



SINAI
Foundation for Human Rights



Monthly Human Rights report

- November 2020 -

“The third anniversary of “al-Rawda massacre”

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*A local of “al-Rawda” village in “Bir al-Abd”.

Summary

Despite the reduced level of violence between the conflicting parties in North Sinai during this month, 10 abuses were recorded by the Sinai Foundation this November, five of which were committed by the Egyptian law enforcement forces, four were committed by ISIS and one other whose culprit was not identified by the foundation.

The abuses committed by the Egyptian authorities included the destruction of civilian objects in the area of “Rafah” and “al-Sheikh Zwayed”, and enforcing group punishment on the locals of “Bir al-Abd” following the abduction of a Christian citizen by militants appearing to be part of ISIS, in addition to their failure to perform their duties toward those returning to their houses after previous forced eviction, and enforcing restrictions on civilians’ daily lives and making earning a decent livelihood harder based on illegal geographical discrimination, and using civilian objects in the “Bir al-Abd” village of “al-Rawda”

for cover-up, in addition to indiscriminate gunshots from ambushes that led to the injury of a -12year-old girl.

As for ISIS during this period, they have, in two separate incidents, abducted three civilians, one of whom is Christian. They have also targeted a natural-gas pipeline in “Bir al-Abd”. Also explosives and unknown objects, thought to have been planted by ISIS, led to the injury of a child in the village of “al-Marih”.

The foundation has also recorded the murder of a civilian near “Al-Arish International Airport” in an indiscriminate shooting where the source or responsible party were not identified.

During this period, the foundation met with 19 eyewitnesses, relatives of the victims and locals who were in proximity with the events recorded in the report.

Details of November abuses

Egyptian authorities and law enforcement forces abuses

1-The destruction of civilian objects in “Rafah” and “al-Sheikh Zwayed”

The International Humanitarian Law emphasizes on the protection of civilian objects from unjustified targeting and attacks, and the obligation to respect said objects at all times, including during international and non-international armed conflicts. According to article 52 of the additional protocol (I) to the Geneva Conventions, 1977, civilian objects are not to be the object of attack or acts of revenge or deterrence. The term “Civilian Objects” includes areas, towns, cities, villages, residential areas, houses and buildings, schools, healthcare centers and units, places of worship and historical monuments, cultural centers, natural environment, shops, agricultural lands and the likes.

The bombing and removal of houses continued outside the buffer zone with “Gaza Strip”, western “Rafah”, carried out by security campaigns of military forces accompanied by tanks and armored vehicles. The operations were methodological and uninterrupted during the past October. We at the Sinai Foundation have obtained exclusive photos of the military forces involved in the destruction and removal of civilian objects campaign.



The foundation team has observed the destruction and leveling campaigns, carried out by the Egyptian military forces, of houses and farms belonging to civilians evicted due to military operations in areas outside the buffer zone created by the Egyptian authorities on the borders with “Gaza Strip”.

Our field team has observed the continuation of the increasing tear-down operations for the third month in a row in the areas of al-Wifaq, al-Mutala, al-Husainat and al-Khrafin on an almost daily basis. We have acquired

live photos from those areas of bombing and leveling operations performed by the Egyptian military.

According to the testimony of one of the locals living in “al-Kawthar” neighborhood in “al-Sheikh Zwayed”, an abandoned one-story house was bombed by an Egyptian military force on November 2nd. The house is located to the west of “Al-Sheikh Zwayed General hospital” on the road to “al-Husainat” village. The witness revealed that the owner of the house is a member of the “al-Ramilat” tribe and had moved to “Ismailia”. He stated that the house in “al-Sheikh Zwayed” is far from the buffer zone with Gaza Strip, and it is in an area that poses no danger to the security points and ambushes. He added that the sound that accompanied the bombing caused a strong echo that shook the city and caused the rise of smoke plumes. He pointed to the fact that the military force that carried out the bombing operation came from “al-Zohor” camp in “al-Sheikh Zwayed” and returned there after the operation was done.

2-Group punishments for “Bir al-Abd” locals

The security forces have launched arbitrary arrest campaigns targeting “Bir al-Abd” locals after the abduction of a Christian civilian on 08.11.2020 by armed militants thought to be in affiliation with ISIS.

Sinai Foundation for Human Rights representatives have recorded arbitrary arrests that targeted civilians in their houses, the streets, and shops. The authorities have also closed off a number of side roads to pedestrians and cars.

In the context of developments of this topic, security forces forced a number of families living in houses or “coops” located at the southern outskirts of “al-Ghizlan” neighborhood in “Bir al-Abd” to evacuate their houses

without any legal reasons to justify this arbitrary action and threatened whoever refuses to comply with arrest. A number of families living in this area are part of the “Bali” tribe.

The Sinai Foundation field team has recorded the locals’ preparations to evacuate the lands where they had lived for over 10 years with sadness and grief. The foundation has also released a statement condoning the policy of group punishments used against civilians.

These practices are considered to be a repetitive pattern performed by the authorities as group punishments against civilians after any security breach in Sinai. International laws have forbidden unexplained forced displacement operations, as the United Nations Committee on Economic, Social and Cultural Rights states that “Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant.” and goes against “the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property”



signs of preparing for evacuation

3-The failure to perform their duties toward those returning to their houses after previous forced eviction

The United Nations addressed through the internal displacement guiding principles inspired by the International Human Rights Law and the International Humanitarian Law the duty and responsibility to provide protection and humanitarian aid to the internally displaced, and to provide safe conditions and means for their voluntary, safe return to their homes or their usual place of residence, and placed such duty and responsibility on the national authorities within their jurisdiction.

In contrast, an eyewitness from the village of “Iqtiya” stated on 03.11.2020 that the government fail to perform their duties to facilitate and keep up with the compensation demands made by the citizens affected by the military operations that accompanied the Sinai Province group’s takeover of their villages, the villages of “Qatiya”, “Iqtiya”, “al-Marih” and “al-Ganayen” in “Bir al-Abd”.

The eyewitness mentioned that they did not receive any considerable compensation after their return, saying: “Everyone is busy presenting documents that prove the damages to their houses and farms, but the whole ordeal is routine and slow. We were asked to present the documents to the Department of Agriculture and the Directorate of Social Solidarity.” He added that the answer they receive from the competent authorities is: “Leave the documents and we’ll announce the compensations later.. We’ll review the documents and see.”

He said: “The damages to the houses can not tolerate any delay. Many locals come to the village during the day and leave for the night because they are not safe in the village, and can not live in a damaged house or a farm that only God knows if contains explosive devices or not.”

4-Using civilian objects in the “al-Rawda” mosque in “Bir al-Abd” for cover-up

The locals in Sinai recalled during the last week of November the “al-Rawda” village massacre in “Bir al-Abd” that took place after a bloody attack on the worshippers after Friday prayer on 24 November 2017, where 335 civilians lost their lives, and tens of civilians were injured. The massacre took place after armed men open fire on the groups of worshippers during Friday prayer, for this incident to become the biggest and bloodiest in recent Egyptian history.

A 41-year-old local from “al-Rawda” village stated in his testimony to the foundation team: “Three years after the massacre, no one remembers us or our suffering or offers us any support, whether from the government or businessmen, despite the fact that many families now have no supporter or source of income due to the death of a relative in the massacre.

The third anniversary passed over the village without anyone talking about it. What’s tragic is our lives too became hard. Despite the fact that the population of the village is really small, and the military forces know all of us, the military forces responsible for protecting the village still impose strict rules on us when it comes to some well-known social customs, like prohibiting us from meeting in groups, or sitting by the mosque or the corner of the village to perform our Sufi rituals.” He considered their arbitrary practices and the heavy warning gunshots fired throughout the day to be the reason behind the spread of terror and worry.

These practices stopped citizens from praying in the mosque, preferring to pray at their homes instead, and made them avoid grouping up and meeting at the corner of the village or by the village mosque.

Regarding the measures the security forces take in dealing with the locals, we met with

another local eyewitness, who exclaimed: “We don’t know who they’re protecting exactly. Are they protecting themselves or the village?! Why are they not securing the south of the village and just staying among the locals in the center of the village? We keep telling them the threat of armed men is coming from the south of the village not the center, but they don’t listen, and they tell off those who try to give them advice.”

The witness added that the children of the village require psychological and moral support to get over the painful occurrences and the constant fear, especially the families of the victims of the massacre.

On another side, the security forces use the civilian objects as cover-ups, as some of them occupy the corner of the village, which is a place near the mosque where the Sufis perform their rituals, and use them as a place of residence. Using civilian objects as a cover-up and spreading military checkpoints in residential areas and using civilian properties in the armed conflict turns them into military targets, which puts them at risk of being targeted by attacks or completely or partially destroyed or seized, which goes against the International Humanitarian Law that dedicated special protection to them and obligates the conflicting parties not to use them in ways that could lead to their harm. That was affirmed in article 52 of the additional protocol (I) to the Geneva Conventions, 1977.

5-Indiscriminate gunshots that led to the injury of a 12-year-old girl in “al-Sheikh Zwayed”

The International Humanitarian Law and related legislation prohibit random indiscriminate targeting that does not differentiate between civilians and combatants, and they obligate the conflicting parties to always differentiate between the two. Indiscriminate shootings that lead to the harming of civil-

ians is common in Sinai, which is what happened in the case of a child on 28.11.2020.

The Sinai Foundation for Human Rights team has recorded the injury of a 12-year-old girl called “Fatime Hassan Silmy Sawarka” who received a gunshot to the chest as a result of an indiscriminate shooting coming from a security ambush in the city of “al-Sheikh Zwayed”. The child was transported to “al-Arish” general hospital where the bullet was extracted from her body and she was put in the intensive care unit.

A local from the village of “al-Shallaq” told the Sinai Foundation researchers about the threats citizens face as a result of indiscriminate shooting, and that there are four established military and security forces ambushes in the village, in addition to mobile checkpoints, and they all use indiscriminate shootings in their sweep operations as they are called within security forces.

The village is on the international highway, which borders it from the south and the north. An eyewitness stated that when the security forces fire precautionary gunshots, they should aim south toward the desert side of the village, but the soldiers don’t do that, instead they shoot in all directions, which puts the village’s inhabitants in danger, and has led to the death and injury of citizens during previous periods.

The eyewitness added: “The ambushes are located between the houses, in “al-Shalaq” elementary school, and in the village mosque. They fire gunshots for no reason, when there are no militants or clashes, which is what happened on the day “Fatima” was shot. There were no clashes between the military and militants, and I did not witness any militants around the area. The village was totally calm that day, except for the usual gunshots from the ambushes used for security. Unfortunately, this time “Fatima” was hit, and we do not know who will be next.”

He added: “The indiscriminate shots must stop. Our lives have become hell. The shots sometimes hit electricity cables and the village stays with no power because they don’t repair the damages. The gunshots also hit walls and windows, and our children can’t sleep.”

b- ISIS-affiliate group Sinai Province abuses

1-The abduction of civilians in “Bir al-Abd”

The International Humanitarian Law offers civilians protection from targeting during conflicts, as article 3 of the Geneva Conventions prohibits “violence to life and person, in particular murder of all kinds” when it comes to civilians and those who can not fight. It has also offered special protection to minorities in a number of conventions. For example: The United Nations General Assembly declaration prohibits all kinds of intolerance and discrimination based on religion or belief, as freedom of religion and religious belief expression and such are protected and are not to be coerced. The Arab Charter on Human Rights approved by the League of Arab States in 2004 also prohibits depriving any person of their rights based on their race, color, sex, language, religion political views, or national or social origin.

In contrast, the Sinai Foundation has recorded during November the continuation of ISIS’s policy of targeting civilians based on many claims, including cooperating with security forces, or having opposing religious or ideological views, like Christians and Sufis.

On 08.11.2020, the foundation team recorded an abduction incident based on religion, most likely by ISIS, where militants abducted a Christian civilian called “Nabil Habashi Salama”, 61 years old, before his house in “al-Ghizlan” neighborhood in “Bir al-Abd”.

The details of the incident: Three masked individuals abducted “Nabil” about 50 meters away from his house at 8 PM on 08.11.2020,

at gunpoint, according to a statement published on Facebook by the victim's son "Peter Habashi Salama".

"Peter" mentioned that the car the abductors were driving was a "Hyundai Verna", and they fled to an unknown destination after the abduction.

An eyewitness spoke to us, saying: "Three masked men in civilian clothes stopped uncle "Nabil" near his house and tried to take him with them. He resisted, so they violently beat him up and he started bleeding from more than one place. Before they left, they stopped a pickup truck and forced the driver to get out. I know him, his name is "Mohamed Salim". "Mohamed" begged them, saying that his car is his only source of income, but to no avail. They took the car and uncle "Nabil" and left. I concluded from their clothing and the way they spoke that they're ISIS members."



Nabil Habashi Salama

"Nabil" owns a jewelry shop. He is also one of the founders of "al-Athraa" church, which is the only church in "Bir al-Abd". His son "Peter" confirms that his father did not have any enemies in the village, and had a good relationship with all the locals as they had a working relationship because of his jewelry and cellphone businesses. "Peter" asked security authorities to work hard on getting his father back.

There is no information on the abductors, but based on previous incidents, it is believed that the ISIS-affiliate group Sinai Province

could commit such crimes, despite the fact that the group has not issued any statement about this incident, after the Sinai Foundation team has scanned through all websites the group usually use to post their statements.

Earlier in last August, the civilian "Bakhit Aziz Lamii" was abducted from "al-Abtal" village, subsidiary to "Ismailia" and situated within the geographical area of the Sinai Peninsula, and he hasn't been found till this day.

Another number of civilians were previously abducted, and others murdered in "al-Sheikh Zwayed", "Rafah", "al-Arish" and "Bir al-Abd". The Christian body has also been forcibly evicted, as the Sinai Province group had been targeting them with murder and burning down their houses.

An eyewitness who owns a shop in "al-Arish" told the Sinai Foundation for Human Rights that some of the Christian locals returned to the city after being evicted in 2017 as a result to the brutal ISIS attack back then, but they make sure to stay out of sight. Women and girls usually wear a head wrap so militants wouldn't recognize them through their clothes, as Muslim women in "al-Arish" usually wear hijab or cover their faces with niqab.

He added: "Christian women didn't use to cover their hair with hijab before the evacuation of the Christian body, but the harassment and security threats forced them to do so to hide." He only recognizes them as old costumers at his shop or through his knowledge of the families of "al-Arish".

In another incident that took place in 19.11.2020, militants thought to be affiliated with ISIS abducted two civilians from "al-Humaisa" village in "Bir al-Abd".

An eyewitness told representatives of the Sinai Foundation for Human Rights that one of the abducted civilians is called "Mohamed Abdul-Rahman Ali Eid", 23, and works as a barber.



Mohamed Abdul-Rahman Ali Eid

As for the second victim, he was “Ali al-Said Ghanami”, 38, also from “al-Humaisa”, and has a family of a wife, two sons and two daughters. He had moved with his family to the village of “al-Shohat” when ISIS elements entered the villages to the south of “Rabea”, including “al-Humaisa”, then returned to his village to harvest his olive crops.

We met an eyewitness regarding the abduction, who told us that when “Ali” was in the barber shop owned by “Mohamed”, they were surprised by four armed men who forced them outside the shop and onto motorbikes. While they were being taken away, women were screaming, begging the armed men to let the victims go, but the armed men told the women off and promised to let the victims go in two days, then drove away toward an unknown destination. The foundation team has not figured out the fate of the victims till the moment of writing this report.

2-Random indiscriminate weapons injuring a child in the village of “al-Marih” in “Bir al-Abd”

ISIS militants have deliberately used random indiscriminate weapons that injure both civilians and combatants, which is a dangerous behavior that led to the death and injury of civilians. That goes against the International Humanitarian Law that obligates all parties of an armed conflict to differentiate between civilians and combatants during any conflict. This principle 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.

On 18.11.2020, a hand grenade explosion in the village of “al-Marih” led to the severe injury of a child, “Yussef Suliman Zayed”, 13 years old, to his leg tendon, after he found the grenade on the road and tried to move and play with it, and he threw it and it exploded close to him.

A local citizen told the Sinai Foundation for Human Rights that ISIS has turned the lives of the civilians into hell because of the explosive devices scattered in the farms. And despite the reports the farmers file about those devices, the military do not extract them quickly. He added: “Why does the government wait till the worst happens? It’s been two months since the military gained control over the villages and there is no real effort to purify our houses and farms. They are so slow with the clean-up process, and we are paying the price.”

He wonders about the fate of the citizens: “Who knows who the next explosion victim would be.” Adding: “I swear we are not safe, not us or our children when they leave the houses. We hear an explosion and say ‘May god have mercy! Who is the victim this time?’”

The villages of “Qatiya”, “Iqtiya”, “al-Marih”, “al-Ganayen” and “Rabea”, freed from ISIS, seem to be a trap for civilians who returned after being forcibly evicted. October has witnessed the death of 16 citizens, 5 of whom were children and 10 were women, and the injury of 14 others, 11 of whom were men and 3 were children, according to data recorded by the Sinai Foundation in last month’s report, based on medical sources and local eyewitness accounts.

Despite the fact that ISIS is the cause of this incident and are to be held responsible, the Egyptian authorities and especially the

armed forces are also responsible for it, as it is their responsibility to fully secure the region to protect the civilians. They also should guarantee that such accidents never happen again, as the facts show that they failed to do their duties to protect citizens and guarantee their safe return to their regions. It is worth mentioning that the rules of armed conflict obligate all conflicting parties that have control over a land to provide protection to civilians in areas under their control.

3.Targeting civilian objects near a village in “Bir al-Abd”

The International Humanitarian Law stresses on the protection of civilian objects and not aiming attacks toward them as long as they are not used for military purposes. It also obligates conflicting parties to respect and protect civilians and civilian properties.

On 19.11.2020, ISIS announced their bombing of a natural-gas pipeline near “al-Sabika” village, subsidiary to “Bir al-Abd”, according to an announcement they published on one of their websites. The explosion could be heard inside the city of “al-Arish” about 30 kilometers west of the incident site.

According to the announcement, ISIS claimed that the pipeline was used to transport gas to “the Jews”. The official authorities have confirmed the incident, where North Sinai governor, Major-General “Mohamed Abdel-Fadhil Shusha” stated that the explosion did not affect the factories, houses, or the steam-electric power station. The targeted pipelines are a backup line of the natural gas network that feeds 16 thousand gas joints in houses in “al-Arish”.

c- Indiscriminate shooting from an unknown source that led to the death of a civilian in al-Arish

Murder and injury cases due to indiscriminate shootings from random sources are recurring incidents in Sinai. Those attacks from unknown sources, or attributed to the extremist Sinai Province group, have caused more than 1004 civilian casualties, in addition to the injury of 2500 civilians in 6 years, according to the statement North Sinai governor, Major-General “Mohamed Abdel-Fadhil Shusha” made in a TV program last October.

The fall of victims to indiscriminate shootings from unknown sources is common in Sinai. The administrative and security authorities write them up in their reports as caused by an unknown source, which loses the victims their rights and prevents them from legally holding the perpetrator accountable.

Legislation and international customs regulating the behavior of conflict parties prohibit the use of random targeting weapons that do not differentiate between civilians and fighters. They also prohibit intentional targeting of civilians in international and non-international armed conflicts. Violating those rules subjects responsible parties to prosecution, according to the Customary International Law. The conflicting parties have to differentiate between hostile individuals and civilians at all times. The International Court of Justice declared in its advisory opinion on 8 July 1996 that “the distinction principle” toward targets is an “absolute” principle of the Customary International Law.

On 13.11.2020, 24-year-old “Ismail Mohamed Silmy”, geographical engineer, was killed after receiving a gunshot from an unknown source, while working in the area of the “al-Arish” airport.

A relative of the victim's said: "The gunshot was written in the "al-Arish" 1st Police Department police report as coming from an unknown source. It caused an injury to the higher chest area. Then the body was transported to "al-Arish" hospital, then to the coroner's office in "Port Said" to record the cause of death and issue a burial permit."

A state of sorrow encompassed "al-Arish" after the young man's murder, left behind by details related to his life. One of the last things he'd posted on his Facebook profile was that he'd just turned 24 years old, he had also told a friend who reported to our representative in "al-Arish" that "Ismail" had told him that he expects to die as a "martyr".



Ismail Mohamed Silmy

A construction worker in south "al-Arish" stated that: "The work site to the south of the airport is an open area, and it can't be known where the gunshot came from. The area is surrounded by many military ambushes, and none of us can pinpoint the source of the gunshot, whether it was a stray bullet or if it was targeted."

Local contractors supervise a number of workshops in that area, specializing in roadworks and concrete fixture works in the "al-Arish" airport, after the construction of the airport campus wall is done.

Those workshops offer job opportunities to a number of young men and workers, surrounded during working hours by a number

of security checkpoints that avoid getting closer to the military ambushes.

The Sinai Foundation for Human Rights could not find out for sure who the responsible party behind this incident was, or the reason behind it, but such incidents are a common occurrence in the area.

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 and damages to civilian objects.

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 guarantees 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 guaranteeing the safety of those who cooperate with them from punishment.

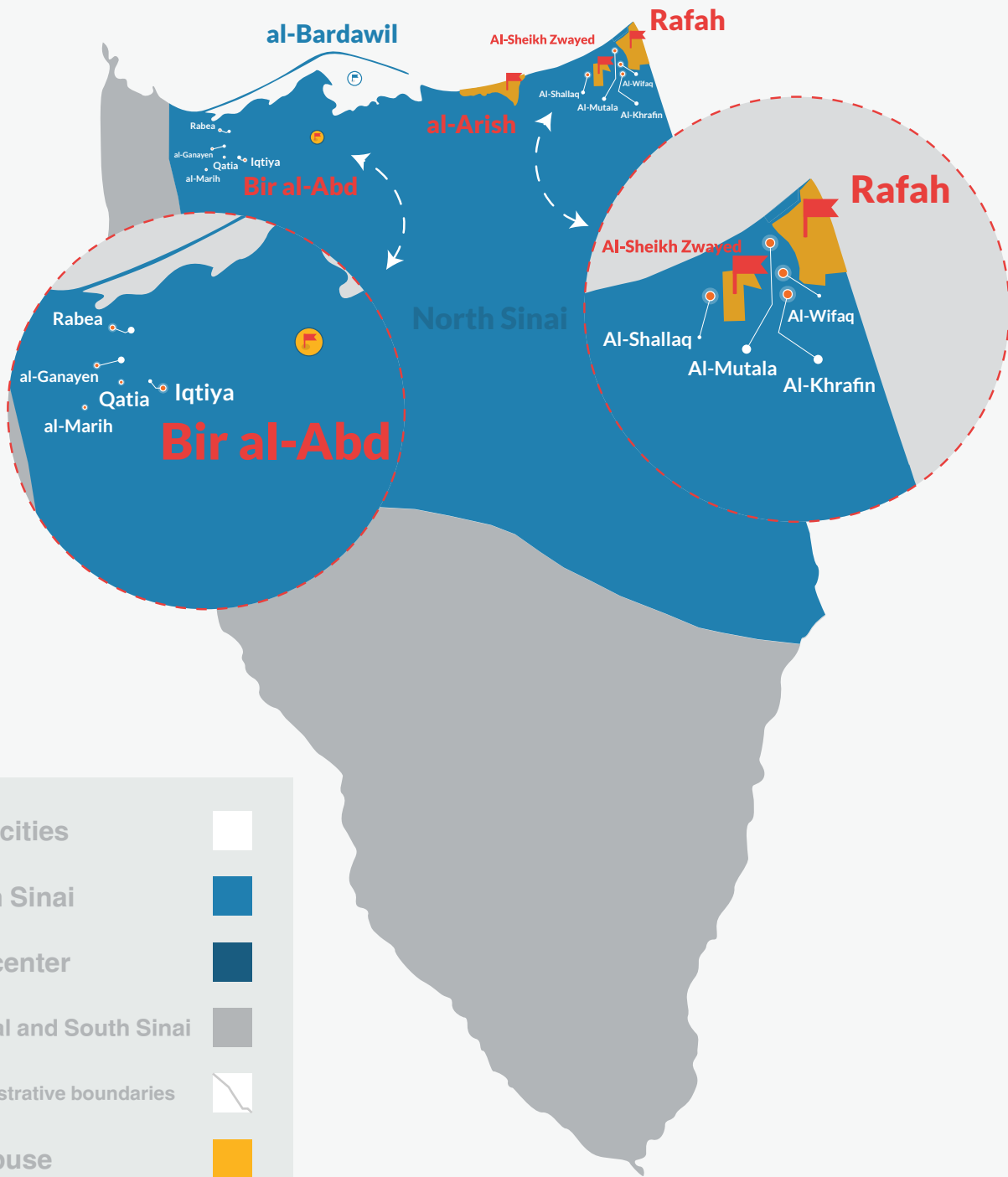
e. Modifying laws and systems that grant unlimited authority to the security and military forces, including the state of emergency and the counterterrorism law, and implementing mechanisms that guarantee judicial and legal supervision on law-enforcement authorities.

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.

A map of the Sinai Peninsula



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