



Monthly Human Rights Report

- August 2021 -

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SINAI

Foundation for Human Rights

Summary

Several abuses took place in August 2021, including arbitrary arrests of women by Egyptian law enforcement forces, because the women were related to wanted individuals, as part of a punitive approach used by the Egyptian authorities in Sinai. The foundation's legal team also documented a violation that affects standards of fair trial faced by those accused in case number 810 for the year 2019.

On the other hand, the Sinai Foundation for Human Rights followed ISIS's abduction of 3 civilians in southwest Bir al-Abd, as well as the death of a civilian due to the explosion of an explosive device planted by ISIS militants, most likely to target government forces.

Details of the abuses

Egyptian authorities and law enforcement forces abuses

1 - Arbitrary detention of women

The foundation recorded the continuance of the unlawful arbitrary arrest policy, which is a pattern of abuse followed by security authorities toward the people of North Sinai within the framework of broadening the circle of suspicion, or as a way to pressure wanted individuals to turn themselves in through taking a family member as a hostage. In August, the foundation documented testimonies by three women who were detained on no legal ground. During the period of their detention, police personnel threatened them, and one of the women was beaten down and dragged along the ground.

The following are testimonies given by the victims to the foundation team. Some information was blocked on their request for their safety.

"Aisha" Fake Name

The foundation team met with Aisha who lives in al-Arish, where a police force from (.....) police station arrested her in her house on 16 August 2021. She told us:

"They had previously arrested me on 4 August 2019 and detained me for 21 days, I was 6 months pregnant then, because a relative of mine is wanted. I assured them that he had been killed, but they still harassed me. After my release, I stayed in constant contact with the police station commander at his request, until he was promoted and moved from the station, and we lost contact. I started normally getting back to my life; I thought my problem was solved, till 16 August 2021 at 3 in the afternoon when the chief of detectives (...) from (...) station in al-Arish came to

my home. This is a different station from the one I was previously detained at, and it's not even the one my home address is subject to. The chief of detectives asked me where my mother was, and I told him that she wasn't there. He said that they were just at her place and were told that she was visiting me, and I said that she wasn't. They searched the apartment then told me to go with them. They took me to the station, where the officer kept slapping me telling me he wanted to be promoted like (.....), so I should give him information about my relative, and he asked me about people I did not know. He threatened me, saying: 'This time, you won't get out. We're going to slice you up and eat you for dinner'. After they beat me, they dragged me on the floor from inside the station to the car, and they took me with them to go and get my mother. When they didn't find her where I took them, they humiliated me in the street and the officer told me: 'We'll come after two days. If you fear for your and your children's lives, your mother would better be here'. It was a very hard day. They took me in the afternoon and let me go at night."

"Wafaa" Fake name

The Sinai Foundation documented the arrest and detention of "Wafaa" on 17 August 2021 while she was crossing the Suez Canal on al-Qantara ferry, on her way to Cairo. The foundation met with her daughter to learn the details of what happened. She told us: "My mother is 53, and can't handle this. She's all we have left after my dad was arrested in 2014. She was going to Cairo to visit her brother, but when she didn't make it to my uncle's house, we called her and her phone was switched off. We called again and again till her phone was switched back on at around 6 in the evening. When we kept calling but she didn't pick up, we realized she'd been arrested because the last time she called us, she was on her way to the ferry and the search on the ferry in very annoying and a lot of the time they keep people there

for hours and arrest a lot of people. However, we couldn't do anything before 24 hours were up so we could file a report or send a telegraph. We stopped calling her phone because we didn't want its battery to die. There was no news about what happened to her. At 12 AM, we decided to call a lawyer who told us to wait till morning. At 2 AM, she called us and told us she was on the way home. When she arrived, we learned that she'd been kept at the ferry checkpoint all that time. They wanted nothing to do with her, they wanted to know about her sister. They then gave her her things and let her go. My aunt is wanted by the police, and she's living very normally in her own house, what's my mother got to do with it all?"

"Huda" Fake name

"Huda", from al-Arish: her home was raided by a police force from (.....) station to arrest her, and when they did not find her, the force headed toward her relatives' homes and arrested two of them to pressure her into turning herself in, which is what happened on 18 August 2021. The foundation team took Huda's testimony, where she said: "I turned myself in at (.....) police station because I was wanted there and two of my relatives were arrested so I would turn myself in. I didn't know why, but I went to the station at around 5 in the evening. I took one of my relatives with me. They made her stay in the omana` al-shorta room, blindfolded me, and took me to the chief of detectives' office. They asked me about two of my relatives who are wanted, and I told them I didn't know anything about them. The officer yelled at me, and I swore that I didn't know. They let me out of the office, and gave me and my relative blank sheets of paper, even though they wanted nothing from her, I only took her with me because I was afraid they wouldn't let me go, they left us outside in the omana`s office for a while, then asked us to write our names, ID numbers, ages, our husbands' names, and their jobs, then made us hold the sheets like

a prison card, and took photos of us holding them. While we were there, we heard women scream in holding cells, banging on the door, asking to use the bathroom. I heard maybe 3 or 4 women, and omana` al-shor-ta were yelling at them, refusing to let them out, probably because they didn't want us to see them. We heard the women's screams till we left at around 8 in the evening."

These testimonies reveal the hardships faced by the people of North Sinai and the security forces' ongoing violation of binding covenants and laws. As article 9 of the International Covenant on Civil and Political Rights states that: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law". The Egyptian constitution also states in article 54 that "Personal freedom is a natural right" and that "citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation. All those whose freedoms have been restricted shall be immediately informed of the causes therefor, notified of their rights in writing, be allowed to immediately contact their family and lawyer".

2- The violation of standards of fair trial

The foundation legal team documented the Cairo Criminal Court's "third chamber for criminal cases" that took place on 18 August 2021 at the Institute of Police Secretaries, headed by Chancellor Mohamed Abdel Sattar, renewing the detention of 148 defendants, and the individuals in pretrial detention for case number 810 for the year 2019, including 5 individuals who had been released with precautionary measures in the aforementioned case, and they are:

- 1- Aisha Saleem Hammad Wasian.
- 2- Fatima Suliman Saleem Hammad.
- 3- Fatima Ouda Suliman Ouda.
- 4- Mohamed Ahmed Yahia Zeidan.
- 5- Fatima Ouda Mansour Aiad.

The court decided to renew the detention of all defendants, including those who were released with precautionary measures. This decision needed to be reviewed by the prosecution first, afterwards the renewal of detention of all defendants was confirmed.

Before the start of the session, the court asked the present lawyers to record their names on a sheet of paper to prove their attendance. The chamber head decided to renew the precautionary measures in the case of the aforementioned defendants without hearing their lawyers or looking into the case files. The session ran its course without the attendance of any of the defendants, and the trial panel decided to refuse hearing requests or defense from lawyers. It is worth mentioning that the renewal session lasted less than 15 minutes to look over the detention of 148 defendants.

This points to the fact that pretrial detention renewal sessions presented to the third chamber headed by Chancellor Mohamed Abdel Sattar in no way follow the constitution and the criminal procedure law, they rather borderline hasty arbitrary prosecution, which makes it safe to say that they are a waste of the right of defense and fair trial.

ISIS-affiliate group, Sinai Province, abuses

1 - 1- The abduction of civilians in southwest Bir al-Abd

ISIS-affiliate group, Sinai Province, members abducted the Higher Institute of Commercial Sciences student, Ahmed Mahmoud Saleh, 19, who is a member of the al-Aquila tribe living in al-Hemeisa village in southwest Bir al-Abd, North Sinai.

According to the information acquired by the Sinai Foundation for Human Rights team, the incident took place near Iqtiya village at around seven in the morning of 12 August 2021, where Ahmed was abducted alongside the owner of the farm where he works, Thabit Mesbah al-Haroun. Ahmed's father had been also abducted at the beginning of the year, on 15 February 2021 from "Ard al-Khair" area near Iqtiya in southwest Bir al-Abd by a group driving a white four-wheel-drive Toyota. He was later released on 20 February, 5 days after the abduction.

The foundation team met with one of Ahmed's relatives to learn the details of what happened. He said:

"Ahmed is a student at the Institute of Commercial Sciences in al-Arish, he's 19. During the summer or when he has free time, he goes to work with his father as a farmer in an area close to Iqtiya called "Ard al-Khair", which is an uninhabited agricultural area, only farmers work there in the morning and go back to their villages at night."

He added: "The day Ahmed was abducted, a man called "Thabit al-Haroun", the owner of the farm where Ahmed's father worked in Ard al-Khair, passed by Ahmed's home and asked about his father and was told he wasn't home. Thabit al-Haroun told Ahmed to go with him because he had some simple work that needed to be done. Ahmed went with him at 7 in the morning. We waited for

him to come home till 8 in the evening, but he didn't. So we went looking for him, asking the farmers, but no one had seen him. We knew nothing about his whereabouts till the next day when internet sites shared that he'd been abducted by terrorists. We started asking about Thabit al-Haroun, the farm owner, to know what had happened to Ahmed, and we learned that he too had been abducted alongside his 12-year-old son 3 days before Ahmed was. We then realized that when Thabit al-Haroun came looking for Ahmed's father, he was already being held captive with his son and that the terrorists sent him to get Amm (uncle) Mahmoud and kept his son as leverage, and when Thabit al-Haroun couldn't find Amm Mahmoud at home, he feared for his son if he got back to them empty-handed, so he took Ahmed in his father's place."

The foundation later learned that the 3 abductees were released on Tuesday 5 September 2021 and that Thabit al-Haroun had to pay the militants a large sum of money as ransom for his release.



Ahmed Mahmoud Saleh



Thabit al-Haroun

The abduction of civilians in Sinai is a pattern of abuse that could be called persistent, used by ISIS, as the group commits to this pattern for multiple reasons including getting money from the victims, or in order to interrogate civilians for their alleged cooperation with security forces. The Sinai Foundation for Human Rights documented several abductions in its annual report “All We Want Is to Live” shared on 30 September 2021, where field investigations and exclusive interviews with victims’ relatives were used.

2- Indiscriminate attacks lead to the death of a civilian in Bir al-Abd

The Sinai Foundation for Human Rights documented through a medical source the murder of Selmy Suliman Mohamed Suliten, 41, resident of Bir al-Abd, and working as an electricity company employee. He died as a result of an explosion of an anti-personnel explosive device most likely planted by Sinai Province group members inside an electrical transformer in Tofaha area in southern Bir al-Abd to target government forces.

The foundation team met with a relative of the victim’s to learn the details of what happened. He told us:

“Selmy had two wives and 5 daughters. He was an employee at the electricity company. On the day of the incident, he had a shift at 8 in the morning in Tofaha. There was a clash

between terrorists and the military there a while back, and some armed militants are still there in the outskirts of the desert side. They only show up to attack and disappear again. The military allows farmers in the area to water their crops and tend to their lands but with conditions; they are allowed into the area in the morning where they pass through all the ambushes and are searched multiple times, they work on their farms, and leave Tofaha at 4 in the afternoon. The farmers there complained a lot about how the electrical transformer was not working, and they reported it to the military ambush in the area, saying that they cannot water their crops with no electricity, so the ambush informed the electricity company, and the company sent some employees, including Selmy, may God have mercy on his soul.”

He added: “The military ambush took the electricity company employees to the transformer and left them to work. There were four employees and one farmer there to assist them. The main cable was broken in two and tied to an explosive device we call a personnel device; it’s not large and its destructive power isn’t strong. They finished working on internal connections, and one of them was sitting on the transformer waiting to be handed the main cable. He told one of the others to hand him the cable, Selmy held the cable with the other man to help him, and once he picked it up, it exploded. The device severed both his legs and one of his arms. The farmers gathered upon hearing the sound and quickly carried him to a pickup truck. The ambulance waited for them on the main road because they’re not allowed into Tofaha. Selmy was transported to Bir al-Abd hospital very quickly, and he had 11 blood bags transfused because he’d bled too heavily, and the hospital is far and the road was blocked by ambushes. He was in the hospital till 12, and then he died.”



Selmy Suliman Mohamed Suliten

Explosive devices planted by ISIS in areas the group controlled for brief periods of time have led to the death and injury of many. During 2019-2020, the Sinai Foundation for Human Rights documented the death of more than 22 civilians, 10 of whom were women and 7 were children, and the injury of 23 others, 5 of whom with children, by landmines and explosive devices planted by the group.

The International Humanitarian Law obligates all parties of an armed conflict to differentiate between civilians and combatants during any conflict. This principle applies to all parties in an armed conflict and stays in effect no matter the type of conflict or the parties involved, which was emphasized by article 48 of the additional protocol (I) to the Geneva Conventions, 1977.

Recommendations:

1-To the Egyptian authorities

- a. Conducting transparent investigations into the incidents in which members of the military and security forces were part, that led to the fall of civilian victims.
- b. Lifting discriminatory and illegal restrictions off business and fishing and movement in Sinai and offering immediate and fair compensations to citizens who were harmed by said restrictions.
- c. Complying with principles of the International Humanitarian Law by the military and security forces is an important basis that guaranties professionalism in performing their duties. Officers and military personnel should be taught those rules and trained to abide by them through curricula in the military academy and other training courses.
- d. Inviting and accepting visitation requests from UN special procedures mandates to Sinai, and allowing them unhindered access, and guarantying the safety of those who cooperate with them from punishment.
- e. Modifying laws and systems that grant unlimited authority to the security and military forces, including the state of emergency and the counterterrorism law, and implementing mechanisms that guarantee judicial and legal supervision on law-enforcement authorities

2. To all conflicting parties, including Sinai Province militants:

- a. Taking all possible precautions to protect civilians, according to the International Humanitarian Law, during any military land or air raids.
- b. In areas where the unlawful side to the conflict is the ruling force, all necessary precautions are to be taken to protect the rights of all inhabitants without discrimination and ensure all basic needs of civilians.

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