes.

A few days later, there were clashes close to his house. Salman found an explosive device around 200 meters from his house. He immediately called a neighbor of his and asked him to help move his furniture out. "I'll leave my house to the army and the gunmen. I'll leave it before I die in it," Salman said. He said he took his family and went to live in shacks away from his home, which became a "rest house" for militants at night. "To whom would we complain when the government itself is unjust?" Salman said.

Acknowledgements

This report was researched and written by Amr Magdi, a Middle East and North Africa (MENA) researcher at Human Rights Watch. A former MENA researcher originally conceptualized the report, conducted research, wrote the background and summary sections and the chapter on militias, and reviewed the report. An intern in the MENA division carried out the media reviews used in this report. Josh Lyons, director of geospatial analysis, contributed to the research findings of this report, including video verification and content analysis.

The report was reviewed by Michael Page, deputy director of MENA; Clive Baldwin, senior legal advisor; a deputy program director; and Danielle Haas, senior editor. A December 2018 draft of this report was also reviewed externally, on a pro-bono basis, by Mohannad Sabry, a Sinai expert. A senior associate in the MENA division provided editorial and production assistance to finalize this report. Layout and production were coordinated by Jose Martinez, senior coordinator, and Fitzroy Hepkins, administrative manager.

Amr Magdi and two consultants conducted some of the interviews that were used in this report.

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HUMAN RIGHTS WATCH

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Appendix I: Letter to the Ministry of Defense

HUMAN
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www.hrw.org

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November 27, 2018

Lieutenant General Mohamed Zaki
Minister of Defense
Ministry of Defense and Military Production

CC: Colonel Tamer El Rifai
Official Spokesman of the Armed Forces

CC: Mr. Daa Rashwan
Head of the State Information Service

Dear General Zaki,

I write to you on behalf of Human Rights Watch to request information related to the conditions and rights of the residents in North Sinai governorate. We have previously issued a number of reports regarding violations that have occurred in North Sinai, and we are investigating allegations of other violations by the security forces involved in the continuing military operations over the past five years, as well as abuses by the militant groups, and we highly value your response and any additional information you can provide us with.

Human Rights Watch is an international, nongovernmental organization that has worked on human rights issues in more than 90 countries around the world, including Egypt. It is important to us to include your opinion and official information issued by you to ensure that our report reflects the government's views accurately and transparently, especially in light of our research and the lack of public information about the situation in Sinai. We would highly value your response to the following questions:

- 1) Egyptian media reports, both government and private, indicated the presence of prisoners held in in Al-Gala' military base in Ismailia.
 - I. How many prisoners have been held in the Al-Gala' base in Ismailia since the escalation of military operations at the end of 2013 through today? How many of them have been released thus far? How many of them have been referred to court?

"IF YOU ARE AFRAID FOR YOUR LIVES, LEAVE SINAI!"

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- II. How many of these prisoners are women? How many are children under the age of 18?
- III. How many of the prisoners are civilians, and how many are militants found to have taken up arms against the State?
- IV. What are the judicial oversight mechanisms for this prison?

2) What are the other detention facilities in Sinai used by the security forces to hold detainees in Sheikh Zuweid, El Arish, or elsewhere? How many detainees have been held in these facilities since late 2013?

3) Official statements, including by President Abdel Fattah al-Sisi, have frequently referred to the situation in North Sinai as a “war.”

- I. Do the Egyptian government view the situation in Sinai as a non-international armed conflict?
- II. What training do Egyptian security forces (army and police) obtain on local and international laws of human rights and laws of war?
- III. What are the rules of engagement followed by the armed forces in their engagements with militants?
- IV. Have civilians or others not found to pose a security threat meriting the use of firepower been shot, whether deliberately or by mistake? And if so, what are the judicial or other internal avenues to hold accountable soldiers found to have committed violations, and to compensate survivors and the families of the killed and wounded?

4) Media and rights organizations have reported the presence of civilian residents of Sinai serving as armed militias alongside the security forces. Sinai residents have called them “spies” or “Battalion 103.”

- I. How many of these militia members are there?
- II. What is the legal status of their recruitment?
- III. What is the nature of the duties delegated to them?
- IV. What are the means of oversight for their activities?

5) Human Rights Watch and other rights organizations have documented extrajudicial killings of detainees by the police and army in Sinai in several incidents.

- I. Has there been any internal or judicial investigation into these incidents?
- II. What are the rules for treatment of arrested militants?
- III. What kind of oversight exists to guarantee basic minimum standards for the treatment of prisoners?

6) How many civilians have been wounded or killed in artillery fire or airstrikes in Sinai? How many of these casualties were by mistake or “collateral damage,” and how many were deliberate?

- I. What are the mechanisms to investigate and hold accountable the forces responsible for such incidents?
- II. What are the available mechanisms to compensate harmed civilians?

- III. Has the Egyptian Air Force used cluster munition bombs in Sinai? How many times?
- IV. Did the Egyptian army use armed drones to launch attacks in Sinai? How many times?

7) Residents' accounts and media reports indicate that Rafah was near-entirely evacuated, and that many villages south of Sheikh Zuweid have been depopulated.

- I. How many residents have been displaced from their homes in Sinai since the end of 2013 through today? How many in each city?
- II. What are the mechanisms to compensate or support those effected, whether forcibly displaced or those who left their homes due to the escalation of clashes with militants and the fear for their lives?
- III. What alternatives are provided by the government to displaced residents?
- IV. What plans exist to allow displaced people to go back to their homes in safety and dignity in the future?

8) How many members of the security forces have been wounded or killed in Sinai since the end of 2013 through today? How many members of armed groups have been wounded or killed?

9) As reported and documented by The New York Times, Aljazeera, and others, have the Israeli Air Force participated in airstrikes in Sinai, whether through armed drones or jetfighters?

- 1- How many such strikes were carried out?
- 2- What mechanisms exist to ensure that the strikes are proportionate and discriminate?
- 3- Did Israel participate in the attacks in Sinai through any other means?
- 4- Did forces from any other countries participate in the operations in Sinai? What is the nature of these forces and what kind of attacks did it launch?

10) Residents' accounts and media reports indicate the presence of several restrictions on movement and a partial ban on some commodities such as car fuel and a total ban on others.

- I. What are the restrictions that have been in place in North Sinai? How are they different across different cities?
- II. What measures the Egyptian government has taken to ensure that these restrictions do not result in shortages of goods or halt of economic activities?
- III. Is the Egyptian government able to provide residents with all necessary needs? If not, did the government allow humanitarian organizations to provide aid to people in need?

Human Rights Watch very much appreciates any time you can spend to answer our questions and provide us with any information you may have at your earliest convenience. We hope to receive your response within one month from date of receiving the letter (by

December 27, 2018). Any answers following December 27 will be added later to our website.

You can send us your reply via email at [REDACTED]@[REDACTED].[REDACTED] or [REDACTED]@[REDACTED].[REDACTED] or via fax +1-212-736-1300.

Sincerely,

[Signature]

Michael Page
Deputy Director
Middle East and North Africa
Human Rights Watch

Appendix II: Letter to North Sinai Governor (Arabic)

قسم الشرق الأوسط وشمال أفريقيا
سارة ليا وينسن، المديرية التنفيذية
لما فقيه، نايبة المديرية
إريك غولستين، نائب المديرية
أحمد بن شمسي، مدير التواصل والمرافعة

10 مايو/أيار 2018

اللواء عبد الفتاح حرحور
محافظ شمال سيناء
جمهورية مصر العربية

سيادة اللواء،

أكتب إليكم بالنيابة عن "هيومن رايتس ووتش" للاستفسار عن عمليات هدم المنازل والإخلاء القسري في محافظة شمال سيناء، خصوصا في مدينة رفح وعلى طول الحدود مع غزة. هيومن رايتس ووتش منظمة دولية غير حكومية تعمل في قضايا حقوق الإنسان في أكثر من 90 دولة حول العالم. نحن الآن بصدد إعداد تقرير موجز حول القضية ونحرص على عرض وجهة النظر الحكومية بدقة ونزاهة.

وثقنا انتهاكات في المرحلتين الأولى والثانية من عمليات إخلاء رفح في تقرير صدر في سبتمبر/أيلول 2015.³⁰⁵ تشير تقارير إعلامية إلى استئناف الجيش المرحلتين "الثالثة" و "الرابعة" في عمليات الإخلاء في رفح في عام 2017. نود طرح الأسئلة التالية.

عمليات الهدم في رفح

1. ما الدليل على استمرار أنشطة التهريب وقذو مقاتلين وأسلحة من غزة إلى شبه جزيرة سيناء، وانخراطهم في حوادث عنف ضد الحكومة في سيناء؟ تشير عدة تقارير إعلامية إلى توقف أنشطة التهريب تماما وتوصل حكومة حماس في غزة أيضا إلى اتفاق مع الحكومة المصرية لتعزيز الأمن وضبط الحدود.

دع على التقرير "ابحثوا عن وطن آخر: عمليات الإخلاء القسرية في رفح المصرية"، 22 سبتمبر 2015، على الرابط

<https://www.hrw.org/ar/report/2015/09/22/281494>

اللجنة الاستشارية

كاترين بير انيس، المديرية

أسلي بالي، مسؤول

بروس راب، مسؤول

غاربي سيك، مسؤول

فواد عبد المومني

جمال أبو علي

ياسر عكاوي

هالة الدوسري

صلاح الحجبلان

عبدالغني الإيراني

أحمد المخيني

غانم النجار

ليزا أندرسون

شاؤول بخاش

ديفيد بيرنشتاين

روبرت بيرنشتاين

نيثان براون

بول شيفيني

هناء إدوار

بهي الدين حسن

حسن المصري

منصور فرحان

لبنى فريخ غورغيس

أيل كروس

عمر حمزاوي

أسوس هاردي

شوان جبارين

مارينا بينتو كوفمان

يوسف خلات

مارك لينش

أحمد منصور

ستيفان ماركس

عبدالعزیز نعيدي

نييل رجب

فيكي رسكين

تشارلز شماس

شيد شينبيرغ

سوزان تاماسيبي

كريستوف تانغي

مصطفى تليلي

هيومن رايتس ووتش

كينيث روث، المدير التنفيذي

ميثيل ألكساندر، نائب المدير التنفيذي

والمبادرات العالمية

ايران ليفاين، نائب المدير التنفيذي البرامج

تشارك لاسينغ، نائب المدير التنفيذي، العمليات

وليد أيوب، مدير تكنولوجيا المعلومات

إيما دالي، مديرية الاتصالات

باربرا غوليلمو، مديرية المالية والإدارة

بالاتوندي أولوغوجي، نائب مدير البرامج

دينا بوكينبير، المستشار العام

2. كم عدد المباني التي هدمت في المرحلتين الثالثة والرابعة حتى الآن؟ كم عدد المباني السكنية والتجارية والحكومية والمدارس المهذومة؟

3. كم عدد العائلات التي نزحت في هاتين المرحلتين؟ وكم عدد المواطنين؟

4. ما التعويضات التي قدمتها الحكومة للعائلات التي تم إخلاؤها؟ ما الآليات الموجودة لتحديد التعويضات؟ ما أساليب الطعن التي قدمتها للحكومة للعائلات غير الراضية عن قرارات الحكومة؟

5. ما هي التعويضات التي تقدمها الحكومة للأراضي الزراعية؟

6. ماهي التسهيلات الأخرى المقدمة للمواطنين كالمسكن المؤقت ووسائل نقل الممتلكات؟

المنطقة العازلة حول مطار العريش

أعلن الرئيس عبد الفتاح السيسي عن إنشاء منطقة عازلة بطول 5 كيلومترات حول مطار العريش في يناير/كانون الثاني 2018. قال شهود لهيومن رايتس ووتش إن الجيش بدأ بهدم المنازل والأراضي الزراعية في المنطقة بعد ذلك بوقت قصير.

1. لم تجد هيومن رايتس ووتش أي قوانين نوقشت في البرلمان أو أصدرها الرئيس السيسي لدعم قراره الشفهي. هل أصدرت الحكومة أي مراسيم لإضفاء الشرعية على آليات القرار والتعويض؟ ما هي؟

2. كم عدد المباني وما حجم الأراضي الزراعية التي هُدمت؟

3. كم عدد العائلات التي نزحت في هذه المنطقة العازلة الجديدة؟ وكم عدد المواطنين؟

4. ما التعويضات التي قدمتها الحكومة للعائلات التي تم إخلاؤها؟ ما الآليات الموجودة لتحديد التعويضات؟ ما أساليب الطعن التي قدمتها للحكومة للعائلات غير الراضية عن قرارات الحكومة؟

5. ما التعويضات التي تقدمها الحكومة للأراضي الزراعية؟

عمليات هدم أخرى

1. هل نفذ الجيش أو الحكومة عمليات هدم أخرى في مناطق أخرى من مدن العريش أو رفح أو الشيخ زويد؟ كم مبنى تم تدميره؟ ما المبرر القانوني الذي شكّل أساساً لعمليات الهدم هذه؟

نقدر كثيراً أي ردود أو إيضاحات على الأسئلة أعلاه، بإمكانكم التواصل معنا على الإيميل egypt@hrw.org أو على الفاكس +961 1 217635

وتفضلوا بقبول فائق الاحترام،

[التوقيع]

مايكل بيچ
نائب مدير
قسم الشرق الأوسط وشمال أفريقيا
هيومن رايتس واتش

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Appendix III: Letter to Israeli Prime Minister Benjamin Netanyahu

www.hrw.org

January 14, 2019

Benjamin Netanyahu
Prime Minister of Israel
The Prime Minister's Office
Defense Minister
37 Kaplan Street, Tel-Aviv 6473424

CC: Tzipi Hotovely
Deputy Minister of Foreign Affairs
Israel Ministry of Foreign Affairs

Dear Prime Minister,

I write to you on behalf of Human Rights Watch to request information related to the Israeli military involvement in the conflict in North Sinai and its cooperation with the Egyptian army.³⁰⁶

We have previously issued a number of reports regarding violations that have occurred in North Sinai, and we are investigating allegations of other violations by the Egyptian security forces in its continuing military operations over the past five years, as well as abuses by the militant groups.

Human Rights Watch is an international, nongovernmental organization that has worked on human rights issues in more than 90 countries around the world, including Egypt. It is important to us to include your opinion and information issued by you to ensure that our report reflects the official views accurately and transparently, especially in light of our research and the lack of public information about the situation in Sinai. We would highly value your response to the following questions.

³⁰⁶ "Egypt's Sisi acknowledges close coordination with Israel in Sinai," *Reuters*, January 7, 2019, <https://www.reuters.com/article/us-egypt-sisi-usa/egypts-sisi-acknowledges-close-coordination-with-israel-in-sinai-idUSKCN1P101X>

In February 2018, the New York Times reported that “Israeli drones, helicopters and jets” have carried out air campaigns in North Sinai for in 2016 and 2017, conducting more than 100 airstrikes.³⁰⁷ Both Israeli and other media have highlighted other forms of collaboration between the Israeli and the Egyptian armies in North Sinai including intelligence sharing. In an interview aired by the US program “60 Minutes” on January 6, Egyptian President Abdel Fattah al-Sisi highlighted Israel’s involvement in these operations and we would appreciate answers to the following questions.³⁰⁸

- 1- How many times did the Israeli air force launch attacks in Sinai from July 2013 until now?
- 2- What mechanisms exist to warn the civilians in Sinai living adjacent to targeted sites in order to give them a chance to evacuate before attacking such sites?
- 3- How many people have been wounded or killed in strikes launched by Israeli forces? How many are civilians?
- 4- What are the available mechanisms to investigate incidents that led to civilian casualties or destruction of their properties? What remedies exist to compensate civilians harmed by attacks Israel participated in?
- 5- In what ways do Israeli forces support Egyptian forces in operations in North Sinai?
- 6- What are the existing mechanisms to ensure that Israeli forces’ cooperation do not aid or facilitate abuses committed by the Egyptian security forces in Sinai?

We would appreciate if you could provide us answers to these questions by February 14, 2019. Any responses received following February 14 will be posted onto our website.

You can send us your reply via email at [REDACTED]@[REDACTED].

Most respectfully,

[Signature]

Michael Page
Deputy Director
Middle East and North Africa
Human Rights Watch

³⁰⁷ David D. Kirkpatrick, “Secret Alliance: Israel Carries Out Airstrikes in Egypt, With Cairo’s O.K.,” *The New York Times*, February 3, 2018, <https://www.nytimes.com/2018/02/03/world/middleeast/israel-airstrikes-sinai-egypt.html>

³⁰⁸ “Egypt’s Sisi acknowledges close coordination with Israel in Sinai,” *Reuters*.

Appendix IV: Imagery and Descriptions of Sinai Detention Facilities

A. Camp al-Zohor



4 Aug 2012



12 Oct 2013



12 July 2014

Satellite images showing Camp al-Zohor in different stages of construction: August 4, 2012; October 12, 2013; and July 12, 2014. Satellite imagery © DigitalGlobe 2018; Source: Google Earth.

Egypt's Second Field Army built Camp al-Zohor after July 2013 to accommodate its expanding military operations in Sinai and hold large numbers of new detainees. The facility was originally a youth and sports center, surrounded by high-rise government housing projects, until the military took it over gradually from 2012 until they completely occupied it by December 2013 and later expanded it. The army evicted most of the surrounding buildings' residents, witnesses told Human Rights Watch, and the military also conscripted civilian residents to work, sometimes without payment, on the construction of the base.³⁰⁹

Human Rights Watch reviewed a time sequence of satellite images that show the initial military occupation of the sports and youth center occurred sometime after the fourth of August 2012, consistent with evidence from witnesses.³¹⁰ By early October 2013, satellite imagery showed the base had expanded to include multiple permanent buildings and tent structures on the sports playgrounds as well as the stationing of over 30 heavy military vehicles, including armored personnel carrier (APCs) and main battle tanks (MBTs). By July 2014, the tent structures had been replaced with additional permanent buildings and the base was almost entirely enclosed with a security wall.

³⁰⁹ Human Rights Watch interviews with 40 North Sinai residents and several activists, April 2016 to April 2018.

³¹⁰ Camp coordinates are 31°13'57"N 34°6'38"E.

B. Battalion 101 Military Base



Satellite Image of Battalion 101 Military Base, December 4, 2017. Satellite imagery © DigitalGlobe 2018; Source: Google Earth.

An Egyptian military base located in al-Arish hosts Battalion 101 of the Border Guards Unit.³¹¹ The Border Guard Troops is a unit within the Egyptian army tasked with guarding the country's borders. Since the current conflict in Sinai escalated, the base appears to have been hosting more troops. According to eyewitness accounts, the army began detaining civilians at the base shortly after July 2013.³¹²

³¹¹ Camp coordinates are 31°8'25"N 33°50'18.

³¹² Human Rights Watch interviews with 40 Sinai residents, and several activists, April 2016 to April 2018.

Battalion 101 has been the target of several Sinai Province attacks that have killed and injured scores of army soldiers and officers. A senior commander, army officer Ahmed Abdel Nabi, was killed in one of these attacks.³¹³

C. Al-Galaa Military Base



Satellite Imagery: Al-Azoly prison building in al-Galaa Military Base, October 12, 2017. Satellite imagery © DigitalGlobe 2018; Source: Google Earth.

³¹³ Mohamed Khalil, Abdel Hakam al-Gendy, "Funeral of Border guards Katiba 101 Commander in Pictures," Al-Masry al-Youm, January 28, 2016, <https://www.almasryalyoum.com/news/details/882609> (access November 20, 2018).

The army built al-Galaa Military Base decades ago. Located in Ismailiya, on the Suez Canal, al-Galaa Military Base is the headquarters of the Second Field Army Command, which has primary responsibility for North Sinai, and is now one of the largest military bases in Egypt. Inside the base there are several prisons, including al-Azoly, as well as a military court, a hospital, and other military facilities that house up to several thousand soldiers and officers.³¹⁴ The troops in the base include infantry, artillery, and special forces.³¹⁵ After July 2013, the army began to detain forcibly disappeared residents inside the base and subject them to torture and ill-treatment in order to elicit confessions. Al-Galaa likely holds the largest number of forcibly disappeared detainees in Egypt.³¹⁶ One former detainee told Human Rights Watch that there were up to 600 detainees in al-Azoly military prison when he was there for months in 2015.

According to eight testimonies of former detainees' and relatives of detainees in al-Galaa, the Egyptian Commission for Rights and Freedoms, an independent human rights organization, concluded that there could be up to 1,000 civilians and 120 army soldiers detained inside al-Galaa Military Base.³¹⁷ A former soldier who served at al-Galaa Military Base from 2010 to 2011 and "Hossam," a former detainee who spent several months in al-Azoly prison in 2015, both told Human Rights Watch that al-Azoly used to serve as a temporary detention facility for disciplined soldiers.³¹⁸

While the army has not officially acknowledged the presence of any detention facilities in al-Galaa, several government and pro-government newspapers reported occasionally that "the Second Field Army" released scores of Sinai residents held in al-Galaa Military Base.³¹⁹ In early 2015, the army built an additional structure inside al-Galaa that detainees began to call "the new Azoly." Hossam, the former detainee, told Human Rights Watch that

³¹⁴ The al-Azoly prison building coordinates are **30°35'9.78"N, 32°15'16.24"E**.

³¹⁵ "The Second Field Army, Egypt,"

[https://www.marefa.org/%D8%A7%D9%84%D8%AC%D9%8A%D8%B4_%D8%A7%D9%84%D8%AB%D8%A7%D9%86%D9%8A_%D8%A7%D9%84%D9%85%D9%8A%D8%AF%D8%A7%D9%86%D9%8A_\(%D9%85%D8%B5%D8%B1\)](https://www.marefa.org/%D8%A7%D9%84%D8%AC%D9%8A%D8%B4_%D8%A7%D9%84%D8%AB%D8%A7%D9%86%D9%8A_%D8%A7%D9%84%D9%85%D9%8A%D8%AF%D8%A7%D9%86%D9%8A_(%D9%85%D8%B5%D8%B1)) (accessed December 19, 2018).

³¹⁶ Human Rights Watch interviews with 54 Sinai residents and several activists and journalists.

³¹⁷ "al-Galaa Military Base, Theatre of Torturers and Hidden Base of the Disappeared," The Egyptian Commission for Rights and Freedoms, June 2017, <http://www.ec-rf.net/?p=1978> (accessed November 16, 2018).

³¹⁸ Human Rights Watch interview with a former soldier, outside Egypt, June 2016.

³¹⁹ Mohamed al-Bahrawy, "The Army Releases 94 Sinai Detainees Held in al-Galaa Base," *Al-Masry Al-Youm*, May 29, 2015, <http://www.almasryalyoum.com/news/details/728532> (accessed July 18, 2018) and Hanaa al-Tabrany, "Sheikhs' Efforts Successfully Yield the Release of 94 of Sinai Residents," *Al-Ahram*, May 9, 2015, <http://gate.ahram.org.eg/News/645126.aspx> (accessed November 16, 2018).

the original Azoly prison is a three-story building.³²⁰ When he arrived at al-Galaa, soldiers took him directly to the new Azoly.³²¹

³²⁰ Human Rights Watch interview with “Hossam” via mobile texting, May 2016.

³²¹ Hossam’s account also matches accounts of detainees in the Egyptian Commission for Rights and Freedoms’ report.



“If You Are Afraid for Your Lives, Leave Sinai!”

Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai

For over five years, civilians in Egypt’s North Sinai governorate have been caught in the crossfire during the conflict between Egyptian government forces, mainly the army, and the Sinai Province armed group, an affiliate of the Islamic State. The army has effectively turned North Sinai into a closed military zone where reporting is banned.

“If You Are Afraid for Your Lives, Leave Sinai!” is the result of a two-year long investigation into abuses by both sides in the armed conflict in North Sinai. Based on interviews with victims and witnesses, including former officers and officials, and a review of official statements, social media posts, media reports, and satellite imagery, the report finds that the army has arbitrarily arrested thousands of residents and disappeared hundreds of them, moving them into secret military detention facilities. Government forces have extrajudicially killed some of the detainees. The army also has recruited locals into unofficial militias who play a major role in these abuses. Civilians have also fallen victim to possible unlawful air and ground attacks by the Egyptian military. Moreover, government forces have imposed severe restrictions on various aspects of life, including transportation, electricity, and telecommunications, while forcibly evicting tens of thousands of people.

The report additionally documents that fighters belonging to the militant group Sinai Province have engaged in a campaign of kidnap, torture, and murder of civilians opposing them or those perceived as government sympathizers. They have also used landmines close to civilian homes, resulting in casualties and forced evictions, and have imposed their own brutal interpretation of Sharia rules on residents in areas where the group exerts a significant degree of control.

The report urges Egypt’s international partners to halt all arms exports, security trainings, and assistance to the Egyptian army and police and condition resumption of such support on accountability for abuses and concrete improvement of human rights.

(above) In this November 25, 2017 photo, discarded shoes of victims remain outside Al-Rawda Mosque in Bir al-Abd in North Sinai, Egypt, where gunmen, likely from the ISIS-affiliated Sinai Province, attacked and killed hundreds of worshippers. The militant group has frequently attacked civilians.

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(front cover) Egyptian army tanks and armored vehicles in Rafah in North Sinai sometime in 2018. The army has demolished thousands of homes in the city that borders Israel and Gaza, forcibly evicting almost the entire population.

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