HUMAN RIGHTS WATCH

"Look for Another Homeland"

Forced Evictions in Egypt's Rafah

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Summary

> "I myself used to make food and tea for the soldiers and they came and sat in the shade of our olive tree when the sun beat down on them … My mother told me: 'The tree is your responsibility. I fed you from it and raised you on it. Even in times of war, we lived from its oil when nobody could find food.' Now there's nothing I can do but hold the tree and kiss it and say, 'Forgive me, mom, what can I do.'" – Hajja Zaynab

Between July 2013 and August 2015, Egyptian authorities demolished at least 3,255 residential, commercial, administrative, and community buildings in the Sinai Peninsula along the border with the Gaza Strip, forcibly evicting thousands of people. Extended families who had lived side by side for decades found themselves dispersed, forced to abandon the multi-story houses they had built next to their relatives and passed down through generations. Some families became homeless and lived in tents or sheds on open land or in informal settlements. The Egyptian authorities razed around 685 hectares of cultivated farmland, depriving families of food and livelihood and stripping most of the border of its traditional olive, date and citrus groves. The evictions scattered families among the Sinai's towns and villages and in some cases as far as Cairo and the Nile Delta. The Egyptian government has indicated that these evictions could continue.

The Egyptian army began demolishing buildings along the border in July 2013 as part of a reinvigorated but long-considered plan to establish a "buffer zone" with the Gaza Strip. These demolitions rapidly accelerated after October 24, 2014, when the Sinai-based armed group Ansar Beit al-Maqdis, or Supporters of Jerusalem, carried out an unprecedented attack on an army checkpoint in North Sinai governorate, reportedly killing 28 soldiers. The following month, Ansar Beit al-Maqdis pledged allegiance to the extremist group Islamic State, also known as ISIS, and changed its name to Sinai Province.

President Abdel Fattah al-Sisi, who had taken office in June 2014 after orchestrating the ouster of former president Mohamed Morsy the year before, said in a speech on national television the day after the attack that Egypt was fighting a war "for its existence." He declared a three-month state of emergency in most of North Sinai and convened the National Defense Council and Supreme Council of the Armed Forces, which agreed on a plan to establish a "secure zone" along the Gaza border. Five days after the attack, Prime Minister Ibrahim Mehleb issued a decree ordering the "isolation" and "evacuation" of 79 square kilometers stretching along the entire Gaza border and extending between five and seven kilometers into the Sinai. The buffer zone encompassed all of Rafah, a town of some 78,000 people that lies directly on the border, as well as significant agricultural land around the town.

Egyptian authorities justified the buffer zone as a way to defeat the insurgency by shutting down the smuggling tunnels that they said allowed fighters and weapons to pass from Gaza to the Sinai. Since 2007, Gaza, which is governed by the Islamist Palestinian movement Hamas, has been under a strict Israeli blockade. For most of this period, Egypt has cooperated in the blockade by severely restricting the flow of people and goods between Gaza and the Sinai. Tunnels have served as a key supply line between the two sides.

Egyptian officials described the buffer zone as a way to clear the border area for military operations and eliminate this supply line. A statement on the Defense Ministry's website described the zone as a way to "finally eliminate the problem" of tunnels, "one of the main sources" for armed groups to enter Sinai and supply insurgents with "arms and ammunition." Maj. Gen. Abd al-Fattah Harhour, the governor of North Sinai, said the decree was intended "to defend Egypt from terrorism." One advisor to the military's Commanders and Staff College told a newspaper that the buffer zone would have two benefits: putting the zone under military court jurisdiction and clearing it of civilians, so that it would "be regarded as an open theater."

Satellite images show final building demolition in central Rafah between October 5, 2014 and August 12, 2015. Center Coordinates : Geo-34°14'13.106"E 31°17'15.48"N ; MGRS-36RXV1773762140. Pléiades-1 © CNES 2015/Distribution Airbus DS

Though the renewed threat of violence from insurgent groups in 2014 provided a useful pretext, the Egyptian government had for years taken steps to prepare a buffer zone. In response to pressure from Israel and the United States to more effectively seal the border, former President Hosni Mubarak had ordered a 150-meter-wide strip of land cleared in 2007, but protests forced the government to abandon the plan before it began. Two years

later, Mubarak's government tried and failed to build an 18-meter-deep steel wall under the ground along the border.

According to Sinai activists, the government rekindled the idea of a buffer zone in 2012, under President Morsy, when al-Sisi—then defense minister—banned private property ownership on land within five kilometers of Gaza. Al-Sisi declared the land a "strategic area of military importance," a designation that, under Egyptian law, made it easier for the military to seize property. The October 2014 buffer zone decree issued by Prime Minister Mehleb, which contained a map, delineated an eviction area that matched al-Sisi's decree from two years prior.

In the wake of the decree, Egyptian officials gave contradictory statements about the scope of the coming evictions. Though newspapers had published the decree and 79-square-kilometer map in its entirety, Governor Harhour claimed the day before the decree that the military would only clear an area 500 meters from the border. On November 17, 2014, the military declared that the buffer zone would be expanded to one kilometer. In January 2015, Harhour told a reporter that the buffer zone would likely mean evicting the entire town of Rafah. In August, Harhour confirmed that a further expansion of the buffer zone, to 1.5 kilometers, would encompass about 1,200 more homes.

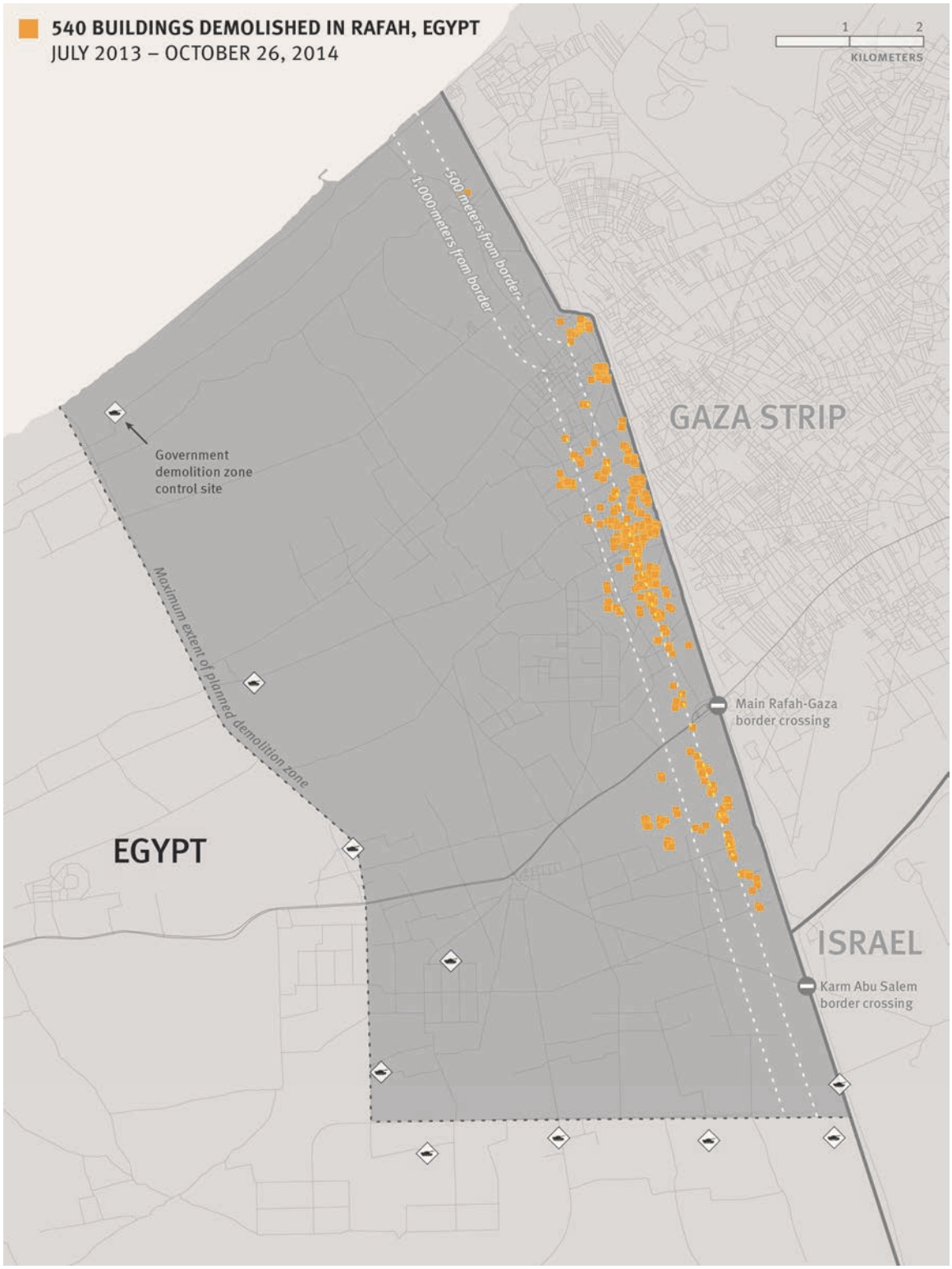
Furthermore, a Human Rights Watch analysis of satellite imagery showed that the Egyptian authorities actually began large-scale home demolitions on the border more than a year before the October 2014 buffer zone decree was issued and that these demolitions occurred far outside the initial 500-meter strip described in public by officials. These satellite images showed that home demolitions began after the military, led by al-Sisi, ousted Morsy on July 3, 2013.

The authorities destroyed at least 540 buildings along the border in the 16 months between Morsy's ouster and the October 2014 decree, including 50 that lay more than a kilometer from the border, Human Rights Watch found. Yet on the day of the decree, Governor Harhour claimed that only 122 homes had been destroyed. After the decree, the Egyptian military demolished at least 2,715 more buildings. About 3,200 families have lost their homes, according to the government.

Satellite image shows building explosion in central Rafah on morning of November 13, 2014. Center Coordinates: Geo- 34°14'39.018"E 31°16'16.816"N ; MGRS -36RXV1844360341. Pléiades-1 © 2015 CNES/Distribution Airbus DS

Illegal Demolitions

Human Rights Watch spoke with journalists and activists in the Sinai and 11 families evicted from the buffer zone and analyzed a detailed time series of over 50 commercial satellite images recorded over Rafah between March 11, 2013 and August 15, 2015. Human Rights Watch determined that the large-scale destruction of at least 3,255 buildings in Rafah to counter the threat of smuggling tunnels was likely disproportionate and did not meet Egypt's obligations under international human rights law or the laws of war.


540 BUILDINGS DEMOLISHED IN RAFAH, EGYPT
JULY 2013 – OCTOBER 26, 2014
1
2
KILOMETERS
500 meters from border
1,000 meters from border
GAZA STRIP
Government demolition zone control site
Maximum extent of planned demolition zone
Main Rafah-Gaza border crossing
EGYPT
ISRAEL
Karm Abu Salem border crossing

2,715 BUILDINGS DEMOLISHED IN RAFAH, EGYPT
OCTOBER 26, 2014 – AUGUST 2015
1
2
KILOMETERS
500 meters from border
1,000 meters from border
GAZA STRIP
Government demolition zone control site
Maximum extent of planned demolition zone
Main Rafah-Gaza border crossing
EGYPT
ISRAEL
Karm Abu Salem border crossing

Since August 14, 2013, the day Egyptian security forces violently dispersed a mass sit-in protesting Morsy's removal, killing more than 817 people in one day, Egypt has faced an increasingly dangerous insurgency mounted by an array of groups throughout the country but particularly intense in North Sinai.

Little is known about the Sinai insurgents. In November 2014, Western officials told the *New York Times* that they estimated that the main insurgent group, Sinai Province—then still known as Ansar Beit al-Maqdis—might boast as little as a few hundred fighters or as many as "a few thousand." The Sinai Province group rarely provides any details about itself. The group has never named a leader nor described its organization, and it has publicly identified fewer than two dozen fighters by name.

Though the group launched sporadic raids and rocket attacks against Israel in the years preceding Morsy's removal and the mass killing of his supporters, by September 2013, it had turned its attention toward al-Sisi's government and the military, promising "revenge for Muslims against whoever helped in killing or assaulting them." The following December, it declared the Egyptian armed forces "unbelievers" who "fight against all who call for the application of Islamic law."

Since 2013, the insurgents have proven capable of sustaining an increasingly sophisticated campaign against Egyptian military and security forces in North Sinai while also carrying out attacks on security forces and buildings in Cairo, the Western Desert region and elsewhere. In addition to the October 2014 attack, the group launched large, coordinated assaults on government positions in North Sinai in January 2015 and July 2015, likely killing more than 100 Egyptian soldiers in total, according to local media outlets. The July 1, 2015, attack on army and police positions in the town of Sheikh Zuweid in North Sinai may have been the largest insurgent attack in Egypt's modern history and marked the first time that insurgents in Sinai succeeded in temporarily seizing populated territory. Only attacks by Egyptian air force F-16 fighter jets managed to drive the fighters out of Sheikh Zuweid after 12 hours of combat. The Sinai Province group has also used sophisticated guided missiles to destroy tanks, shoot down at least one Egyptian military helicopter and severely damage at least one Egyptian navy vessel.

More than 3,600 people, including civilians, security forces and alleged insurgents, have reportedly died in North Sinai between July 2013 and July 2015, according to media reports

and government statements aggregated by the Washington, DC-based Tahrir Institute for Middle East Policy. Roughly 2,650 people, about 73 percent of those who died, have reportedly been killed since the first major attack in October 2014.[1] This ongoing fighting, primarily between the Egyptian military and the Sinai Province group, may amount to a non-international armed conflict, meaning that the conduct of both sides would be subject to international humanitarian law, also called the laws of war.[2]

Under the laws of war, the Egyptian armed forces may close tunnels that are being used to send arms or materiel to the armed groups it is fighting, respond to attacks on its forces, and take preventive measures to avoid further attacks. But such measures are strictly regulated by the provisions of international humanitarian law, which require all parties to distinguish between civilians and combatants. Egypt's military can attack or destroy civilian buildings only when they become military objectives and are making an "effective contribution" to military action. The laws of war also prohibit the forced displacement of civilians "unless the security of the civilians involved or imperative military reasons so demand."

Human Rights Watch found that the large-scale destruction of homes and other buildings in Rafah did not meet the requirement under the laws of war that Egypt's army target only specific military objectives. The demolitions made no distinction between tunnels and civilian homes, and less-destructive methods could have effectively restricted, and in fact had reportedly restricted, tunnel smuggling. For example, in July 2013, when the military first began home demolitions on the Gaza border, the United Nations Office for the Coordination of Humanitarian Affairs in Occupied Palestinian Territory estimated that existing Egyptian efforts to close the tunnels through demolition or flooding had been successful, eliminating perhaps all but 10.

Furthermore, Egypt likely possessed the capability to detect and eliminate specific tunnels without resorting to the arbitrary destruction of a large buffer zone. In 2008 and 2009,

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[1] Human Rights Watch could not independently verify this data. The Egyptian government does not allow journalists or human rights groups to visit North Sinai without official permission and coordination with the armed forces and typically denies requests for such permission. Journalists and North Sinai residents have in the past said that the Egyptian authorities provide inaccurate or exaggerated data regarding arrests and deaths in counterinsurgency operations.

[2] For more analysis on the status of the North Sinai conflict, see the "Legal framework" section. Though a variety of armed groups have existed in North Sinai for at least a decade, the Sinai Province group has claimed responsibility for the majority of attacks—which have caused the majority of deaths—since October 2014.

according to media reports and the US Defense Department, the US Army Corps of Engineers trained Egyptian troops to use advanced technological equipment that measures ground fluctuations to indicate tunnel digging. In August 2013, the US Defense Department awarded the defense company Raytheon a $9.9 million contract to continue research and development in Egypt on its version of this technology, which is known as a laser radar vibration sensor.

Though the Sinai-Gaza tunnels may qualify as lawful military objectives in some cases, Human Rights Watch also found it unclear to what extent they make an effective contribution to the Sinai Province group's military capability or to the overall insurgency. According to both media reports and government statements, most of the heavy weapons in use in the Sinai, including heavy machine guns, shoulder-fired anti-aircraft missiles, and anti-tank missiles, have likely been smuggled from Libya and bought, stockpiled and sold within the Sinai. Israeli and US officials have expressed concern about weapons smuggling from the Sinai to Gaza, but rarely the reverse. Indeed, the buffer zone appears to be as important to Israel's security as Egypt's.

"When we take security measures in the Sinai, those measures confirm our sovereignty over the Sinai, which is part and parcel of Egyptian territory. We will never allow anyone to launch attacks from our territory against neighbors or against Israel," al-Sisi said in a televised November 2014 interview. "The buffer zone should have been established for years already … We took this decision in consultation with the local population. Meetings have been organized to compensate them of course, and to rebuild the city of Rafah to make it more pleasant to live in."

Whether or not the fighting in North Sinai has reached the level of a non-international armed conflict, international human rights law continues to apply and bind the Egyptian authorities. The demolition campaign since July 2013 has violated these laws, specifically the right to housing laid out in United Nations and African conventions to which Egypt is a party. This right provides specific protections during evictions, such as: genuine consultation with those being evicted; adequate and reasonable notice; information on the eviction and future use of the land; legal remedies; and legal aid. International law prohibits "forced evictions," defined as the permanent or temporary removal of individuals, families or communities against their will from their homes or land, without access to appropriate forms of legal or other protection.

Video shows the active deployment of dozens of Egyptian government soldiers and at least three armored personnel carriers (APCs) next to a military base along the border with Gaza. Excavator is visible in adjacent courtyard demolishing a wall and small building. Recorded between February 28 – April 12, 2014. Video Location- Geo-34°14'20.186"E 31°17'41.961"N; MGRS-36RXV1791762959. Source: ttps://www.youtube.com/watch?v=o1SsydWVCNI

Two wheeled and tracked APCs parked with soldiers observing residents remove their belongings on to pickup truck before demolition. Recorded between October 20 – 31, 2014. Video location: Geo-34°14'28.365"E 31°17'18.796"N; MGRS: 36RXV1814262246. Source: https://www.youtube.com/watch?v=DfuOag5s3vM

Video shows soldiers setting and wiring the demolition charges in building that is later demolished.

Video of the building seconds after the detonation of high explosives by government soldiers. Recorded November 1-4, 2014. Video location: Geo-**34°14'46.823"E, 31°16'31.159"N; MGRS-36RXV1864460785. Source: Private**

Egypt is also obliged to protect the right to property, as set out in the African Charter on Human and Peoples' Rights, to which it is a party. This includes recognizing individuals'

and groups' property rights over homes and land they have traditionally occupied, whether or not they have written documentation. Evictions should be a last resort and accompanied with fair compensation.

Residents told Human Rights Watch that the Egyptian army provided no written warning of the impending evictions and that many residents heard about the coming demolitions from army patrols, neighbors or media outlets. These residents, often told to pack up their lives and leave within 48 hours, were sometimes made to wait for weeks for the demolition to take place and were forced to live in houses they had hurriedly emptied, amid mostly abandoned neighborhoods where shops had closed and government-supplied water and electricity had been shut off. The government offered families a small and inadequate one-time payment of 900 Egyptian pounds (US $118) to cover three months of rent as they searched for a new home for themselves and their relatives.

The Egyptian government offered compensation to residents for their homes, but most of the families said that the compensation was not enough to buy property that would equal their previous standard of living and that the process was opaque and lacked any mechanism for objection. Residents were coerced to sign a form that falsely stated they had voluntarily given their property to the state and pledged to not build again within the buffer zone. Rafah city council employees would not give families their compensation checks if they did not sign the form. The government did not offer any compensation for agricultural land, even land which families farmed or rented to others, considering it "empty." The government did not provide compensation to anyone who owned property where a tunnel or tunnel entrance was allegedly found.

The Egyptian government did not appear to have a plan to ensure that the evictions did not interrupt children's education. The army destroyed at least six schools in the buffer zone, and families told Human Rights Watch that they struggled to place their children in new schools outside the buffer zone. One family said that they had not been able to find a new school; the others said that they had placed their children in schools with the help of family friends in the government.

685 HECTARES OF FARMLAND DESTROYED IN RAFAH, EGYPT
JULY 2013 – August 2015
1
2
KILOMETERS
500 meters from border
1,000 meters from border
GAZA STRIP
Government demolition zone control site
Maximum extent of planned demolition zone
Main Rafah-Gaza border crossing
EGYPT
ISRAEL
Karm Abu Salem border crossing

The Rafah evictions have taken place amid an ongoing counterinsurgency campaign by the Egyptian government involving widespread arrests and attacks on alleged insurgent positions in the area. Since the October 2014 insurgent attack on the army checkpoint, much of North Sinai has been under a curfew and state of emergency. One resident told Human Rights Watch that the military used dogs to intimidate homeowners during the eviction process, and in one early 2014 case their use was captured on video footage posted to YouTube. Another video provided to Human Rights Watch, filmed in the first week of November 2014, showed a US-made Egyptian army M60 main battle tank firing at a building on the border, apparently in order to demolish it. In an October 10, 2014, incident widely circulated after also being posted to YouTube, and which Human Rights Watch verified, army soldiers near the Gura checkpoint southwest of Rafah severely beat two Sinai men, one of them apparently already injured and wearing blood-stained clothes, before pushing them into an unmarked room where at least three other people were being held. Civilians have also been intimidated and attacked by insurgents. The Sinai Province group has destroyed the property of alleged government collaborators and killed and on occasion beheaded others.

Few voices in Egypt criticized the evictions, and many Egyptian media outlets called for the armed forces to take harsh measures in North Sinai. After the October 2014 attack, current and former Egyptian security officials appeared on private television news shows saying that "there is no need for [an] understanding" with North Sinai residents and that "these so-called innocent residents are the ones harboring and protecting terrorists." The National Council for Human Rights, in its annual report, said that the evictions were legal and the compensation fair. The government in almost all cases denied journalists and human rights groups access to North Sinai. The head of news at Egypt's state broadcasting authority said the authority's journalists could not broadcast events in the Sinai without instructions and permission from the armed forces.

The evictions have received virtually no international scrutiny or condemnation. The United States reacted to them with approval. On October 30, 2014, a State Department spokesperson said, referring to the Egyptian government, "we understand the threat that they are facing from the Sinai" and that "Egypt has the right to take steps to maintain their own security." Neither Egypt's Gulf allies nor sympathetic nations in the European Union, including Germany, France and the United Kingdom, have condemned the evictions.

Human Rights Watch calls on the Egyptian government to halt its forced evictions along the Gaza border and study the possibility of destroying tunnels using less destructive means. Human Rights Watch calls on the United States, which supplies much of the military equipment used by Egypt, to require access to the Sinai Peninsula to perform human rights vetting on US military assistance before providing any future military equipment that risks being involved in serious abuses of rights.. Human Rights Watch calls on the United Nations special rapporteur on housing to request an urgent visit to Egypt and on the United Nations Human Rights Council to pass a joint resolution expressing concern about the human rights situation in Egypt.

Recommendations

To the Egyptian Government:

- Halt mass demolitions and evictions in the buffer zone that might violate laws-of-war prohibitions against attacks on civilian objects or displacement of civilians.
- Ensure that civilians already displaced by the eviction and in need of urgent temporary accommodation receive it, in accordance with the buffer zone decree and Egyptian and international law.
- Do not resume demolitions and evictions until studying the possibility of demolishing tunnels using less destructive means and ensuring the evictions would meet the protections outlined in international human rights law, including: advance notice and consultation, adequate compensation, and legal remedy and assistance.
- Provide immediate and unhindered access and cooperation to independent observers, journalists, and human rights monitors.
- Provide compensation for empty or agricultural land, and all other property seized or destroyed during the eviction process, and ensure that the compensation already provided for demolished houses and other property is adequate.
- Attempt to provide displaced residents with homes and lands similar to the ones they had in order to maintain their heritage and lifestyle.
- Maintain accurate statistics on property damaged and make that information publicly accessible in a timely fashion.
- Allow those evicted or served with eviction notices to challenge eviction decisions publicly before the courts in accordance with Egyptian law.
- Amend expropriation laws to eliminate imprisonment for those who refuse evictions.

To the United States:

- Ensure that the US Embassy in Cairo has sufficient financial, technical, and personnel support to undertake robust human rights vetting for all US military aid and security assistance and that the embassy can conduct full end-user agreement monitoring on US military equipment in the Sinai Peninsula.

- Do not supply Egypt with weapons or other military assistance that risk being used in the commission of serious human rights abuses or violations of international humanitarian law.
- Urge the Egyptian government to refrain from mass demolitions, especially without prior or sufficient warning to residents and not to resume the demolition campaign until it clearly meets international standards.
- Urge the Egyptian government to provide temporary housing and robust compensation for all displaced residents in need.
- Urge the Egyptian government to allow journalists and independent monitors into North Sinai.

To the United Nations:

- The Special Rapporteur on adequate housing should request an urgent visit to Egypt and should monitor the situation in Rafah and report on the forced evictions.
- The Special Rapporteur on human rights and counterterrorism should reiterate his request for a follow-up visit to Egypt and monitor the situation in Rafah.
- Members of the UN Human Rights Council should pass a resolution to collectively express their concern at the human rights situation in Egypt and should urge Egypt to ensure that its counter-terrorism policies are fully compliant with the international human rights law.

Methodology

This report is based on interviews with journalists, Sinai-based activists and 11 families who were evicted from the buffer zone as well as an analysis of a detailed time series of over 50 high and very-high resolution commercial satellite images recorded over Rafah. The satellite imagery covered the entire border zone with Gaza and was used to assess the area, pace, and timing of the demolitions, evaluate witness evidence and government declarations, and to quantify the absolute number of buildings destroyed by August 15, 2015. Human Rights Watch also used the imagery to identify the methods of demolition employed by the Egyptian military, as well as for the verification and assessment of videos both uploaded to social media sites and provided privately to Human Rights Watch that captured the demolition campaign from early 2014 onwards.

Egyptian authorities have long restricted access by journalists and human rights groups to North Sinai governorate. Since at least July 2013, when the military overthrew former President Mohamed Morsy and insurgent attacks began to increase, the government treated North Sinai as a closed military zone. The government denied requests to visit from some journalists, while other media outlets simply stopped asking for permission.[3] Some Egyptian and foreign journalists and human rights workers have accessed North Sinai unofficially and at risk of arrest. In 2013, two Egyptian journalists working in North Sinai were convicted in military courts and received suspended sentences, while a third was sentenced to one year in prison.[4] Journalists who travel to North Sinai with the knowledge of the government are subject to strict surveillance and do so only after being granted a "national security" permit or with the permission of individual, local military officers.[5] According to the head of news at Egypt's state broadcasting authority, the authority's journalists cannot broadcast from the Sinai without instructions and permission from the armed forces.[6] Under Egypt's counterterrorism law, issued on August 15, 2015, anyone who

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[3] Human Rights Watch email correspondence with four foreign journalists who have worked in Egypt, April 28 and 29, 2015.

[4] Egyptian Initiative for Personal Rights, "Third conviction of journalist in military court in less than a month," November 10, 2013, http://eipr.org/en/pressrelease/2013/11/10/1868 (accessed July 2, 2015).

[5] Human Rights Watch email correspondence with four foreign journalists who have worked in Egypt, April 28 and 29, 2015.

[6] Al-Sayed Ghoneim, "Head of the news division at Maspero: I can't broadcast Sinai events without going to the army," (رئيس قطاع الأخبار بماسبيرو: لا أملك إذاعة أحداث سيناء دون الرجوع للجيش), July 1, 2015, http://www.vetogate.com/1705676 (accessed August 28, 2015).

publishes information about terrorist acts or counterterrorism operations that contradicts official government information can be fined and banned from working for one year.[7]

Because of these restrictions and because Human Rights Watch does not maintain an office in Egypt, Human Rights Watch researchers did not attempt to visit North Sinai for this report.

To protect the interviewees mentioned in this report, Human Rights Watch has changed all of the interviewees' names and removed potentially identifying details about them. Human Rights Watch interviewed two families that later requested their information not be used and has not included them in this report.

Human Rights Watch contacted the following Egyptian offices and organizations in advance of the report via fax between July 9 and 16: the Foreign Affairs Ministry, the Office of the Presidency, the Rafah city council, the office of the North Sinai governor, the Cabinet, and the National Council for Human Rights. A spokesman for the Office of the Presidency directed Human Rights Watch by email to contact the spokesperson for the Foreign Affairs Ministry. Human Rights Watch contacted the ministry spokesman a second time to communicate this information. None of the groups contacted by Human Rights Watch offered any further response by the time of publication.

[7] Law 95 of 2015 for Confronting Terrorism, Official Gazette, Number 33, August 15, 2015, Article 35.

I. Background

Insurgency in the Sinai

The current conflict in the Sinai Peninsula arguably has its modern roots in 2004, when three coordinated bombings, including one at a hotel on the border with Israel, killed 34 people and wounded more than 100.[8] The following year, on July 23, three bombs exploded in the resort town of Sharm el-Sheikh, killing at least 88 people.[9] At least 30 people were killed the next year, on April 24, when more bombings struck Dahab, another resort town.[10] All three attacks took place on or near symbolic dates in Egyptian history: the army's crossing of the Suez Canal during Egypt's 1973 war with Israel; the 1952 revolution; and Israel's 1982 withdrawal from the Sinai.

The Egyptian authorities responded to the 2004 attack with a dragnet of arrests, detaining possibly as many as several thousand Sinai residents, according to local human rights organizations. The State Security Investigations service did so without warrants, and they tortured and abused many of those they detained, according to witnesses who spoke with Human Rights Watch at the time.[11] The Egyptian and Israeli governments initially said that they suspected the 2004 bombers had ties to al-Qaeda or Ayman al-Zawahiri, the Egyptian leader of Islamic Jihad who later merged with al-Qaeda and is now its leader.[12] They later identified the bomber as a minibus driver of Palestinian origin who allegedly recruited accomplices and carried out the attack in retribution for the deteriorating situation in the bordering Gaza Strip.[13]

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[8] Human Rights Watch, *Egypt – Mass Arrests and Torture in Sinai*, vol. 17, no. 3(E), February 2005, http://www.hrw.org/sites/default/files/reports/egypt0205.pdf.

[9] 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 July 2, 2015).

[10] Michael Slackman, "30 Are Killed in Sinai as Bombs Rock Egyptian Resort City," *New York Times*, April 25, 2006, http://www.nytimes.com/2006/04/25/world/middleeast/25egypt.html (accessed July 2, 2015).

[11] Human Rights Watch, *Egypt – Mass Arrests and Torture in Sinai*, vol. 17, no. 3(E), February 2005, http://www.hrw.org/sites/default/files/reports/egypt0205.pdf.

[12] Ibid.

[13] Ibid.

After the bombings in 2005 and 2006, the authorities blamed a previously unknown "homegrown" Egyptian group called al-Tawhid wal-Jihad (Monotheism and Jihad).[14] Local media, relying on security sources, identified Nasr Khamis al-Mallahy, the alleged leader of the group, as a middle-class Egyptian of Palestinian ancestry, while the group's members were described as men from large tribes who maintained family ties to Palestinians in the Gaza Strip, where the Egyptian authorities alleged they had received training.[15] The authorities placed North Sinai governorate under a "quasi-state of siege."[16] Police killed dozens of alleged members of al-Tawhid wal-Jihad, including Khalid al-Masa'id, who reportedly founded the group with al-Mallahy, as well as al-Mallahy himself.[17]

"Al-Mallahy and al-Masa'id recruited young people in the environs of Sheikh Zuweid, an agricultural district with endemic unemployment, where even the most basic infrastructure is deficient or non-existent and proximity to Palestine is not only a matter of geography, but also of family, tribal, linguistic and economic connections," the International Crisis Group wrote in 2007.[18] Egyptian law prevents Sinai residents from acquiring full legal ownership of their land, and residents have long complained that despite enduring multiple wars between Egypt and Israel, they remain marginalized and regarded as not truly Egyptian and potential security threats.[19]

Whatever the attackers' true plans, the bombings suggested that local anger toward both Israeli and Egyptian authorities in the Sinai, where the population has felt neglected by the central government in Cairo for decades, provided fertile recruiting ground for extremists.

Some five years after the Sinai bombings, in the wake of the 18-day uprising that unseated former Egyptian President Hosni Mubarak in 2011, armed groups re-emerged in North Sinai, benefiting from the reigning chaos.

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[14] BBC News, "Sinai resort bomb suspect killed," May 19, 2006, http://news.bbc.co.uk/2/hi/middle_east/4998454.stm (accessed July 2, 2015).

[15] International Crisis Group, "Egypt's Sinai Question," Middle East/North Africa Report No. 61, January 30, 2007, http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/61_egypts_sinai_question.pdf (accessed July 2, 2015).

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] Human Rights Watch interviews with Rafah residents, March 3-12, 2015.

A fighter from the Sinai Province group fires a guided missile at an Egyptian tank near Sheikh Zuweid, September 7, 2015 Source: Sinai Province social media account

Clashes between armed groups and Egyptian security forces erupted almost immediately after the outbreak of the uprising. On February 7, 2011, witnesses told a news agency that men they identified as members of the jihadist group Takfir wal Hijra attacked security forces in a two-hour battle in Rafah.[20] On July 29, 2011, armed men attacked a police station in al-Arish, a seaside town 50 kilometers west of the Gaza border, killing an army officer, two policemen and three bystanders.[21] Before the attack, about 100 men had reportedly paraded through al-Arish in cars and on motorcycles, waving flags with Islamic slogans. The night of the attack, armed men also blew up part of a major pipeline that carried natural gas through the Sinai to Israel, the fifth such attack since the uprising.[22] An intelligence officer told the Reuters news agency that the fighters involved in the attack had links to both al-Qaeda and armed Palestinian movements in Gaza. Four days later the newspaper *al-Masry al-Youm* reported that unknown men in the area had been handing out

[20] Ma'an News Agency, "Islamist group clashes with Egyptian forces at Gaza border," February 7, 2011, http://www.maannews.com/Content.aspx?id=357697 (accessed September 11, 2015).

[21] Marwa Awad, "Egypt army operation nets militants in Sinai-sources," Reuters, August 16, 2011, http://af.reuters.com/article/egyptNews/idAFL5E7JG1SE20110816?sp=true (accessed July 2, 2015).

[22] Amro Hassan, "Six dead in armed assault on Sinai police station," post to "Babylon and Beyond" (blog), *Los Angeles Times*, July 30, 2011, http://latimesblogs.latimes.com/babylonbeyond/2011/07/egypt-six-dead-in-armed-assault-on-sinai-police-station.html (accessed July 2, 2015).

pamphlets signed by "al-Qaeda in the Sinai."[23] On August 2, the group reportedly called for the establishment of an Islamic caliphate in the area.[24]

In response, the Egyptian armed forces launched Operation Eagle, deploying "about 1,000 soldiers and a few hundred armored personnel carriers" to North Sinai in mid-August, the *Jerusalem Post* reported.[25] The operation was an unprecedented departure from the 1979 peace treaty between Israel and Egypt, which governs and restricts the presence of the Egyptian armed forces in the Sinai, but the confluence of a rise in the presence of armed Islamist insurgents and attacks on natural gas infrastructure appeared to bring Israeli and Egyptian interests together.[26] On August 18, armed attackers crossed into Israel near Eilat, a resort city, and killed eight Israelis and wounded 30 more.[27]

A year later, on August 5, 2012, masked gunmen attacked an army checkpoint in Rafah, a city of some 78,000 residents on the Gaza border, killing 16 soldiers and capturing two armored vehicles.[28] Egypt's official Middle East News Agency claimed that the attackers had infiltrated the Sinai through tunnels from Gaza.[29] On August 8, the military claimed that it would reinvigorate Operation Eagle—which it later referred to as Operation Eagle II and Operation Sinai—and confront the militants again.[30] Mohamed Morsy, a top Muslim Brotherhood official who had been elected president just two months earlier, sacked

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[23] Salah al-Balak, Ahmed Abu Draa and Osama Khaled, "Text of the al-Qaeda announcement demanding the announcement of the Islamic emirate of Sinai," (نص بيان «القاعدة» للمطالبة بإعلان سيناء إمارة إسلامية), *al-Masry al-Youm*, August 2, 2011, http://www.almasryalyoum.com/news/details/100283 (accessed July 2, 2015) and Marwa Awad, "Egypt army operation nets militants in Sinai-sources," Reuters.

[24] Amro Hassan, "Nearly 20 alleged gas pipeline saboteurs arrested," post to "Babylon and Beyond" (blog), *Los Angeles Times.*

[25] Yaakov Katz, "Egypt launches massive operation to control Sinai," *Jerusalem Post*, August 14, 2011, http://www.jpost.com/Defense/Egypt-launches-massive-operation-to-control-Sinai (accessed July 2, 2015).

[26] Steven A. Cook, "The Eagle Has Landed…In Sinai?" post to "From the Potomac to the Euphrates" (blog), *Council on Foreign Relations*, August 17, 2011, http://blogs.cfr.org/cook/2011/08/17/the-eagle-has-landed%E2%80%A6in-sinai/ (accessed July 2, 2015).

[27] Isabel Kershner and David Kirkpatrick, "Attacks Near Israeli Resort Heighten Tensions With Egypt and Gaza," *New York Times*, August 18, 2011, http://www.nytimes.com/2011/08/19/world/middleeast/19israel.html (accessed July 1, 2015).

[28] Harriet Sherwood, "Egypt-Israel border attack leaves over a dozen dead," *Guardian*, August 6, 2012, http://www.theguardian.com/world/2012/aug/05/attack-across-egypt-israel-border (accessed July 2, 2015).

[29] Sarah Lynch, "Sinai home to growing Middle East militancy," *USA Today*, October 17, 2012, http://www.usatoday.com/story/news/world/2012/10/17/middle-east-militancy-growing-in-sinai/1634591/ (accessed July 1, 2015)

[30] Ahmed Eleiba, Hatem Maher and Sherif Tarek, "Operation Eagle' will not stop until Sinai is terror-free: Egypt's military," al-Ahram Online, August 8, 2012, http://english.ahram.org.eg/News/49956.aspx (accessed July 1, 2012)

Defense Minister Mohamed Hussein Tantawi and replaced him with Gen. Abdel Fattah al-Sisi, the director of military intelligence, on August 12.[31]

"The security forces will implement total control over all of these areas within Sinai," Morsy declared.[32] But Sinai residents told journalists that they saw little military activity on the ground, and the government reportedly attempted to negotiate with the militant groups through hardline Islamist intermediaries.[33]

In November 2012, after an eight-day conflict in the Gaza Strip, Israel and the Islamist Palestinian movement Hamas, which governs Gaza, agreed on a ceasefire. The agreement included a provision to open border crossings between Gaza and Israel and allow the transfer of goods.[34]

Smuggling between Gaza and the Sinai, which has served as a crucial lifeline to Gaza for decades and especially since the onset of a strict Israeli blockade in 2007, came under more scrutiny. Smuggling tunnels had long functioned with the tacit approval of Egyptian authorities, who often sought bribes for allowing them to operate, according to Israeli officials and Western diplomats who spoke with the International Crisis Group in 2007.[35] During the 2012 conflict, Israel bombed dozens of smuggling tunnels, and Hamas estimated that 50 had collapsed as a result of the bombing in one mile-long stretch alone.[36]

Mark Regev, a spokesman for Israeli Prime Minister Benjamin Netanyahu, said that the conflict had "significantly depleted" Hamas's supply of rockets and missiles and that

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[31] Reuters, "Egypt preparing to send aircraft, tanks into Sinai," August 20, 2012, http://in.reuters.com/article/2012/08/20/egypt-sinai-idINL6E8JK9N320120820 (accessed July 1, 2015).

[32] Sarah A. Topol, "Why Egypt Is Flooding the Gaza Strip's Tunnels," Bloomberg, February 13, 2013, http://www.bloomberg.com/bw/articles/2013-02-13/why-the-egyptians-are-flooding-the-tunnels-of-gaza (accessed July 2, 2015).

[33] Al-Masry al-Youm, "Operation Eagle to continue, say military sources," August 28, 2012, http://www.egyptindependent.com/news/operation-eagle-continue-say-military-sources (accessed July 1, 2012), and Ahmed Eleiba, "Egypt's 'Operation Eagle' Sinai campaign draws mixed reviews," al-Ahram Online.

[34] Reuters, "TEXT: Cease-fire agreement between Israel and Hamas," November 21, 2012, http://www.haaretz.com/news/diplomacy-defense/text-cease-fire-agreement-between-israel-and-hamas.premium-1.479653 (accessed July 2, 2015).

[35] International Crisis Group, "Egypt's Sinai Question," Middle East/North Africa Report No. 61, January 30, 2007.

[36] Scott Wilson, "Tunnels between Gaza and Egypt are back in business since cease-fire," *Washington Post*, December 1, 2012, http://www.washingtonpost.com/world/middle_east/tunnels-between-gaza-and-egypt-are-back-in-business-since-cease-fire/2012/12/01/5f116d52-3976-11e2-b01f-5f55b193f58f_story.html (accessed July 2, 2015).

Israel's "expectation of Egypt, and the rest of the international community, is to stop Hamas from rearming."[37]

"Overnight," one analyst wrote, "Egyptian officials viewed [the smuggling] tunnels as a threat to national security."[38] Egypt's General Intelligence Directorate, the country's premier spy agency, traditionally played the lead role in negotiations with Israel and Hamas, and intelligence chief Mohamed Shehata oversaw the talks that ended the conflict in 2012.[39] But Morsy's new government also approved of the harsh anti-smuggling measures that followed in February 2013, when the Egyptian military began flooding the tunnels with sewage.[40]

"We don't want to see these tunnels used for illegal ways of smuggling either people or weapons that can really harm Egyptian security," said Essam al-Haddad, Morsy's national security adviser.[41] Al-Haddad said that the ceasefire with Israel had opened Gaza's other borders "to a good extent" and that the Egyptian government did not want to see "heavy arms" from the looted stockpiles of former Libyan leader Muammar al-Gaddafi smuggled "in or out."[42]

Egypt and Israel had expressed worries about the flow of weapons from Libya since the outbreak of the uprising against Gaddafi in 2011. As early as that August, Israeli officials claimed that fighters in Gaza had obtained anti-aircraft and anti-tank missiles smuggled from Libya through Egypt.[43] In May 2012, the commander of the multinational peacekeeping force stationed in the Sinai as a condition of the 1979 peace treaty claimed

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[37] Ibid.

[38] Zack Gold, "Security in the Sinai: Present and Future," International Centre for Counter-Terrorism – The Hague, http://www.icct.nl/download/file/ICCT-Gold-Security-In-The-Sinai-March-2014.pdf (accessed July 2, 2015).

[39] Stratfor, "Egyptian Intelligence Officials and Cease-Fire Negotiations," November 20, 2012, https://www.stratfor.com/analysis/egyptian-intelligence-officials-and-cease-fire-negotiations and CNN, "Egypt and Morsi proved 'pivotal' in Gaza cease-fire talks," November 22, 2012, http://www.cnn.com/2012/11/20/world/meast/egypt-gaza-morsy/ (accessed September 9, 2015).

[40] Fares Akram and David Kirkpatrick, "To Block Gaza Tunnels, Egypt Lets Sewage Flow," *New York Times*, February 20, 2013, http://www.nytimes.com/2013/02/21/world/middleeast/egypts-floods-smuggling-tunnels-to-gaza-with-sewage.html (accessed July 2, 2015).

[41] Paul Taylor and Yasmine Saleh, "Egypt flooded tunnels to cut Gaza arms flow: aide," Reuters, February 18, 2013, http://www.reuters.com/article/2013/02/18/us-palestinians-tunnels-egypt-idUSBRE91H0JA20130218 (accessed July 2, 2015).

[42] Ibid.

[43] Dan Williams, "Israel says Gaza gets anti-plane arms from Libya," Reuters, August 29, 2011, http://www.reuters.com/article/2011/08/29/us-palestinians-israel-libya-idUSTRE77S3UO20110829 (accessed July 2, 2015).

that Russian-made SA-24 surface-to-air missiles were being smuggled from Libya to Gaza through the Sinai.[44] In December 2012 and January 2013, Egyptian authorities said they seized 17 French-made missiles and six anti-tank and anti-aircraft missiles that had been bound for Gaza.[45] That January, Egyptian authorities also said they seized a record one-ton shipment of explosives hidden in a truck attempting to cross into the Sinai and bound for Gaza.[46] Israel's General Security Agency, also known as Shabak, reported in a year-end review of 2012 that "hundreds of standard and quality weapons," including long-range, anti-tank and anti-aircraft missiles, had been smuggled from Sudan and Libya into Gaza through the Sinai.[47] In July 2015, after the insurgency increased dramatically, Gen. Samir Farag, head of the Egyptian armed forces' Morale Affairs department, would tell a television program that military officers in North Sinai "saw weapons that they hadn't seen anywhere but in catalogues," and that these weapons had come from Libya.[48]

At the time of the tunnel flooding in February 2013, the *New York Times* reported, the Egyptians estimated that there were 225 tunnels, while the Palestinians estimated there were 250, of which about two dozen were flooded.[49] By the first week of July 2013, the United Nations' Office for the Coordination of Humanitarian Affairs in Occupied Palestinian Territory estimated that fewer than 10 Gaza tunnels were functioning.[50]

On July 3, 2013, following mass protests against Morsy, al-Sisi announced that the military had forcibly removed him and installed an interim government.

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[44] Gili Cohen, "Sinai peacekeeping force commander warns of weapons smuggling to Gaza," *Haaretz*, May 31, 2012, http://www.haaretz.com/news/diplomacy-defense/sinai-peacekeeping-force-commander-warns-of-weapons-smuggling-to-gaza-1.433567 (accessed July 2, 2015).

[45] Rym Momtaz, "Smuggled Gaza-Bound Missiles US-Made? Maybe Not," ABC News, January 4, 2013, http://abcnews.go.com/Blotter/smuggled-gaza-bound-missiles-us-made/story?id=18133699 (accessed July 2, 2015).

[46] DPA, "Egypt busts huge explosives haul heading for Gaza, largest single shipment yet," January 20, 2013, http://www.haaretz.com/news/diplomacy-defense/egypt-busts-huge-explosives-haul-heading-for-gaza-largest-single-shipment-yet-1.495097 (accessed July 2, 2015).

[47] Israeli Security Agency, "2012 Annual Summary Terrorism and CT Activity Data and Trends," http://www.shabak.gov.il/SiteCollectionImages/english/TerrorInfo/2012AnnualSummary-en.pdf (accessed July 2, 2015).

[48] "Cairo Today," Orbit Network, July 1, 2015, https://www.youtube.com/watch?v=vbPRRrEs4Yo (accessed July 2, 2015).

[49] Fares Akram and David Kirkpatrick, "To Block Gaza Tunnels, Egypt Lets Sewage Flow," *New York Times*.

[50] United Nations Office for the Coordination of Humanitarian Affairs in occupied Palestinian Territory, "Weekly Report 2-8 July 2013," http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2013_07_12_english.pdf (accessed July 2, 2015).

Morsy's ouster, and the mass killing by security forces of more than 1,000 Morsy supporters in several incidents in Cairo in July and August 2013, marked a turning point for violence in the Sinai. Attacks by armed groups against the security forces immediately surged, and Sinai-based militants increased the pace and deadliness of their attacks.

In July, August and September 2013, North Sinai witnessed 167 attacks by armed groups, an average of nearly two attacks per day, compared to 14 attacks over the previous four months. The new wave of violence left at least 110 people dead and 189 wounded. Of the dead, more than 90 percent were members of the security forces.[51]

Ansar Beit al-Maqdis, a little-known armed group that had launched sporadic attacks against Israel since 2011, rose to pre-eminence after Morsy's ouster through a series of bombings and a sustained campaign of violence against the police and military.

In September 2013, Ansar Beit al-Maqdis tried and failed to assassinate Interior Minister Mohamed Ibrahim, using a former military officer as a suicide bomber in Cairo's Medinat Nasr district.[52] Three people were killed, including the bomber, and 20 injured.[53] In its statement claiming responsibility for the attack, the group promised "revenge for Muslims against whoever helped in killing or assaulting them, and the first of these are Sisi and Mohamed Ibrahim."[54]

On October 7, another suicide bomber blew himself up inside the South Sinai governorate security directorate in the town of al-Tor, killing three people and injuring more than 45.[55] On October 19, a car bombing outside a military intelligence building in Ismailia, a city on

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[51] Tahrir Institute for Middle East Policy data, unpublished, August 2015.

[52] David Barnett, "Ansar Jerusalem releases video of assassination attempt on Egypt's interior minister" post to "Long War Journal" (blog), *Foundation for the Defense of Democracies*, October 26, 2013, http://www.longwarjournal.org/archives/2013/10/ansar_jerusalem_rele.php (accessed July 2, 2015).

[53] Hadeel al-Shalchi, "Militants say ex-army major carried out Cairo suicide attack," Reuters, October 26, 2013, http://www.reuters.com/article/2013/10/26/us-egypt-militancy-idUSBRE99P07A20131026 (accessed July 2, 2015).

[54] Yasmine Saleh, "Sinai Islamists claim responsibility for attack on Egypt minister," Reuters, September 8, 2013, http://www.reuters.com/article/2013/09/08/us-egypt-attack-interior-idUSBRE9870BX20130908 (accessed September 14, 2015).

[55] David Barnett, "Ansar Jerusalem claims credit for suicide bombing of South Sinai Security Directorate," post to "Long War Journal" (blog), *Foundation for the Defense of Democracies.*

the Suez Canal, wounded six soldiers.[56] By December 2013, the group had turned its attention fully toward al-Sisi's government and the military, declaring the Egyptian armed forces "unbelievers" because of their "fight against all who call for the application of Islamic law."[57] That month, a suicide bomber detonated himself inside the Dakahlia governorate security directorate in the city of Mansoura, killing 16 people and wounding 132 others.[58] On January 24, 2014, a remotely detonated car bomb exploded outside the Cairo security directorate, killing four people.[59] Ansar Beit al-Maqdis claimed responsibility for all these attacks.

On the same day as the January 2014 Cairo explosion, al-Qaeda leader Ayman al-Zawahiri released a 70-minute video message, part of which featured him praising the "patience" of "our people in the Sinai" in the face of the "Americanized army of Sisi" as footage from a funeral of a fighter apparently belonging to Ansar Beit al-Maqdis played beside him.[60] The next day, Ansar Beit al-Maqdis fighters near Sheikh Zuweid, a town near Rafah, shot down an Egyptian military helicopter with a shoulder-fired surface-to-air missile, killing all five troops aboard, the first such attack by insurgents in Egypt's history.[61]

Attacks by Ansar Beit al-Maqdis slowed in early 2014, but the group remained a threat. According to a "young jihadist with close ties" to a defector from the group who spoke with *Al Monitor*, an independent news website, the group's weapons stockpiles were reportedly

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[56] David Barnet, "Ansar Jerusalem claims responsibility for car bombing in Ismailia," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, October 21, 2013, http://www.longwarjournal.org/archives/2013/10/ansar_jerusale_claim.php (accessed July 2, 2015).

[57] CNN Arabic, "Ansar Beit al-Maqdis declares the Egyptian army unbelievers and warns recruits," (أنصار بيت المقدس تكفّر الجيش المصري وتحذر المجندين), December 24, 2013, http://archive.arabic.cnn.com/2013/middle_east/12/24/ansar.egypt/ (accessed August 14, 2015).

[58] *Al-Masry al-Youm*, "Ansar Bayt al-Maqdis claims responsibility for Mansoura bombing," December 25, 2013, http://www.egyptindependent.com/news/ansar-bayt-al-maqdis-claims-responsibility-mansoura-bombing (accessed July 2, 2015).

[59] Mada Masr, "Ansar Beit al-Maqdes claim all four Friday blasts," January 25, 2014, http://www.madamasr.com/news/ansar-beit-al-maqdes-claim-all-four-friday-blasts (July 2, 2015).

[60] David Barnett, "Zawahiri's message 'to our people in Sinai,'" post to "Long War Journal" (blog), Foundation for the Defense of Democracies, January 27, 2014, http://www.longwarjournal.org/archives/2014/01/zawahiris_message_to_our_peopl.php (July 2, 2015).

[61] Karl Vick, "Surface-to-Air Missile Attack in Sinai Spells Trouble For Israeli Airliners," *Time*, January 27, 2014, http://world.time.com/2014/01/27/missile-attack-in-sinai-spell-trouble-for-israeli-airliners/ (accessed July 2, 2015) and David Kirkpatrick, "Militants Down Egyptian Helicopter, Killing 5 Soldiers," *New York Times*, January 26, 2014, http://www.nytimes.com/2014/01/27/world/middleeast/militants-down-egyptian-helicopter-killing-5-soldiers.html (accessed July 2, 2015).

large.[62] Multiple videos posted online by the group displayed weapons such as surface-to-air missiles and rocket-propelled grenades, including many weapons apparently captured from the Egyptian armed forces. According to Western officials, the group's ranks numbered anywhere from hundreds of fighters to a few thousand.[63] In April 2014, the US State Department and UK Home Office added Ansar Beit al-Maqdis to their respective lists of terrorist organizations, describing the group as inspired by al-Qaeda but locally focused.[64]

By early October 2014, the group had reportedly set up a "security wing" tasked with collecting information on Sinai residents who allegedly assisted Egyptian or Israeli security forces.[65] Members of the security wing regularly set up temporary checkpoints on roads in North Sinai to stop vehicles, compare the occupants' identities with a list of names maintained by the group on laptops, and detain those believed by the group to be informants or members of the security forces. On at least three occasions—in August and October 2014 and in February 2015—the group posted videos online of its members beheading a total of 15 men whom it accused of collaborating with the Israeli and Egyptian authorities.[66]

On October 24, 2014, Ansar Beit al-Maqdis carried out coordinated daylight attacks on two Egyptian security forces positions in North Sinai, killing at least 31 soldiers and wounding

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[62] Al Monitor, "Is Egypt winning war on terror in Sinai?" May 29, 2014, http://www.al-monitor.com/pulse/originals/2014/05/egypt-sinai-terror-war-ongoing-army-claims-victory.html (accessed July 2, 2015).

[63] David Kirkpatrick, "Militant Group in Egypt Vows Loyalty to ISIS," *New York Times*, November 10, 2014, http://www.nytimes.com/2014/11/11/world/middleeast/egyptian-militant-group-pledges-loyalty-to-isis.html?_r=2 (accessed July 2, 2015).

[64] US State Department, "Terrorist Designation of Ansar Bayt al-Maqdis," April 9, 2014, http://www.state.gov/r/pa/prs/ps/2014/04/224566.htm and UK Home Office, "Proscribed Terrorist Organisations," March 27, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417888/Proscription-20150327.pdf (accessed July 2, 2015).

[65] Al Monitor, "Sinai militants rise again," October 8, 2014, http://www.al-monitor.com/pulse/originals/2014/10/ansar-bayt-al-maqdis-impose-presence-sinai-egypt.html# (accessed July 2, 2015).

[66] Al-Arabiya, "Video shows beheading of four Egyptians in Sinai," August 28, 2014, http://english.alarabiya.net/en/News/middle-east/2014/08/28/Sinai-militants-claim-beheading-of-4-Egyptians.html and Ali Abdelatti, "Sinai militants say they have beheaded three Egyptians," Reuters, October 5, 2014, http://www.reuters.com/article/2014/10/05/us-egypt-militants-beheadings-idUSKCN0HU0S220141005 and Ahram Online, "Ansar Beit Al-Maqdis releases video showing the beheading of 'army collaborators'" February 10, 2015, http://english.ahram.org.eg/NewsContent/1/0/122714/Egypt/0/Ansar-Beit-AlMaqdis-releases-video-showing-the-beh.aspx (accessed September 11, 2015).

at least 41 others.[67] The first attack, on the Karam al-Qawadis checkpoint, began with a large suicide car bombing, after which at least two dozen fighters riding in vehicles and armed with rocket-propelled grenades and assault rifles converged on the checkpoint and killed or drove off the remaining soldiers.[68] Video of the attack recorded by the group showed a military tank retreating from the assault and insurgent fighters executing a captured soldier.[69] Around three hours after the Karam al-Qawadis assault, which left 28 soldiers dead, a second militant attack on a checkpoint in al-Arish, some 50 kilometers west of the Gaza border, killed three more.[70] A senior security source claimed in an interview with the independent newspaper *al-Shorouk* that a former Hamas officer had participated in the Karam al-Qawadis attack with support from "Arab and foreign states" before fleeing back to Gaza through a tunnel.[71]

Later that night, al-Sisi, who had been elected president in June 2014, declared a three-month state of emergency in North Sinai.[72] Egypt's current constitution, approved by referendum after Morsy's ouster, allows the president to declare renewable three-month states of emergency, as regulated by the decades-old Emergency Law.[73] The constitution requires the president to seek parliamentary approval for states of emergency, but in the absence of a parliament, which was dissolved by the Supreme Constitutional Court in 2012, al-Sisi has continually renewed the state of emergency in North Sinai, most recently in July 2015.[74] The Emergency Law, besides giving the security forces a host of broad powers,

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[67] David Kirkpatrick, "31 Egyptian Soldiers Are Killed as Militants Attack in Sinai," *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 July 2, 2015).

[68] Ibid.

[69] "In a video: Ansar Beit al-Maqdis claims responsibility for the Karam al-Qawadis operation," Al Jazeera Mubasher Misr, November 15, 2014, https://www.youtube.com/watch?v=CokkLepkYDc (accessed July 2, 2015).

[70] David Kirkpatrick, "31 Egyptian Soldiers Are Killed as Militants Attack in Sinai," *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 September 15, 2015).

[71] Hatem al-Gahmi, "Sources: Former Hamas officer and others participated in Sinai operation," (مصادر: ضابط سابق بحماس وأخران مفصولان شاركوا في عملية سيناء), October 26, 2014, http://www.shorouknews.com/news/view.aspx?cdate=26102014&id=abc9b3bc-0f15-4dd7-b81a-0c9ed3c7e469 (accessed July 2, 2015).

[72] Mohamed Abdullah, "TV: Al-Sisi imposes a state of emergency on North Sinai for three months," (تلفزيون: السيسي يفرض حالة الطوارئ في شمال سيناء ثلاثة أشهر), October 24, 2014, http://ara.reuters.com/article/topNews/idARAKCN0ID2IC20141024 (accessed July 2, 2015).

[73] Law of the State of Emergency, No. 162 of 1958, http://www.lamalef.net/mkal/02/taware.htm (accessed August 15, 2015).

[74] Ahmed Aboulenein, "Egypt extends state of emergency in North Sinai by three months," Reuters, July 25, 2015, http://www.reuters.com/article/2015/07/25/us-egypt-sinai-idUSKCN0PZ0QW20150725 (accessed August 15, 2015).

allows the president to order the "eviction of some areas or their isolation."[75] The president's power to order evictions was reinforced on August 15, 2015, when al-Sisi approved the Law for Confronting Terrorism, which grants him similar powers to the Emergency Law in order to defend Egypt from terrorist threats or in times of environmental catastrophes.[76]

On November 10, 2014, a little over two weeks after the checkpoint attack, Ansar Beit al-Maqdis formally pledged allegiance to the extremist group Islamic State, also known as ISIS, in an audio statement posted online.[77] The statement called on Egyptians to oppose al-Sisi's government and chastised former president Morsy for his "shameful peace" with Israel and his "blasphemous democracy."[78] After the statement, the group began referring to itself on its social media accounts and online postings as Wilayat Sinai, or Sinai Province, styling itself as a territorial division of the Islamic State.[79]

The pace of the conflict between the Egyptian armed forces and the Sinai Province group increased following the Karam al-Qawadis attack, according to media reports and statements by the authorities. Between October 24, 2014, and July 2015, the Sinai Province group claimed 52 percent of 329 attacks in North Sinai, compared with 20 percent of only 97 attacks in the area over the previous 10 months. These attacks left 238 people dead, about 47 percent of them reportedly civilians. The government's counterinsurgency campaign also dramatically increased. Security forces carried out 451 operations in North Sinai between the Karam al-Qawadis attack and July 2015, a 127 percent increase over the previous 10 months. These counterinsurgency operations reportedly left at least 2,368 people dead.[80]

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[75] Ibid., art. 3(6).

[76] Law 95 of 2015 for Confronting Terrorism, *Official Gazette,* August 15, 2015.

[77] David Kirkpatrick, "Militant Group in Egypt Vows Loyalty to ISIS," *New York Times*, November 10, 2014, http://www.nytimes.com/2014/11/11/world/middleeast/egyptian-militant-group-pledges-loyalty-to-isis.html (accessed July 2, 2015).

[78] Ibid.

[79] Thomas Joscelyn, "Sinai-based jihadist group rebranded as Islamic State's official arm," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, November 14, 2014, http://www.longwarjournal.org/archives/2014/11/sinai_jihadists_rebr.php (accessed July 2, 2015).

[80] Tahrir Institute for Middle East Policy data, unpublished, August 2015. The Egyptian government does not allow journalists or human rights groups to visit North Sinai without official permission and coordination with the armed forces and typically denies requests for permission. Human Rights Watch could not independently verify this data. Journalists and North Sinai

On January 26, the Sinai Province group posted a video, titled "We Swear We Will Revenge," showing its security wing detaining an alleged police officer at a temporary checkpoint in North Sinai and later executing him by shooting him in the head.[81]

Three days later, Sinai Province fighters launched a nighttime attack against more than a half dozen army and police facilities, including the largest military headquarters in North Sinai, killing at least 24 soldiers, six policemen and 14 civilians.[82] According to the *Al Monitor* news website, the military casualties were higher, numbering 35 dead and 70 wounded.[83] Among the 10 locations in three towns targeted in the assault, the Sinai Province group had attacked the highly secured headquarters of Battalion 101 in al-Arish with three car bombs.[84] The *New York Times* described the coordinated assault as the "most complicated" by insurgents in years, involving multiple car bombs and mortars.[85] Health officials said more than 100 people were injured.[86]

The following day, al-Sisi returned from an African summit in Ethiopia to chair a meeting of the National Defense Council and decided to form a unified military command for the entire Sinai.[87] Major General Osama Rushdy Askar, commander of the Third Field army, was appointed to lead.[88] The government's efforts to counter the insurgency intensified throughout 2015, and in May, the army announced that it had killed 725 "terrorists" over the previous six months.[89]

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residents have in the past said that the Egyptian authorities provide inaccurate and exaggerated data regarding arrests and deaths in counterinsurgency operations.

[81] Aaron Zelin, "New video message from The Islamic State: "We Swear We Will Revenge – Wilāyat Sīnā' (Sinai)," post to "Jihadology" (blog), January 26, 2015, http://jihadology.net/2015/01/26/new-video-message-from-the-islamic-state-we-swear-we-will-revenge-wilayat-sina-sinai/ (accessed July 2, 2015).

[82] Ahmed Eleiba, "Security imperatives in Sinai," *al-Ahram Weekly*, February 5, 2015, http://weekly.ahram.org.eg/News/10333/17/Security-imperatives-in-Sinai.aspx (accessed July 2, 2015).

[83] Al Monitor, "Wilayat Sinai targets Egyptian army stronghold," February 4, 2015, http://www.al-monitor.com/pulse/originals/2015/02/egypt-sinai-wilaya-attacks-army.html# (accessed July 2, 2015).

[84] Ibid.

[85] David Kirkpatrick and Merna Thomas, "Bomb Attacks at Security Sites in Sinai Kill at Least 26," *New York Times*, January 29, 2015, http://www.nytimes.com/2015/01/30/world/middleeast/bombings-of-security-facilities-in-sinai-kill-at-least-26.html (accessed July 2, 2015).

[86] Ibid.

[87] Sky News Arabia, "Egypt.. formation of a unified command for east of the canal," (مصر.. تشكيل قيادة موحدة لشرق القناة), January 31, 2015, http://goo.gl/VuEnq2 (accessed July 2, 2015).

[88] Ibid.

[89] *Cairo Post*, "army kills 725 Sinai 'terrorists' in 6 months: Spox," May 9, 2015, http://www.thecairopost.com/news/149730/news/army-kills-725-sinai-terrorists-in-6-months-spox (accessed July 2, 2015).

On June 29, an explosion in Cairo's Heliopolis district killed Prosecutor General Hisham Barakat, who was riding in his motorcade near his home at the time, and wounded seven others.[90] Barakat had authorized the dispersal of pro-Morsy sit-ins in August 2013 and had played a leading role in the crackdown on opposition groups that followed. No group immediately claimed credit for his killing, though the attack resembled the bombing claimed by Ansar Beit al-Maqdis that targeted former Interior Minister Mohamed Ibrahim in 2013.

On July 1, the Sinai Province group launched simultaneous daytime attacks on more than 15 security and armed forces installations in North Sinai, killing dozens of soldiers.[91] Though the military claimed only 17 soldiers had died, medical sources in al-Arish told the independent news website *Mada Masr* that at least 70 people were killed, and security sources told the Associated Press that 64 soldiers had died, which would make it the worst insurgent attack in Egypt's modern history.[92] In statements released on social media, the Sinai Province group said that its fighters had used suicide bombers against multiple targets, including the Arish Officers Club, and had used mortars, rocket-propelled grenades and other missiles to overrun several checkpoints and attack and briefly surround the Sheikh Zuweid Police Station.[93] After 12 hours of fighting, attacks by Egyptian air force F-16 fighter jets drove the group's fighters away.

On July 16, the group claimed responsibility for a missile attack that damaged an Egyptian navy ship near al-Arish.[94]

Border Area Defined As "Strategic Area of Military Importance"

For decades, the Egyptian government has strictly controlled real estate in the Sinai Peninsula, effectively preventing Sinai residents from owning their own land. Egypt's defense minister also has wide authority to make decisions about land ownership

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[90] "Egypt: Top Prosecutor's Killing a New Risk for Rule of Law," Human Rights Watch news release, June 30, 2015, https://www.hrw.org/news/2015/06/30/egypt-top-prosecutors-killing-new-risk-rule-law.

[91] 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 July 2, 2015).

[92] Ibid. and Mada Masr, "Medical sources: At least 70 killed as militants attack 5 checkpoints in North Sinai," July 1, 2015, http://www.madamasr.com/news/medical-sources-least-70-killed-militants-attack-5-checkpoints-north-sinai (accessed July 2, 2015).

[93] Statements by the insurgent group Sinai Province, July 1, 2015.

[94] BBC, "Egypt navy ship 'hit by Sinai militants' missile,'" July 16, 2015, http://www.bbc.com/news/world-middle-east-33557180 (accessed July 23, 2015).

throughout the country, and several laws make real estate business and land reclamation in Egypt bound to the minister's approval.

These include Law 143 of 1981, which defines "desert lands" and regulates the investment and reclamation of them. According to Law 143, the army controls any areas designated by the defense minister as "strategic areas of military importance." Additionally, Law 143 and its implementing regulations (contained in Decree 198 of 1982) requested the Egyptian Survey Authority to demarcate cities and villages and define desert areas as those lying two kilometers outside their boundaries. Article 2 gave the cabinet, on the request of defense minister, the right to take desert lands and properties in order to preserve the country's security. Moreover, other government bodies must coordinate with the defense ministry on any issue regarding desert lands, even if they are not designated as military areas.

Law 143 also stated that owners should be compensated for the costs they paid to construct buildings or reclaim land if it is taken from them. If the dispossession is temporary, the owners should be paid the same amount of profit they would have made from the land in that time.[95]

In January 2012, the Supreme Council of the Armed Forces (SCAF), the group of generals that governed Egypt between Mubarak's resignation in February 2011 and Morsy's election in June 2012, issued Law 14 for the Comprehensive Development of the Sinai Peninsula. This law prohibited land or property ownership in the Sinai by non-Egyptians or dual-nationals. The government had long refused to allow dual nationals to own land in practice, considering it a national security issue. In September 2012, Prime Minister Hisham Qandil further defined the regulations of the SCAF's law, giving the defense minister sole power to demarcate Egypt's border areas in the Sinai.

In December 2012, al-Sisi, then defense minister, issued Decree 203, banning private property ownership on land within five kilometers of the Gaza Strip. The decree defined the land as a "strategic area of military importance."[96] It exempted buildings in Rafah and other

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[95] Law 143 of 1981 Regarding Desert Lands, August 31, 1981.

[96] Al-Sisi later issued Decree 444 of 2014, setting new policies for all of Egypt's land borders. The decree included a map that divided areas located along Egypt's eastern, southern and western borders into two zones: "banned" and "protected." It designated five kilometers of land between Rafah and Gaza as a "banned" border area, including most of Rafah, as well as

urban areas on the border that were "existent in reality" before 2010 but required that ownership, use or rental of any land or building be approved by the Defense and Interior ministries and the General Intelligence Directorate, Egypt's primary intelligence agency.

"The Sinai Peninsula is a military operations zone for the Egyptian army. As a result, the military has to have the upper hand when it comes to economic or political activity related to the peninsula," military spokesman Ahmed Ali said at the time.[97] The army assured residents that their right to own land would not be revoked.

Once issued, Decree 203 faced significant opposition from Sinai tribes, who arranged several conferences and meetings, including one with al-Sisi, to voice their concerns over the decision.[98] They described it as unfair and said it took away their land. Other activists said that the decree was "for Israel's benefit and to protect its security" and warned that the Egyptian Survey Authority had never officially recorded the boundaries of Rafah and other towns, meaning that Decree 203 could still be used to strip ownership in purportedly exempted urban areas.[99]

Large parts of residential and agricultural lands in the Sinai have been owned over decades by family members within an extended family inheritance system and with no or only quasi-formal papers that prove their ownership.[100] These families possess their lands according to "wadaa al-yad," a term that literally translates to "putting hands on" and equates to squatting, which meant they had been treated as de facto owners by the government. However, this did not give them formal recognition in cadastral records of land ownership, and successive governments repeatedly declined to acknowledge such

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tens of kilometers along the western and southern borders. Under the decree, only military personnel and vehicles, as well as police with the prior permission of the military, would be allowed in the "banned" zone.

[97] Amirah Ibrahim, "No foreign ownership in Sinai," December 27, 2012, *al-Ahram Weekly*, http://weekly.ahram.org.eg/News/703/17/No-foreign-ownership-in-Sinai.aspx (accessed July 2, 2015).

[98] ONA, "Tribes of the border region organize a conference in south Rafah to reject the decision forbidding land ownership in east Sinai," (قبائل المنطقة الحدودية تنظم مؤتمر جنوب رفح لرفض قرار منع ملكية الاراضى شرق سيناء), February 16, 2015, http://onaeg.com/?p=588573 (accessed July 2, 2015).

[99] Mustafa Singar, "Sinai residents reject the decision banning ownership of their land.. and emergency tribal meetings to respond to it," (أهالي سيناء يرفضون قرار حظر تملك أراضيها.. واجتماعات قبلية طارئة للرد عليه), al-Shorouk, December 25, 2014, http://www.shorouknews.com/news/view.aspx?cdate=25122012&id=19b6b591-5e44-496a-9f93-d6c2481cd2b1 (accessed July 2, 2015).

[100] Human Rights Watch interviews with Rafah residents, March 3-12, 2015.

ownership.[101] Sinai residents view the government's long refusal to acknowledge their landownership as state discrimination and marginalization.[102] Residents near the border told Human Rights Watch that they could use their quasi-formal contracts to acquire water, electricity and construction licenses, but that the central government maintained ownership of the land.[103]

Under international law, including the African Charter on Human and Peoples' Rights applicable in Egypt, the right to property and land ownership should be recognized on the basis of traditional occupation, use and having been treated as the owners, rather than solely on formal state recognition of ownership.[104]

In 1982, President Hosny Mubarak issued Decree 632, regulating the ownership of irregularly possessed lands in the Sinai and other governorates.[105] He also issued Decree 148 of 2006, addressing the issue of irregular ownership in general.[106] The government never implemented these laws in the Sinai.

In March 2013, the national security committee of the Shoura Council, Egypt's upper legislative chamber—dissolved on July 5, 2013, two days after Morsy's ouster—held a session to hear Sinai community leaders' complaints about land ownership issues. The leaders asked for "executive intervention" to solve the problem. One leader said that "all solutions offered [in the past] were humble." The leaders demanded the creation of a special government bureau to handle the issue of irregularly possessed land and requested the intelligence bureaus in Sinai to work on solving the problem.[107]

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[101] Thabet Amin Awad, "Marathon of development and property: despite the issuance of republican and ministerial orders on land ownership, North Sinai has owners, but property is still absent,"
(ماراثون التنمية.. والملكية برغم صدور قرارات جمهورية ووزارية بتمليك أراضي شمال سيناء لأصحابها الا أن الملكية مازالت غائبة), al-Ahram, April 26, 20015, http://www.ahram.org.eg/Archive/2005/4/26/Inve2.htm (accessed July 2, 2015).

[102] Human Rights Watch, *Egypt – Mass Arrests and Torture in Sinai* and Shaimaa Salah and Mohamed al-Khatib, "Criticism for National Security at the Shoura Council for the non-rationing of Sinai land ownership,"
(انتقادات ب" الأمن قومى" بالشورى لعدم تقنين تملك أراضى سيناء) , March 25, 2013, Masress, http://www.masress.com/egynews/220506 (accessed July 2, 2015).

[103] Human Rights Watch interviews with Rafah residents, March 3-12, 2015.

[104] African Commission on Human and Peoples' Rights, Case 276 /2003, Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya (February 4, 2010)

[105] Decree 632 of 1982, *Official Gazette*, January 13, 1983.

[106] Decree 148 of 2006, *Official Gazette*, July 15, 2006.

[107] Shaimaa Salah and Mohamed al-Khatib, "Criticism for National Security at the Shoura Council for the non-rationing of Sinai land ownership," (انتقادات ب" الأمن قومى" بالشورى لعدم تقنين تملك أراضى سيناء), March 25, 2013, http://www.masress.com/egynews/220506 (accessed July 2, 2015).

II. Demolitions in Rafah

A Human Rights Watch review of media reports and official statements since 2012 showed that Egyptian officials repeatedly gave contradictory information about the smuggling tunnels between Gaza and the Sinai that they used to justify the evictions. Officials repeatedly gave widely different figures for the number of functioning tunnels and later downplayed the size of the buffer zone that they said would be razed to purportedly destroy those tunnels.

On October 29, 2014, five days after Ansar Beit al-Maqdis attacked the Karam al-Qawadis checkpoint near Rafah, Prime Minister Ibrahim Mehleb issued a decree ordering the "eviction and isolation" of a buffer zone extending between five and seven kilometers from the border with Gaza and including all of Rafah.[108] Prime Minister Mehleb's decree encompassed a much larger area than government officials had previously described in public statements about home demolitions, which the military had been conducting throughout 2013 and 2014. A map contained in the decree delineated a zone that extended along the entire 13-kilometer border with Gaza and encompassed roughly 79 square kilometers of Egyptian territory.[109] The decree ordered that those forced to leave be provided with "due compensation" and alternative housing.

Though home demolitions dramatically accelerated after Mehleb's decree, Human Rights Watch's analysis of over 50 satellite images taken of Rafah between March 11, 2013, and August 15, 2015, showed that the government demolition campaign actually began sometime between late July and the end of August 2013, shortly after Morsy's ouster and amid the intensification of attacks by armed groups.

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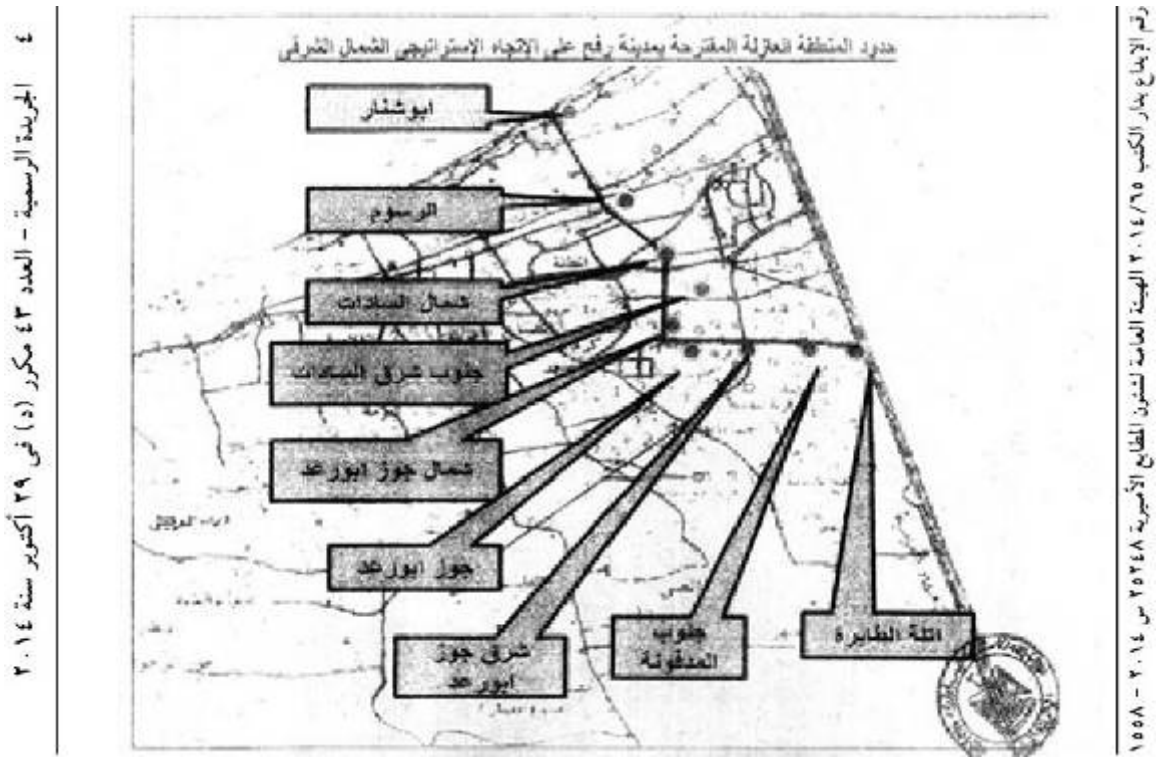
[108] Prime Ministerial Decree 957 of 2014, *Official Gazette*, Issue 43.

[109] Ibid.



A map of the buffer zone contained in the October 2014 decree shows an area encompassing all of Rafah, far beyond the limits first publicly described by Egyptian authorities.

The military demolished at least 540 buildings between Morsy's removal and the October 24, 2014, attack that precipitated Mehleb's decree, according to Human Rights Watch's analysis of the satellite imagery. Most of these buildings lay within 500 meters of the border but some lay beyond a kilometer from the border. Between October 25, 2014, and August 15, 2015, satellite imagery analysis showed that the authorities demolished at least 2,715 additional buildings.

In total, the military has destroyed at least 3,255 residential, commercial and community buildings, including schools, mosques and hospitals. All of the destroyed buildings showed clear signs of having been deliberately demolished using a combination of heavy machinery and the uncontrolled detonation of high explosives.

Satellite image shows probable excavator and at least three bulldozers deployed at a military post along the border with Gaza. Recorded on August 30, 2013 Center coordinates: Geo- 34°14'45.478"E 31°16'36.958"N; MGRS-36RXV1860760963 Pléiades-1 © 2015 CNES/Distribution Airbus DS

Satellite imagery also revealed the positioning of heavy, earth-moving equipment including bulldozers, excavators and other machinery by the Egyptian military in existing bases and security posts in Rafah starting in 2013 and increasing in deployment throughout 2014. On at least one occasion in the first week of November 2014, the Egyptian army was filmed using two US-made M60 main battle tanks to fire at a building in Rafah, apparently to demolish it. Tank tracks are visible in the satellite imagery from the same area in the same period.[110]

[110] Video filmed by a resident of Palestinian Rafah, in the Gaza Strip, of two M60 main battle tanks operating in Egyptian Rafah between November 1-7, 2014 (on file with Human Rights Watch).

The start of demolitions began in July 2013, but journalists only began reporting on demolitions that September, describing them as the possible beginning of a buffer zone.[111] Egyptian officials quoted in these media reports claimed that the buffer zone would protect Egypt's national security by preventing Gaza-based armed groups from smuggling fighters and weapons into the Sinai and fueling the insurgency there, despite numerous reports in the media that the majority of heavy weapons smuggled into the Sinai came from Libya and not from Gaza.

On September 1, 2013, the Associated Press, citing security officials and residents, reported that the military had "bulldozed" 13 homes along the border and caved in tunnels beneath them "as prelude to the possible creation of a buffer zone to reduce weapon smuggling and illegal terrorist crossings."[112] The agency reported that the military "envisioned" a 500-meter-wide "building-free zone with no trees." Though the United Nations' Office for the Coordination of Humanitarian Affairs in Occupied Palestinian Territory had reported less than two months earlier that only 10 tunnels were functioning, the Egyptian military said that it had closed "350 tunnels, or 80 about percent of the total," since Morsy's ouster.[113]

Human Rights Watch satellite imagery analysis indicated that between late July and early October 2013, building demolitions in Rafah were limited to a narrow zone generally within 500 meters of the border with Gaza, and that the military destroyed an average of almost 39 buildings per month.

The military also razed at least 150 hectares of cultivated farmland along the border between July and early October 2013. Satellite imagery recorded during this period showed multiple bulldozers deployed at military posts along the border and the clearing of olive groves and other cultivated fields. Extensive bulldozer tracks are visible over the affected plots of land.

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[111] William Booth and Abigail Hauslohner, "Egypt shutting economic lifeline for Gaza Strip, in move to isolate Hamas," *Washington Post*, September 8, 2013, http://www.washingtonpost.com/world/middle_east/egypt-squeezing-economic-pipeline-to-gaza-strip/2013/09/08/82abda7a-18a2-11e3-8685-5021e0c41964_story.html (accessed July 2, 2015).

[112] Associated Press, "Egypt destroys homes for possible Gaza buffer zone," September 1, 2013, http://www.ynetnews.com/articles/0,7340,L-4425042,00.html (accessed July 2, 2015).

[113] Ibid.

Satellite images shows destruction of cultivated fields, several small buildings and extensive bulldozer tracks on the ground. Recorded on October 2, 2013. Center coordinates: Geo- 34°14'55.998"E 31°15'29.995"N; MGRS- 36RXV1890858905. Pléiades-1 © CNES 2015 / Distribution Airbus DS

On September 15, 2013, military spokesman Ahmed Ali told a news conference that the army was clearing "buildings deemed a security threat" up to one kilometer from the border, doubling the previously reported area. But he denied that the army was establishing a buffer zone.[114] Claiming that Gaza-based groups were mounting joint attacks on Egyptian security forces with Sinai-based groups, Ali said that houses concealing tunnels used for weapons smuggling were a threat to national security. Ali claimed that the army had destroyed 152 tunnels since June 30, the day mass protests broke out against Morsy. This was a far smaller number than the military had given the Associated Press earlier that month.

"There is cooperation between the [Sinai] armed terror groups with their counterparts in the Gaza Strip, and more than one joint operation has been monitored," Ali claimed.

Though he did not present proof of such coordination, Israeli and Egyptian security sources had previously alleged connections between Ansar Beit al-Maqdis and militant groups in Gaza. When a 28-year-old man and alleged member of the Gaza-based Popular Resistance Committees was wounded in an Israeli air strike in February 2014, Israel's General Security Agency, or Shabak, claimed that he had also smuggled arms to Ansar Beit al-Maqdis.[115] Other analysts have pointed to statements sympathetic to Ansar Beit al-Maqdis issued by Gaza-based groups, such as the Mujahideen Shura Council, as evidence of collaboration.[116]

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[114] Yasmine Saleh and Tom Perry, "Egypt secures Gaza border, presses Sinai campaign," Reuters, September 15, 2013, http://www.reuters.com/article/2013/09/15/us-egypt-sinai-idUSBRE98E0AP20130915 (accessed July 2, 2015).

[115] Gili Cohen, "Israeli army hits Palestinian global jihadist in air strike on Gaza," *Haaretz*, February 9, 2014, http://www.haaretz.com/news/diplomacy-defense/1.573212 (accessed July 2, 2015).

[116] David Barnett, "Ansar Jerusalem and MSC in Jerusalem comment on death of jihadists in Sinai," post to "Long War Journal" (blog), *Foundation for the Defense of Democracies*.

Video shows building demolition with high explosives. Recorded between February 28 – April 12, 2014. Building location: 34°14'19.147"E 31°17'40.744"N. Source: Private

On September 8, 2013, Hamas spokesman Sami Abu Zuhri told the *Washington Post* that "there are no tunnels, none, in operation at the current time," and added that this had never happened before.[117] Nevertheless, in October 2013, Maj. Gen. Ahmed Ibrahim, the commander of Egypt's border guard, claimed that security forces had destroyed 794 tunnels in 2013, a dramatically higher number than military sources had stated in September.[118] Gen. Ibrahim added that the army planned "to create a 'safe zone' in Rafah through which the Egyptian border guard will be able to effectively monitor and secure border areas."[119]

Human Rights Watch's analysis of satellite imagery showed that during the following five months, between early October 2013 and late February 2014, the overall number and rate of building demolition substantially increased to an average of almost 60 buildings per month. The zone for demolition also increased substantially, including buildings far beyond the initial border area almost one kilometer from Gaza.

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[117] William Booth and Abigail Hauslohner, "Egypt shutting economic lifeline for Gaza Strip, in move to isolate Hamas," *Washington Post*.

[118] Ma'an News, "794 Gaza tunnels destroyed so far this year," October 5, 2013, http://www.maannews.com/Content.aspx?id=636033 (accessed July 2, 2015).

[119] Ibid.

Still, in February 2014, an Egyptian security source told the Ma'an News Agency that the military had destroyed only 10 tunnels and eight houses as part of a campaign to establish a buffer zone that would only extend 300 meters in populated areas and 500 meters in "open areas."[120]

Between March and April 2014, satellite imagery revealed a moderate drop in the demolition rate to 34 buildings per month. This was followed by an apparent cessation in demolition activities during a three-month period between May 2 and August 1, during which the average demolition rate fell to only 1.5 buildings per month. While the Egyptian authorities did not issue any statement regarding this decline, it is possible that this pause was in part due to the onset of Ramadan on June 29, 2014, and the start of the Israeli bombardment of Gaza, dubbed Operation Protective Edge by Israel, on July 8, 2014.

In August 2014, "informed sources" in the government told the *Al Monitor* news website that the army planned to spend two years "razing" homes in a buffer zone up to one kilometer from the Gaza border.[121]

Human Rights Watch's analysis of satellite imagery recorded between August 1 and October 25, 2014, showed that government forces not only resumed their demolition activities during this period but geographically expanded then into new areas in Rafah, targeting 80 buildings as far as 1.4 kilometers from the border. All of these demolitions occurred before Prime Minister Mehleb issued the decree establishing the buffer zone and ordering its eviction.

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[120] Ma'an News, "Egyptian army launches campaign to create buffer zone on Gaza border," February 15, 2014, http://www.maannews.com/Content.aspx?id=673719 (accessed July 2, 2015).

[121] Al Monitor, "Egypt evicts Rafah residents to create buffer zone," August 28, 2014, http://www.al-monitor.com/pulse/originals/2014/08/rafah-egypt-army-destruction-houses-residents-compensation.html# (accessed July 2, 2015).

Demolitions After October 2014 Decree

On October 29, 2014, the same day that Mehleb issued the decree ordering the "isolation and evacuation" of an area encompassing some 79 square kilometers of land in and around Rafah, Maj. Gen. Abd al-Fattah Harhour, the North Sinai governor, still claimed that the buffer zone would extend only 500 meters from the border and encompass just 802 homes.[122] Despite the fact that the military had already demolished hundreds of homes between July 2013 and October 2014, Harhour claimed on the day of the buffer zone decree that only 122 homes had been destroyed.[123] On November 17, a little more than two weeks later, the army announced in a statement published in *al-Ahram* newspaper that it would extend the buffer zone to one kilometer, dubbing the new extension "the second stage."[124]

Video shows building demolition with high explosives. Recorded between November 21 and December 2, 2014. Building location: 34°14'21.424"E 31°17'15.663"N. Source: Private

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[122] Samir Hosni, "North Sinai: 500 meters located along the whole border of state property," ("شمال سيناء": الـ500 متر الواقعة على الشريط الحدودى جميعها أملاك دولة"), October 28, 2014, http://goo.gl/ZhXAB1 (accessed July 2, 2015).

[123] Ahmed Alaa, "Video.. Pay compensation for homes destroyed during the demolition of tunnels in Rafah," (فيديو.. صرف تعويضات للمنازل المتفجرة أثناء هدم الأنفاق برفح), *Masr al-Arabiya*, October 29, 2014, http://goo.gl/sFGwiV (accessed July 2, 2015).

[124] Kareem Fahim and Merna Thomas, "Egypt Will Expand Its Security Zone Near Gaza Strip," *New York Times*, November 17, 2014, http://www.nytimes.com/2014/11/18/world/middleeast/egypt-will-expand-its-security-zone-near-gaza-strip.html (accessed July 2, 2015).

Satellite images showing progression of building demolition in central Rafah between November 1, 2014 and August 15, 2015. Center coordinates: Geo- 34°14'41.427"E 31°16'31.33"N; MGRS- 36RXV1850260789. Pléiades-1 © CNES 2015 / Distribution Airbus DS

According to media reports and a family who spoke with Human Rights Watch, the government conducted a poll in late 2014 asking residents if they preferred to receive money, land or a new apartment in compensation for their demolished homes and land. The government employees did not explain the purpose of the poll, which residents filled in at the city council office, and never made the results public, residents told Human Rights Watch.

Yehia, a farmer who lived in a one-story house located in an area called al-Nahda, 900 meters from the border, said that a committee of soldiers and government employees visited his area in early December 2014. They were filling a list of people's names, houses, and house sizes but refused to give him any information.

Yehia went to the city council to ask about what was happening and was given the form to fill. Yehia said that the council employee did not know where the proposed land or apartment would be located or how big they would be, so Yehia chose to be compensated with money.

Yehia said he never received any official notice of the eviction. He described how he was confused and hesitant about whether to evacuate based on television statements he had seen saying that their area would be evicted:

> We started evacuating the house on about December 28 and there were many rumors that the government gave up its plans to evict us … but I told my wife, let's move our stuff early enough in order not to suffer … It took us a week to move our stuff … Three weeks later and still no one came [to ask us to leave]. I was concerned that the governor's statement wasn't real … we were concerned and no one explained what we should do … When we asked the army, they said no one asked you to leave. We felt we were a toy in their hands … On March 4, the army came and said they would demolish my house and they did it.

The authorities justified the expanding size of the buffer zone by claiming that they had found tunnels of ever-greater lengths. On November 17, when the military announced that it would begin demolishing homes up to one kilometer from the border, the official MENA news agency said that it was because troops had discovered tunnels 800 to 1,000 meters

long.[125] In April 2015, Egyptian media reported that the military was "studying" another possible expansion of the buffer zone after discovering a 2.8-kilometer-long tunnel.[126]

On January 7, Harhour gave a New Year statement that was featured on a BBC Arabic television broadcast.

"I believe [constructing the buffer zone] comprises the whole of Rafah city," Harhour said.

A reporter clarified: "This means that Rafah city as we know it wouldn't exist."

"No, the new Rafah city will exist," Harhour responded.

"New Rafah," the reporter said.

"New Rafah will exist, God willing," Harhour said.[127]

On April 27, the government re-issued Prime Minister Mehleb's buffer zone decree, and Harhour told a television interviewer that the decree was "not new," but rather a confirmation of the former decree to evacuate the border area at an "average depth of five kilometers."[128]

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[125] Mahmoud Mourad, "Egypt to deepen buffer zone with Gaza after finding longer tunnels," Reuters, November 17, 2014, http://www.reuters.com/article/2014/11/17/us-egypt-sinai-buffer-idUSKCN0J11M920141117 (accessed July 2, 2015).

[126] Mohamed Tantawy and Nourhan Magdi, "Egypt studies expansion of Rafah-Gaza buffer zone," *Cairo Post*, April 1, 2015, http://www.thecairopost.com/news/144361/news/egypt-studies-expansion-of-rafah-gaza-buffer-zone (accessed July 2, 2015).

[127] Ali Jamal al-Din, "'The removal of Egyptian Rafah entirely' to create a buffer zone with Gaza," ("إزالة رفح المصرية بالكامل" لإنشاء منطقة عازلة مع غزة"), BBC Arabic, January 8, 2015, http://www.bbc.com/arabic/multimedia/2015/01/150108_egypt_sinai_rafah_bufferzone (accessed August 28, 2015).

[128] Samir al-Wishahi, "North Sinai governor: 36 homes separate us from the completion of the second stage of the evacuation of the border strip," (محافظ شمال سيناء: 36 منزل تفصلنا عن الانتهاء من المرحلة الثانية من إخلاء الشريط الحدودي), al-Shorouk, April 27, 2015, https://www.shorouknews.com/mobile/news/view.aspx?cdate=27042015&id=5d7c671a-25d4-45ca-8366-b424d3155ef8 (accessed July 2, 2015).

Satellite images showing destruction of farm land in central Rafah between July and October 2013. Pléiades-1 © CNES 2015 / Distribution Airbus DS

On May 26, the armed forces' spokesman announced that the Egyptian border guard had shut down 521 tunnel openings between October 2014 and April 2015.[129] Nevertheless, on June 14, the Egyptian armed forces claimed that they had destroyed 1,429 smuggling tunnels since January 2014.[130]

That month, military sources told the Ma`an News Agency that they planned to expand the zone by another 500 meters, to 1.5 kilometers.[131] Later that month, Egyptian security sources told the Reuters news agency that they had begun work on a trench twenty meters deep and 10 meters wide that would lie two kilometers from the Gaza border and be meant to halt tunnel smuggling.[132] On August 11, Harhour announced that the government had completed a survey of buildings in preparation for a "third stage" of evictions that would encompass 1,215 houses and 40 government facilities, adding again that a "new" Rafah would be established beyond the buffer zone.[133]

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[129] Official Page for the Military Spokesman of the Armed Forces, "Announcement of the total number of tunnels found by the border guard on the northeast border," May 26, 2015, https://www.facebook.com/Egy.army.Spox/photos/pcb.663466143784371/663460610451591 (accessed August 28, 2015).

[130] *Aswat Masriya*, "1,429 tunnels destroyed in North Sinai in 18 months - armed forces," June 14, 2015, http://en.aswatmasriya.com/news/view.aspx?id=7bcda3f3-6a06-4ce3-beeb-e54653e7fa2b (accessed July 2, 2015).

[131] Ma'an News, "Egypt to evacuate 10,000 homes in Gaza buffer zone expansion," June 6, 2015, http://www.maannews.com/Content.aspx?ID=765794 (accessed July 2, 2015).

[132] Yusri Mohamed and Ahmed Hassan, "Egypt army digs trench along Gaza border to prevent smuggling," Reuters, June 22, 2015, http://en.aswatmasriya.com/news/view.aspx?id=7ccc2100-d0e1-4e77-a66f-6579edc73c29 (accessed July 2, 2015).

[133] MENA, "North Sinai governor: Inventory of the third stage of the border area is a prelude to its eviction," (محافظ شمال سيناء: حصر المرحلة الثالثة من المنطقة الحدودية تمهيدا لإخلائها), August 11, 2015, http://www.almasryalyoum.com/news/details/790980 (accessed August 15, 2015).

III. Violations During Evictions and Demolitions

No Proper Consultations or Notifications

According to 11 families who spoke with Human Rights Watch, Egyptian authorities did not consult with Rafah residents before issuing the eviction decree on October 29, 2014, and did not give proper notice that residents would be forced to leave. Of 11 families interviewed, only five were warned of the impending eviction. Those families said they were warned by army patrols who told them that they had between 36 and 48 hours to leave. The authorities never handed out written notice, they said. Six other families said that they received no notice or heard about the eviction only from the news media or their neighbors. Shortly before the eviction decree was issued, current and former Egyptian security officials appeared on private television shows calling for swift action and saying that "there is no need for understanding" with North Sinai residents and that "these so-called innocent residents are the ones harboring and protecting terrorists."[134]

At least three eyewitnesses said that government employees accompanied by army forces visited Rafah in 2014 to register the numbers of the houses and do an initial assessment in the 500-meter zone. However, they told Human Rights Watch that the officials did not tell them of any plans for eviction during the assessment and refused to give answers when asked.

All 11 families interviewed by Human Rights Watch said that they could not object to their eviction because they believed that there was no way to do so and because the demolitions occurred in an environment of fear and intimidation fostered by the government's counterinsurgency operations and attacks by insurgent groups. One resident said that he tried to discuss with a group of neighbors how to organize a group action against the evictions, but another person with connections to the authorities warned him that they could face arrest and be accused of being terrorists and would lose their chance to receive compensation if they did so. Two residents told Human Rights Watch that they had heard of other residents being arrested on terrorism accusations. Human Rights Watch was unable to independently confirm the arrests.

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[134] Mostafa Mohie, "Sinai: Between security solutions and media rhetoric," Mada Masr, October 27, 2014, http://www.madamasr.com/news/politics/sinai-between-security-solutions-and-media-rhetoric (accessed August 28, 2015).

Um Mohamed, who lived with her three children in a three-story building that belonged to her husband's family, told Human Rights Watch that she was sitting at a relative's home almost 250 meters from the border on the afternoon of October 27, 2014, when an officer accompanied by 10 soldiers knocked on the door of a neighbor's house.

Um Mohamed said the officer told the elderly woman who answered the door that they would blow up her house the following day. When the old woman responded that her family had been living there for their entire lives, the officer responded: "That's it, there's no time to talk. Move your things from this moment."

Um Mohamed said they told the officer that there was no mobile phone coverage, which the authorities regularly disable as part of their counterinsurgency efforts, and they did not know how they would be able to tell their male relatives to come move their belongings.

"Not a problem, we'll blow it up with whatever's inside, you don't have to take a thing," he said.

The elderly woman said a prayer and responded: "You're kicking us out of our homeland."

"Go look for another homeland. I don't want to hear another word. I'll be here tomorrow to blow up the house," the officer said.[135]

Um Mohamed said she returned quickly to her home, around 400 meters from the border, in Rafah's Salah al-Din neighborhood. Believing that her house too might be demolished, she started moving her possessions from her home with her husband, who tried to find vehicles to move the furniture. They spent around three days moving their possessions from the third floor to the land surrounding their home even though they never received a visit from the authorities to warn them about the eviction. Um Mohamed said she began having doubts about whether the army would actually demolish their house. Her husband said they could stay at home and keep their belongings downstairs, in case "something happened."[136]

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[135] Human Rights Watch interview with Um Mohamed, March 2015.
[136] Ibid.

A few days later, the government cut the electricity and water supply and the telephone line to the house, Um Mohamed said, and shops in the area closed. Five days later, the army came to say they would demolish her home, and two days later they did, she said.

Sameh, a young man in his twenties, lived in a two-story building in Rafah's Nahahla neighborhood, around 480 meters from the border. Sameh told Human Rights Watch that his family began seeing their neighbors evacuating in late October but did not receive any notice of the eviction from the authorities until the beginning of November, when two armored vehicles approached four adjacent houses owned by Sameh and his relatives and ordered them to leave within 48 hours.[137]

Yousef, a professional in his forties who lives in Rafah's Brahma neighborhood, 350 meters from the border, told Human Rights Watch about how his family was ordered to leave. He lived in a two-story building with his wife and child and shared the building with his sister, brother and mother. He said he returned to Rafah from mainland Egypt on October 28, the day after receiving a call from his sister, who had told him that an army patrol had told the family to evacuate in 36 hours. He found the streets full of tanks, and Apache attack helicopters flew overhead:

> I was still talking with my family in the house when the army came back and said they didn't want to see us here. I said what if we don't go and [an army officer] told me they would blow up the house with everything in it and without another warning. I told my family we're not taking anything and we're not leaving. My mother collapsed and since then she doesn't talk much and is always crying.
>
> While we were sitting in the house that same day, a bulldozer came and started destroying the outside wall of our house while army tanks and armored vehicles surrounded it. I felt extremely furious and humiliated and refused to take anything from the house and said we're not more precious than the house where we spent all our moments. I would rather they destroy the house on top of me. My cousins came and tried to remove as

[137] Human Rights Watch interview with Sameh, March 2015.

> much of our furniture as they could, but I kept yelling at them, 'What's the use of moving without a house and our memories and our homeland?'[138]

The army did not come back to demolish Yousef's house until early December, more than a month later. He said that army officers had asked him and the owners of nine other houses to carry out the demolitions themselves. When Yousef and the others asked why, the officers said that they suspected that there were explosives inside the houses. One of the owners rented a bulldozer and partially demolished his house. Afterward, the army said they would demolish the rest of the nine houses themselves, Yousef said.

Yousef added that army officers sometimes used trained dogs when they raided homes and that the army destroyed some houses with furniture still inside when the occupants objected to leaving. The use of force intimidated residents into obedience, Yousef said.

Mohsen, a tradesperson, told Human Rights Watch that his family, who lived in Rafah's Helwat neighborhood, never received any written or oral notice of the eviction. Nevertheless, his family began to evacuate in late October, having heard many of their neighbors talking about the eviction decision. Mohsen said that government officials who spoke on television claimed that local leaders had agreed to the eviction on residents' behalf. Mohsen said the claim that local residents had agreed to the eviction was false and "just some media talk." Mohsen's family's house was later demolished.[139]

Hajja Zaynab, a woman in her sixties and the mother of several sons and daughters, lived in Salah el-Din neighborhood, around 300 meters from the border, in a two-story house. She told Human Rights Watch that an army patrol came in late October to warn her family to leave. Other residents told Hajja Zaynab that Rafah tribe leaders had agreed to the eviction, but Hajja Zaynab said no one knew who the leaders were.[140]

Hajja Zaynab described the pain of losing her house:

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[138] Human Rights Watch interview with Yousef, March 2015.

[139] Human Rights Watch interview with Mohsen, March 2015.

[140] Human Rights Watch interview with Hajja Zaynab, March 2015.

> My mother told me: '[Our olive] tree is your responsibility. I fed you from it and raised you on it. Even in times of war, we lived from its oil when nobody could find food.' Now there's nothing I can do but hold the tree and kiss it and say, 'Forgive me, mom, what can I do.'
> …
> My heart breaks at every detail in the house. Every picture frame, every stone, every piece has a history and stories. How we lived sweetly and how we struggled and built our life from nothing without even a pound from those who are coming to destroy our life.[141]

Feda', another woman, recounted how her family watched their house being blow up:

> We were watching from our relatives' house next door when they blew it up. The moment of the explosion, I felt my heart tear … I still dream of that sight. It was the first time in my life that I saw my husband crying … The children burst into tears when they saw their father and asked him: "Why is the army demolishing our home and making you cry, dad?" He didn't know how to respond to them, but after some time when they've been playing in the street with other children, they've learned from each other to call the army traitors and al-Sisi a traitor.[142]

Unfair Compensation and Coerced Concession of Property

The General Mobilization Law of 1960, which allows property expropriations "for the sake of martial efforts," formed part of the stated legal basis of the October 2014 buffer zone decree. The law provides for the president to establish a committee that is tasked with determining compensation for property expropriated during wartime. The law states that the authorities should record the property in the owner's presence at the time of expropriation and again when the property is returned. Decree 2152 of 1960 stated that in the Sinai, which at the time was not split into different governorates, the compensation committee would be led by the governor and include the warden of the governorate center police station, the senior governor secretariat, and two other notables appointed by the

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[141] Ibid.

[142] Human Rights Watch interview with Feda', Sharqiya Governorate, March 2015.

governor. The decree made the discussions of the compensation committee secret. Another decree, number 540 of 1987, amended the procedure by requiring the governor's military advisor and an army representative to be present at the meetings.

Under the General Mobilization Law, property owners have seven days to appeal the compensation committee's decision to another committee created by the defense minister and consisting of the president of a court, another judge, and a representative of the Supply Ministry. The law states that this committee should hear the appeal "quickly" and that its decision is final. Another article of the General Mobilization Law punishes those who refuse the expropriation with a fine and imprisonment.

According to the residents interviewed by Human Rights Watch, the government has not adequately compensated residents evicted in North Sinai for their lost property and has made the compensation contingent on residents signing a waiver stating that they voluntarily turned over their property to the army, which could prevent residents from filing legal claims in the future. Human Rights Watch was unable to obtain a copy of this waiver.

The lack of warning, the order to leave quickly and the environment of intimidation fostered by the violent North Sinai insurgency and the government's heavy-handed response also discouraged residents from contesting their eviction and compensation.

The Rafah city council and army engineers who measured the dimensions of buildings for the purpose of determining compensation did not consult with owners, witnesses told Human Rights Watch, and owners were not allowed to object to the dimensions. According to government statements and residents, the rate of compensation was 1,300 Egyptian pounds (US $170) per square meter of the ground floor of a house and 1,200 Egyptian pounds ($157) per square meter for each additional floor. The government did not provide compensation for gardens or farmed lands, which it classified as "empty," nor did it compensate residents for lost belongings or personal distress. All residents interviewed by Human Rights Watch who owned empty or agricultural land, even if it was farmed, said that they were not compensated for the land or crops. The government committee led by the governor set compensation amounts without public consultation, as mandated by the 1960 General Mobilization Law and subsequent decree.

No resident interviewed by Human Rights Watch appealed their compensation amount to the government's compensation committee or knew anyone who did. In December 2014, the news website *Masr al-Arabiya* similarly reported that residents who had wanted to dispute their compensation were unable to meet with the compensation committee or the governor.[143] Residents told Human Rights Watch that the government asked those who wanted to contest their compensation to appeal at the Rafah city council before the same employee who had given them their compensation check. Only one resident who spoke with Human Rights Watch attempted to contest the compensation amount at the city council. He said that the city council employee with whom he spoke discouraged him by telling him that the process was only a bureaucratic one and would change nothing.

One lawyer from an organization that works on the right to housing told Human Rights Watch that they did not offer assistance or challenge the eviction decisions in court because of the environment of intimidation. Another lawyer said that the plaintiff in such a case must be an evicted citizen, but many families said that they feared arrest or intimidation if they appealed before a court.

Nine of the 11 families who spoke with Human Rights Watch said that the compensation was inadequate to purchase new homes or land equivalent to their former property. According to these families and government statements, anyone who owned property where the army found a tunnel was not entitled to compensation. However, residents said the army did not conduct investigations regarding owners' individual responsibility for tunnels. A Rafah homeowner and an activist told Human Rights Watch that sometimes an alleged tunnel entrance was actually a hole caused by rain, but that the army still considered the owner responsible for a tunnel.

Um Mohamed told Human Rights Watch that she was relieved that her family, unlike some others, received at least some compensation.

"The state didn't help us with anything except for the compensation and it's good that we got it. We were afraid because we saw a lot of people around us who didn't get

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[143] Iyad al-Sharif, "Tunnels.. A pretext for depriving border residents in Rafah of compensation," (الأنفاق.. ذريعة حرمان أهالي الشريط الحدودي برفح من التعويضات), Masr al-Arabiya, December 25, 2014, http://goo.gl/Mtyll7 (accessed August 21, 2015).

compensation under the pretext of tunnels," she said. "The tunnels were closed more than a year ago to begin with, and it was the government that originally made people do tunnel work after they closed the border crossings in Hamas's face during Mubarak's time."[144]

Um Mohamed told Human Rights Watch that her husband had to wait a week after their home's demolition to be seen at the city council, because the demolition hadn't been registered yet. It took another week for her husband to acquire papers from the water, electricity and other government offices showing that his family had paid their bills, she said. After they received a check from the city council, the bank refused to pay for several days, saying they had not received orders to pay yet.[145]

"We were so scared that they wouldn't pay us and we would have no other alternative to survive," Um Mohamed said.[146]

The family owned agricultural land planted with olive trees but said they received no compensation for it. Um Mohamed's husband's family received about one million pounds ($131,000) in compensation, which they had to split among their extended family and use to buy or rent new accommodation in al-Arish. Um Mohamed said the compensation for her family was better than for others because her building was "old and uncomplicated" compared to homes that might be worth as much as 5,000 pounds ($655) per square meter. Still, she said, property in al-Arish was significantly more expensive than in Rafah.

Mohsen's family received around one million pounds ($131,000). He said the amount was "OK" only because his family is comparatively small—his mother, father and two siblings with spouses and children—and their house is old and simple. Mohsen's family was not compensated for empty land and two small rooms on the roof.[147]

Yousef said he expected that the compensation for his family's house would be around 800,000 pounds ($105,000), which would make it "impossible" for him and each of his siblings to buy new apartments for their families. He told Human Rights Watch that he

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[144] Human Rights Watch interview with Um Mohamed, March 2015.

[145] Ibid.

[146] Ibid.

[147] Human Rights Watch interview with Mohsen, March 2015.

refused to do any of the procedures needed to receive compensation because he refuses the principle of forced eviction.[148]

"Are you going to compensate me for my house, for the actual physical, psychological or social value that we put into it? … I'm not going to do any papers. If my family wants to go, they're free. But I'm not going to participate in this farce," he said.[149]

Sameh told Human Right Watch that his family received 39,000 pounds ($5,110) less than what they thought they would get. They were also not compensated for empty land they owned around their house. He said that they had to wait a few weeks after the demolition to receive their compensation, since the bank would not cash their check immediately, claiming that it did not have enough cash on hand.[150]

Marzouk, another resident, said his family appealed their 430,000-pound ($51,000) compensation, as he believed it should have been at least 600,000 pounds ($77,000) according to the size of their home.

Before receiving their check, Marzouk and his relatives had gone to the Rafah city council to hand in their completed paperwork and ask if they could know the government's measurements of their house as well as their legal rights. The city council employee responded "disgustedly and impolitely" that there was nothing to tell them and that "the check was coming." When Marzouk and his relatives yelled at the employee, he threatened to call the army.

After they received their check, the family again went to the city council to appeal the amount. The city employee told them to file an appeal, but as they began the process, he said, "Nothing is coming to you … what's blown up is blown up, where are you going to get your new measurements? They only consider the measurements taken by the committee."[151]

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[148] Human Rights Watch interview with Yousef, March 2015.
[149] Ibid.
[150] Human Rights Watch interview with Sameh, March 2015.
[151] Human Rights Watch interview with Marzouk, March 2015.

Each family in Marzouk's extended family received 110,000 pounds ($14,400) after they split the total compensation among themselves, which Marzouk said was not enough to purchase new homes equivalent to their previous ones. He said they were not compensated for 400 meters of land farmed with olive trees. They also owned land with a small building, but the government refused to compensate them for it, saying that the building had been built too recently.

All of the residents interviewed by Human Rights Watch said that to receive compensation, they were told by Rafah council employees to sign a paper stating that they voluntarily left their homes and waived the ownership of their property, turning it over to the army. Some residents said officials warned them that they would lose the compensation money and face trouble if they did not sign the paper.

Um Mohamed said that when her husband submitted all the necessary documents, they told him to come back in two days. When he went to get the check they asked him to sign the paper first:

> He signed without even reading it because he was already consumed and he knew it was out of our hands. But after a while, we knew that what he signed was like a waiver or contract that we voluntarily sold our house to the state and the army.[152]

Similarly, Sameh said that the paper that his father signed stated that no one had forced them to leave and that they voluntarily sold their house to "the state." A city council employee told the family that "anyone who doesn't sign won't get any money and they'll call him a terrorist," Sameh said. He added: "People were signing out of fear and no one thought of any alternative. [The city employees] told us, 'If the media asks, tell them you're doing this because Egypt is at risk and we're defending her from terrorism.'"[153]

Hajja Zaynab told Human Rights Watch that "no money can compensate us for all our memories or for one day lived on our land." With the compensation, her family bought two

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[152] Human Rights Watch interview with Um Mohamed, March 2015.

[153] Human Rights Watch interview with Sameh, March 2015.

pieces of land in al-Arish, some 50 kilometers west of Rafah, in what she described as a "dodgy" area in order to save money. But she said that the family had been left with little money to build a new house:

> Now we feel naked, without a homeland. My younger son, who didn't even finish his education, says he has no homeland anymore. He wants to take a boat and flee to Sweden to find a country that respects him.[154]

Maj. Gen. Abd al-Fattah Harhour, the North Sinai governor, told the newspaper *al-Shorouk* on April 23, 2015, that the authorities had accepted 87 appeals from families during the first round of evictions. He provided no more details.[155] Governor Harhour also told *al-Shorouk* that the government had dispersed 572 million pounds ($75 million) in compensation during the first two eviction stages.[156] He said that the government had demolished 811 homes and handed out 275 million pounds to 711 owners during the first stage—an average of roughly $51,000 per owner—and had destroyed 1,247 homes and handed out 296 million pounds to 964 owners in the second stage, an average of around $40,000 per owner.[157]

Lack of Temporary Housing and Inadequate Assistance

The government said that in addition to compensation for expropriation, it would give out 900 pounds ($118) per demolished building to cover temporary accommodation for a period of three months following each home demolition. This amount, equating to about $40 per month, was uniform, no matter the number of occupants of the demolished house or their needs.[158] Each of the families interviewed by Human Rights Watch said the amount

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[154] Human Rights Watch interview with Hajja Zynab, March 2015.

[155] Mustafa Singar, "North Sinai governor: We paid 572 million pounds in compensation to Rafah families" (محافظ شمال سيناء: صرفنا 572 مليون جنيه تعويضات لأسر رفح), *al-Shorouk*, April 23, 2015, http://www.shorouknews.com/news/view.aspx?cdate=23042015&id=15708d07-fc94-4ae9-9c29-b5eee68fc128 (accessed July 2, 2015).

[156] Ibid.

[157] Ibid.

[158] *Masr al-Arabiya*, "North Sinai governor: 900 pound subsidy to displaced house owners," (محافظ شمال سيناء: 900 جنيه إعانة لأصحاب المنازل المهجرة), October 29, 2014, http://goo.gl/QeeTbJ (accessed July 2, 2015).

was severely inadequate. In January, Governor Harhour announced that the government would increase the amount to 1,500 pounds ($197).[159]

None of the 11 families who spoke with Human Rights Watch said they had received temporary housing or shelter from the government, and they said the government did not provide any to other families.

Residents also told Human Rights Watch that the authorities did not always carry out demolitions quickly, leaving them living in homes that had been cleared of furniture and belongings, sometimes without water or electricity, for days or weeks.

Many residents who spoke with Human Rights Watch said that one month of rent for a small, temporary apartment in nearby al-Arish cost an average of 1,000 pounds, more than the entire amount meant to cover three months of rent for an extended family. Several families said they did not bother to spend time at government offices to receive the temporary accommodation money because it was so small.

The evictions occurred during winter, when the weather was cold and rainy, families said. Given no or very short notice, families told Human Rights Watch they suffered difficult circumstances during the transition.

The government sometimes cut water and electricity to entire neighborhoods in the first few days of the eviction, and most groceries and other facilities were forced to shut down. Residents said they believed this was intended to force them to leave. Rain ruined some appliances, which families often temporarily left in the street or their yards. The 5 p.m. to 7 a.m. curfew imposed in October 2014 as part of the state of emergency required families to make all their preparations and conduct all of their moves during daytime. The army did not make exceptions to the curfew when asked to do so by some families. Al-Sisi later reduced the curfew by three hours in December 2014 and by another three hours in March 2015.

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[159]BBC Arabic "Egyptian authorities 'will completely remove the city of Rafah' a buffer zone with Gaza," (السلطات المصرية "ستزيل مدينة رفح بالكامل" لإنشاء منطقة عازلة مع غزة), January 7, 2015, http://www.bbc.com/arabic/middleeast/2015/01/150107_egypt_rafah_buffer_zone (accessed July 2, 2015).

The surge in demand for transportation caused prices to rise. Some families said they had to pay as much as 1,000 pounds ($131) to transfer their belongings, whereas such a move would have cost around 300 pounds ($39) before the evictions. The cost of housing in al-Arish, the largest nearby town, also rose.

"Imagine a whole city getting evicted in just a few hours, where could you find any workers or cars [to help]," asked Abu Ismail, a man in his fifties.[160]

Um Mohamed told Human Rights Watch that her family had to cover its electronic appliances with plastic to protect them from the rain. The cars that came from al-Arish and Sheikh Zuweid, another nearby town, did not meet the demand of evicted residents, she said.

"Our problem now is to find a suitable offer in al-Arish, because the land there is expensive. We rented a small apartment in al-Arish for 1,000 pounds ($135) until we find land to buy," she said.[161]

Yousef could not find a car to move his family's furniture, so his cousins moved the furniture to relatives' land outside the buffer zone, where much of it was broken or wrecked by rain.[162]

Sameh told Human Rights Watch that his "mother was crying all the time for her furniture that was broken and saying, 'This was your grandmother's, God rest her soul,' or, 'This special glassware in the kitchen was the set your father gave me when we married dozens of years ago.'"[163]

Displaced families had to arrange for their own accommodation. Many of them moved to al-Arish, while others, especially those working in farming, chose to move to the agricultural area of Salehia, in Sharqiya governorate, close to the Nile Delta, where they

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[160] Human Rights Watch interview with Abu Ismail, March 2015.
[161] Human Rights Watch interview with Um Mohamed, March 2015.
[162] Human Rights Watch interview with Yousef, March 2015.
[163] Human Rights Watch interview with Sameh, March 2015.

could rent lands to resume their farming jobs. Others moved to Cairo or the Suez Canal city of Ismailia.

Some newspapers reported a temporary concentration of displaced families in at least two sites in al-Arish where they lived in tents or hastily constructed shelters.[164] In August, Salah al-Salam, a member of the National Council for Human Rights, requested an "urgent intervention" from the Health and Housing Ministry to assist about 1,800 families displaced by the North Sinai insurgency and living in informal settlements in and around al-Arish. Al-Salam said a council delegation saw 20 gatherings of people displaced from the border who had not received compensation.[165] Residents reportedly launched a civil society initiative to deliver some blankets and medicine to the displaced families. The National Council for Women pledged 100,000 pounds ($12,623) to assist families living in shelters in the desert, media reported in August.[166]

Hajja Zaynab's family stayed with a relative in an area of Rafah that was located in the second stage of the eviction before they moved to a rented apartment in al-Arish.

"My sons rented an apartment for 1,000 [pounds] per month in al-Arish. It's not even worth 200 pounds. It's a very small, two-bedroom apartment, but what can we do? … The government never gave us a single pound for housing like they said," she said.[167]

Yousef said that the government's money for three months of temporary accommodation was "farcical" and not enough for "even a cowshed," and that his family did not apply for it.[168]

Sameh said his family rented a small apartment in al-Arish for 1,200 pounds per month:

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[164] Mohamed Abd al-Azim Arafat, "In pictures.. Distribution of supplies to displaced people from the border strip in North Sinai," (بالصور.. توزيع الإعانات على النازحين من الشريط الحدودي بشمال سيناء), Vetogate, December 19, 2014, http://www.vetogate.com/1385274 (accessed July 2, 2015).

[165] Marcel Nazmi, "The National Council for Human Rights sends the cries of 1,800 Sinai families to the government," ("القومي لحقوق الإنسان" ينقل للحكومة صرخات 1800 أسرة سيناوية"), al-Bawaba, August 20, 2015, https://www.albawabhnews.com/1455168 (accessed August 29, 2015).

[166] Aswar Masriya, "Families relocated in North Sinai to be assisted by government body," August 17, 2015, http://en.aswatmasriya.com/news/view.aspx?id=32c37a59-47b5-4437-8282-72c1654fe736 (accessed August 28, 2015).

[167] Human Rights Watch interview with Hajja Zaynab, March 2015.

[168] Human Rights Watch interview with Yousef, March 2015.

> The apartment is small. It's frustrating because eight people now have to live in a small apartment and no one has privacy … We still don't know what to do with the money we received (around 800,000 pounds) … The average price to buy a land here (in al-Arish) is 900 pounds per meter … I was engaged and I had my own apartment ready before. Now I don't know if I am getting married or even where to live.[169]

Some families said that the army sometimes took between a few days and a few weeks to demolish their homes after ordering them to evacuate within 36 to 48 hours. Some residents had no place to go, while others were afraid that if they left, someone might dig a tunnel under their property, with the result that they would lose the opportunity to receive compensation.

Yousef's family did not leave when the army did not return immediately to carry out the demolition. He told Human Rights Watch:

> On the second day, the army didn't come. We decided to stay because we didn't know where to go. They didn't offer us an alternative … Suddenly the water and electricity and all the services were cut and we had to stay in the house in extremely cold and rainy weather. Imagine spending the night in darkness trying to deal with it and trying to go to the bathroom with random shooting all around and the sound of dogs and your mother and sister crying and remembering the spirit of our father. We used to see how our father supervised the building of this house and worked with his own hands with the workers ... We were crying and imagining that if he were living among us and saw his house demolished unjustly he would have died in pain.[170]

Sameh, who lived with his parents and two married siblings, said his family anxiously rushed to empty their house of furniture, but that the army did not come back for almost a month after the 48-hour notice. Rafah families often tried to take everything from their

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[169] Human Rights Watch interview with Sameh, March 2015.

[170] Human Rights Watch interview with Yousef, March 2015.

homes before the demolitions, so Sameh's family lived without windows, doors, electricity or water after they moved their belongings. They were afraid that someone would dig a tunnel while they were gone. "Our life would be ruined as a result," he said. That month, Sameh said, "was one of the hardest periods of our life."[171]

Anyone who needed to use the bathroom had to walk to a neighbor's house 500 meters away, and no one could leave home after 5 p.m. because of the curfew. The family collected wood during the day to burn in the evening for warmth. One night, Sameh's niece was sick, and her father wanted to get medicine from a neighbor, but the army was firing guns, and Sameh's niece spent the night with a "very bad" fever.

Another night, Sameh said, when the weather was very windy and rainy and there were sounds of gunshots and dogs barking, they heard a sudden, violent explosion:

> My younger sister and niece were so terrified they burst into tears and wet themselves out of fear … A part of our house wall fell. We thought there was an attack or a war, but we didn't understand what happened until the next day, when we knew that they blew up a house next to us.[172]

Hajja Zaynab said that government officials on television news broadcasts claimed to be helping Rafah residents move, but "we didn't even see one official … we could hardly find a car to move our furniture." Like Sameh, she said her family had to live in their house for 10 days waiting for it to be demolished.[173]

Fatma, a schoolteacher, described her family's last few days in Rafah:

> How would you feel when you see an old man crying and kissing the walls of the house and the ground and breaking your heart while you have to help moving your stuff as soon as possible? How would you feel when you see your decade-old wedding portrait dumped on the ground and broken under the rain and sand?

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[171] Human Rights Watch interview with Sameh, March 2015.

[172] Ibid.

[173] Human Rights Watch interview with Hajja Zaynab, March 2015.

Though the army had said they were going to destroy the house imminently, it was a week before they returned.

> While we waited my husband slept in the house to protect it, because the army was looking for any reason not to give people compensation and claim that you have a tunnel … The children and I were staying with relatives, and sometimes we went to my husband and lit a fire and talked about our memories and each moment we had in the house. The rain reminded us of all the winters we spent together over 10 years. I remembered when I was pregnant, and when I had my first son and we celebrated. I remembered Ramadan and our relatives around us. I remembered our grandparents who were buried here and now we're leaving them. Even the cemeteries would be lost and we would have no one to visit or pray for each time we miss them.[174]

No Compensation for Lost Income

The government did not give displaced residents compensation for losing their source of income or jobs as a result of the eviction.

Um Mohamed told Human Rights Watch that her husband had owned a business in Rafah that is not needed in al-Arish because the economy there is not based on agriculture. He spent "ages" in his career, and they don't know how he will find another job, she said. She was a government employee in Rafah, but her employer said they had no orders yet to transfer her to al-Arish.[175]

Yousef owned around 8,000 square meters of land that had been farmed with olive trees, almonds, oranges and vegetables. The farm provided them with food as well as a source of income, as his family used to lease it to farmers. The army leveled Yousef's farms with no notice and did not provide compensation for them.[176]

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[174] Human Rights Watch interview with Fatma, March 2015.

[175] Human Rights Watch interview with Um Mohamed, March 2015.

[176] Human Rights Watch interview with Yousef, March 2015.

"It's hard to see the land that my mother and father cared for themselves and carried the water to the trees … and their happiness when they saw the plants grow from their efforts. The state has always been absent and it's never given us any services. After we populated [the land] and built and exhausted ourselves to reclaim the land and live and protect the border, they suddenly come and destroy everything, this is the biggest feeling of oppression and humiliation," he said.[177]

Sameh and his brother and father used to run two shops that earned around 3,000 pounds per month and cost only 600 pounds to rent. In al-Arish, it might cost him around 5,000 pounds per month to rent a store, he said. Because he could not compete with other shops in al-Arish, Sameh opened his shop in Sheikh Zuweid. But there, he couldn't make more than 50 pounds per day and paid 35 pounds for transportation. The army has forced him to close in the late afternoon because of the curfew.[178]

"How will we survive," he asked.[179]

Hajja Zaynab said that her older son used to work in trade and agriculture and cannot find a job in al-Arish.[180]

Interruption of Children's Education

Families who had children in schools told Human Rights Watch that it was very difficult to transfer their children to other schools in the Sinai. Most families' children missed a semester. One resident told Human Rights Watch that she has not been able to find an alternative school for her child. Those who did find alternatives had to rely on connections in government to do so. The government appeared to have no plan to compensate for the effect of demolishing at least six schools in the buffer zone and did not give families information about an alternative.

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[177] Ibid.

[178] Human Rights Watch interview with Sameh, March 2015.

[179] Ibid.

[180] Human Rights Watch interview with Hajja Zaynab, March 2015.

Um Mohamed told Human Rights Watch that her two children will miss a year of school. When she went to a school in al-Arish to see if they could be transferred there, the school said it had no space to enroll them. Other families in Rafah with "connections" managed to transfer their children, Um Mohamed said, but she cannot.[181]

Fatma told Human Rights Watch that the government "could have, at least, made some consideration for us and waited for the cold blizzard and the first school semester to end…but they were rushing as they didn't want to give a space for people to wake up and stop the eviction."

Abu Ismail said his family could not transfer his daughter to a new school in al-Arish for the first school semester because there was no space, so they conducted her exams in a nearby district where other displaced families also sent their children. By the second school semester, he managed to transfer her to a school in al-Arish. He blamed the state for its "absence of plans" and the "arbitrariness" of the eviction and said it was "beyond schools' capacities [to find a place for everyone]."[182]

Marzouk kept his children at home and made them take exams at the same location as Abu Ismail's daughter. He said the family would "see what we can do" at the end of the school year, after final exams.

Mohsen, who has two children in schools, said his wife taught his children at home during the evictions and that they took their mid-year exams in another school in Rafah. When the family moved to al-Arish, he managed to transfer them to a school.[183]

"Some families even bought the desks for their kids. But it was easier for me because I had a relative who works in education," he said.[184]

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[181] Human Rights Watch interview with Um Mohamed, March 2015.
[182] Human Rights Watch interview with Abu Ismail, March 2015.
[183] Human Rights Watch interview with Mohsen, March 2015.
[184] Ibid.

IV. Legal Framework

Demolitions under International Humanitarian Law

Though international human rights law laid out in United Nations and African conventions to which Egypt is a party applies at all times, the insurgency in the Sinai Peninsula may constitute a situation of armed conflict triggering the application of different standards under international humanitarian law, also known as the laws of war, as well.

International law recognizes two types of armed conflict: international, fought between states, and non-international, fought between a state and an armed group or between different armed groups. Non-international armed conflicts are defined by Article 3 of the Geneva Conventions of 1949, which were supplemented in 1977 by Article 1 of the Conventions' Additional Protocol II.[185]

Under prevailing interpretations of the Geneva Conventions, a non-international armed conflict occurs when:

- Hostilities are protracted armed confrontations between government forces and armed groups that have reached a serious level of intensity such that, for example, a state is obliged to use its military forces against its adversary instead of the police and;
- The armed groups involved in the conflict are organized, such that they have a command structure and ability to sustain military operations

The Additional Protocol II further defined a non-international conflict as one in which the armed group can "exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations" and implement humanitarian law, should they choose to do so. International courts have previously described other, more specific conditions of non-international armed conflicts.[186]

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[185] Egypt ratified the Geneva Conventions on November 10, 1952, and the Additional Protocol I on October 9, 1992.

[186] Prosecutor v. Fatmir Limaj, Haradin Bala and Isak Musliu, International Tribunal for the Former Yugoslavia, Case No. IT-03-66-T, Judgement, Trial Chamber II, November 30, 2005, pp. 34-65.

Because of the Egyptian government's refusal to allow media or humanitarian access to North Sinai and the secrecy with which the armed group Sinai Province, previously known as Ansar Beit al-Maqdis, conducts its operations, it is extremely difficult to assess the group's organization and strategic planning from publically available sources for the purposes of the armed conflict test under international law.

Egyptian authorities and the Sinai Province group itself have occasionally named important members of the group, including "field commander" Tawfiq Farij and "top leader" Shehata Farhan, who were both killed in 2014.[187] But such reports rarely provide clarity and often lead to contradictory descriptions of the group's organization.

Since the ouster of former president Mohamed Morsy in 2013, Egyptian authorities have at times tried to assign responsibility to the Morsy administration for releasing once-jailed Islamists who then allegedly joined or assisted insurgents in Sinai. In fact, most of these Islamists had been pardoned under the Supreme Council of the Armed Forces (SCAF), the group of generals that governed Egypt after the fall of Hosni Mubarak in 2011, according to publicly available data. The SCAF released more than 800 imprisoned Islamists, while Morsy released at least 27.[188]

Those released included some who had served long prison terms for terrorism-related offenses, including involvement in the 1981 assassination of former president Anwar al-Sadat. They included members of the Islamic Group, an extremist offshoot of the Muslim Brotherhood that renounced violence in the 2000s; Mohamed al-Zawahiri, the brother of al-Qaeda leader Ayman al-Zawahiri and himself the leader of the Salafi Jihad group; and former operatives of Islamic Jihad, the militant group whose members assassinated Sadat and which later merged with al-Qaeda under Ayman al-Zawahiri's leadership.[189] Nabil al-

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[187] Egypt State Information Service, "army spokesman confirms Ansar Beit al-Maqdis leader killed in Rafah," October 11, 2014, http://www.sis.gov.eg/En/Templates/Articles/tmpArticleNews.aspx?ArtID=83164#.VZWRaROqqkp (accessed July 2, 2015) and David Barnett, "Ansar Jerusalem confirms deaths of 2 members, including founder," post to "Long War Journal" (blog), *Foundation for the Defense of Democracies*.

[188] Hossam Bahgat, "Who let the jihadis out?" *Mada Masr*, February 16, 2014, http://www.madamasr.com/sections/politics/who-let-jihadis-out (accessed July 2, 2015).

[189] Ibid.

Maghraby, another man accused of participating in the plot to kill al-Sadat, was also released.[190]

In August 2013, following Morsy's removal, the authorities rearrested Mohamed al-Zawahiri, who had penned a Facebook post urging opposition to the military.[191] In October 2013, they rearrested al-Maghraby, accusing him of participating in the failed assassination attempt by Ansar Beit al-Maqdis on former Interior Minister Mohamed Ibrahim.[192] In December, State Security prosecutors accused Ahmed Salama Mabrouk, another former Islamic Jihad operative, of aiding Ansar Beit al-Maqdis.[193]

Egyptian authorities arrested another one-time Islamic Jihad member, Muhammad Jamal, in November 2012, a little more than a year after his release following the uprising. The US State Department designated Jamal a "global terrorist" in October 2013, saying he had also once trained with al-Qaeda, established training camps in Libya and Egypt after his release in 2011, and sought assistance from Ayman al-Zawahiri.[194] The authorities have connected Jamal to members of Ansar Beit al-Maqdis.

Meanwhile, the authorities also gave conflicting accounts regarding the leadership of Ansar Beit al-Maqdis. State Security prosecutors identified Mabrouk, the former jailed Islamic Jihad operative, as the "actual leader" of the group, according to the newspaper *al-Shorouk*.[195] But in May 2014, the authorities claimed to have killed another man, Shadi al-Menai, whom they also called the group's leader, only for the group itself to release a

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[190] Ahram Online, "One of Egypt's oldest political prisoners released," June 7, 2011, http://english.ahram.org.eg/News/13829.aspx (accessed July 2, 2015).

[191] Thomas Joscelyn, "Younger brother of al-Qaeda's emir arrested in Egypt," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, August 18, 2013, http://www.longwarjournal.org/archives/2013/08/younger_brother_of_a.php (accessed July 2, 2015).

[192] Hadeel al-Shalchi, "Egypt arrests al-Qaeda militant previously jailed for Sadat murder," Reuters, October 29, 2013, http://www.reuters.com/article/2013/10/29/us-egypt-militants-idUSBRE99S0WP20131029 (accessed July 2, 2015).

[193] Ahmed al-Sharqawi, "Prosecutor's investigations: Leader of Ansar Beit al-Maqdis got out with a pardon from Morsy… and established the group with the teachings of al-Qaeda," («تحقيقات النيابة: قائد أنصار بيت المقدس خرج بعفو من «مرسى»... وأنشأ الجماعة بتعليمات من «القاعدة»), *al-Shorouk*, December 22, 2013, http://www.shorouknews.com/news/view.aspx?cdate=22122013&id=84d10683-9c61-44fc-a97a-08d4b8c3f954 (accessed July 2, 2015).

[194] State Department, Office of the Spokesperson, "Terrorist Designations of the Muhammad Jamal Network and Muhammad Jamal," October 7, 2013, http://www.state.gov/r/pa/prs/ps/2013/10/215171.htm (accessed September 14, 2015).

[195] Ibid.

statement saying that al-Menai was neither dead nor its leader.[196] In January 2015, the newspaper *al-Masry al-Youm*, citing a security source, identified yet another man, Abu Osama al-Masry, who had previously appeared as one of Ansar Beit al-Maqdis's main preachers, as the group's leader.[197] But in May, members of the Tarabin tribe kidnapped al-Menai's brother and offered a one-million-pound ($131,000) bounty for al-Menai's death, labeling him the leader of the Sinai Province group.[198]

Despite this uncertainty about the group's command structure, statements by both the group itself and Egyptian security officials point to a nexus between the Sinai Province group and veteran jihadists, such as Mabrouk and Jamal, who have experience with armed groups such as Islamic Jihad and would have knowledge about the procurement of funds and arms and how to plan military operations.[199] Former members of the Egyptian military who may have left and fought in the Syrian war have also reportedly planned and carried out attacks for the group.[200] Egyptian authorities connected Walid Badr, a former army major whom the group said carried out the assassination attempt on Ibrahim, to both Jamal and Maghraby.[201] Israeli and Egyptian security sources have also alleged connections between Ansar Beit al-Maqdis and militant groups in Gaza. When a 28-year-old man and alleged member of the Gaza-based Popular Resistance Committees was wounded in an Israeli air strike in February 2014, Israel's General Security Agency, or Shabak, claimed that he had also smuggled arms to Ansar Beit al-Maqdis.[202] Other

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[196] Thomas Joscelyn, "Ansar Jerusalem denies death of shady figure, mocks Egyptian officials," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, May 25, 2014, http://www.longwarjournal.org/archives/2014/05/ansar_jerusalem_denies_death_0.php (accessed July 2, 2015).

[197] Mohamed Khaled, "Discovery of the identity of Abu Osama al-Masry, leader of Beit al-Maqdis in Sinai," (كشف هوية «أبوأسامة المصري» زعيم «بيت المقدس» في سيناء), *al-Masry al-Youm*, January 27, 2015, http://www.almasryalyoum.com/news/details/642890 (accessed July 2, 2015).

[198] *Cairo Post*, "Sinai tribes offer 1M EGP bounty for ABM leader's head," May 2, 2015, http://www.thecairopost.com/news/148590/news/sinai-tribes-offer-1m-egp-bounty-for-abm-leaders-head (accessed July 2, 2015) and Al-Mogaz, "The Sawarka organize for war with Beit al-Maqdis," May 3, 2015, http://almogaz.com/news/politics/2015/05/03/1980899 (July 2, 2015).

[199] Thomas Joscelyn, "Al-Qaeda's expansion in Egypt, Implications for US homeland security," US House of Representatives Homeland Security Committee Subcommittee on Counterterrorism and Intelligence, February 11, 2014, http://www.longwarjournal.org/images/Joscelyn_WrittenTestimony_Feb11_2014.pdf (accessed July 2, 2015).

[200] Thomas Jocelyn and Caleb Weiss, "Former Egyptian special forces officer leads Al Murabitoon," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, July 23, 2015, http://www.longwarjournal.org/archives/2015/07/former-egyptian-special-forces-officer-leads-al-murabitoon.php (accessed September 14, 2015.

[201] Thomas Jocelyn, "More ties between Ansar Jerusalem and the Syrian jihad reported," post to "Long War Journal" (blog), Foundation for the Defense of Democracies, February 11, 2014, http://www.longwarjournal.org/archives/2014/02/the_sept_5_2013_assassination.php (accessed September 14, 2015).

[202] Gili Cohen, "Israeli army hits Palestinian global jihadist in air strike on Gaza," *Haaretz*.

analysts have pointed to statements sympathetic to Ansar Beit al-Maqdis issued by Gaza-based groups, such as the Mujahideen Shura Council, as evidence of collaboration.[203]

Sinai Province's formal pledge of allegiance to ISIS has likely provided the group with better access to money and weapons. The group appears to exercise some territorial control, often in the form of checkpoints, and has handed out food and money to residents affected by the unrest.[204] Since pledging allegiance to ISIS, the group appears to have increased the sophistication of its media operation and is able to regularly issue public statements on its behalf, often accompanied by pictures and carefully edited videos. For these reasons, the Sinai Province group appears sufficiently organized to sustain military operations.

It may also be the case that the conflict between the government and the group has reached a "level of intensity" to be considered a non-international armed conflict.

The Sinai Province group has launched large, coordinated assaults on government positions in North Sinai in October 2014, January 2015 and July 2015, likely killing more than 100 Egyptian soldiers, according to local media outlets. The July 1, 2015, attack on the town of Sheikh Zuweid in North Sinai may have been the largest insurgent attack in Egypt's modern history and marked the first time that insurgents in Sinai temporarily seized populated territory. Only attacks by Egyptian air force F-16 fighter jets managed to drive the fighters out of Sheikh Zuweid after 12 hours of combat.[205] The Sinai Province group has also used sophisticated guided missiles to destroy tanks, shoot down at least one Egyptian military helicopter and severely damage at least one Egyptian navy vessel.[206]

More than 3,600 people, including civilians, security forces and alleged insurgents, died in North Sinai governorate between July 2013 and July 2015, according to media reports and

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[203] David Barnett, "Ansar Jerusalem and MSC in Jerusalem comment on death of jihadists in Sinai," post to "Long War Journal" (blog), *Foundation for the Defense of Democracies*.

[204] Tamer el-Ghobashy, "Islamic State Offshoot Entrenches in Egypt's Sinai Peninsula," *Wall Street Journal*, July 8, 2015, http://www.wsj.com/articles/islamic-state-offshoot-entrenches-in-egypts-sinai-peninsula-1436393296 (accessed September 14, 2015).

[205] "Assault in Sheikh Zuweid: A turning point in Egypt's fight against terrorism," Tahrir Institute for Middle East Policy, July 2, 2015, http://timep.org/commentary/assault-in-sheikh-zuwaid-a-turning-point-in-egypts-fight-against-terrorism-2/ (accessed August 11, 2015).

[206] Mohammed Tawfeeq and Jethro Mullen, "ISIS affiliate in Sinai claims it hit Egyptian navy ship with missile," CNN, July 17, 2015, http://edition.cnn.com/2015/07/16/middleeast/egypt-sinai-isis-affiliate-attack/ (accessed August 11, 2015).

government statements aggregated by the Washington, DC-based Tahrir Institute for Middle East Policy. Roughly 2,650 people, about 73 percent of those who died, were reportedly killed after the first major attack by the Sinai Province group on October 24, 2014. North Sinai has witnessed about 320 attacks by armed groups between the October 2014 attack and July 2015, compared to 105 attacks over the previous nine months. The number of government counterinsurgency operations surged from 177 to 451 over the same time period. During that time, the Egyptian security forces reportedly killed 2,368 people in those operations. Of the 283 people killed in insurgent attacks in North Sinai between the October 2014 and July 2015, 64 percent died in attacks attributed to Ansar Beit al-Maqdis or the Sinai Province group.[207]

In response to this insurgency, the Egyptian military has deployed thousands of military troops, armored vehicles, tanks and helicopters at a level not seen in the Sinai Peninsula since the 1973 war with Israel.[208] For these reasons, it may well be the case that the fighting between Egypt and the Sinai Province group has been a non-international armed conflict since at least October 2014.

The Egyptian authorities have justified the home demolitions and forced evictions carried out since the attack by Ansar Beit al-Maqdis in October 2014 as a way to defeat the Sinai insurgents by preventing them from receiving arms, supplies and fighters from the Gaza Strip through smuggling tunnels.

A statement on the Defense Ministry's website the day before the issuance of the October 2014 buffer zone decree, referring to insurgents as *takfiri*, or Muslims who accuse others of being infidels, explained that the Gaza smuggling tunnels were "one of the main sources for the entry of armed *takfiri* groups and elements to Sinai and the provision of logistical

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[207] The Egyptian government does not allow journalists or human rights groups to visit North Sinai without official permission and coordination with the armed forces and typically denies requests for permission. Human Rights Watch could not independently verify this data. Journalists and North Sinai residents have in the past said that the Egyptian authorities provide inaccurate and exaggerated data regarding arrests and deaths in counterinsurgency operations.

[208] The number of Egyptian troops in the Sinai is not public, but the military has repeatedly raised its troop levels there since first sending reinforcements in 2011, when it was reported that 20,000 troops were present in the peninsula. (See: Leila Fadel, "Smuggled Libyan weapons flood Egypt," Washington Post, October 12, 2011.) The military has also deployed at least five additional battalions to the peninsula since July 2013, with Israel's approval. (See: AFP, "Israel agrees to two Egypt battalions for Sinai," July 16, 2013; Amos Harel, "Egypt deploys infantry battalion in Sinai to prevent attacks on Eilat," Haaretz, June 11, 2014; Ariel Ben Solomon, "Report: Israel okays Egypt request to deploy more military forces in Sinai," Jerusalem Post, November 6, 2014).

support to them and supply to them of arms and ammunition." The statement described the buffer zone as a way to "finally eliminate the problem" of tunnels.[209] Maj. Gen. Abd al-Fattah Harhour, the governor of North Sinai, said the decree was intended "to defend Egypt from terrorism."[210] Other authorities have named other tangential benefits to the buffer zone: One advisor to the military's Commanders and Staff College told a newspaper that the buffer zone would have the benefits of putting the zone under military court jurisdiction and clearing it of civilians, so that it would "be regarded as an open theater."[211]

"The buffer zone should have been established for years already. Why so? Because this buffer zone is impacting the region of Sinai and the security in Egypt generally speaking," al-Sisi said in a televised interview in November 2014. "We have borders, direct borders between the Egyptian population and the Gaza Strip. Obviously this area was not fully controlled in terms of activities or trafficking."[212]

Central to the laws of war that govern armed conflict is the principle of distinction, which requires parties to a conflict to distinguish at all times between combatants and civilians. Operations may be directed only against combatants and other military objectives; civilians and civilian objects may not be targeted. The laws of war also prohibit the forced displacement of civilians "unless the security of the civilians involved or imperative military reasons so demand."[213]

Civilian objects have been defined as all objects that are not military objectives. Military objectives are those objects which "by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or

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[209] Egypt Defense Ministry, "The air force, border guard, and Second and Third Armies continue their security strikes to eliminate the terrorist elements in cooperation with elements of the civilian police,"
(القوات الجوية وحرس الحدود والجيشين الثانى والثالث يواصلوا ضرباتهم الأمنية للقضاء على العناصر الإرهابية بالتعاون مع عناصر الشرطة المدنية), October 28, 2014, http://www.mod.gov.eg/Mod/NewsDetails.aspx?id=27866 (accessed July 2, 2015).

[210] Samir Hosni, "North Sinai: 500 meters located along the whole border of state property,"
("شمال سيناء": الـ500 متر الواقعة على الشريط الحدودى جميعها أملاك دولة"), *al-Youm al-Saabi'* October 28, 2014, http://goo.gl/tzWuBE (accessed July 2, 2015).

[211] Ahmed Eleiba, "It's war in Sinai," *al-Ahram*, October 30, 2014, http://weekly.ahram.org.eg/News/7616/17/It%E2%80%99s-war-in-Sinai.aspx (accessed July 2, 2015).

[212] Sonia Dridi and Marc Perelman, "Egypt's Sisi considering pardon for Al Jazeera journalists," France 24, November 21, 2014, http://www.france24.com/en/20141120-exclusive-interview-egyptian-president-sisi-al-jazeera-journalists-muslim-brotherhood (accessed July 2, 2015).

[213] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978.

neutralization, in the circumstances ruling at the time, offers a definite military advantage." In case of doubt, there is a presumption that objects normally dedicated to civilian purposes, such as houses, schools, places of worship, and hospitals, are not subject to attack. Civilian objects remain protected from attack, unless they become military objectives. But once a civilian object, such as a house used as a military headquarters, ceases being used to further the military aims of the adversary, it can no longer be attacked.

Deliberate, indiscriminate or disproportionate attacks against civilians and civilian objects are prohibited. A disproportionate attack is one in which the expected incidental loss of civilian life or damage to civilian objects would be excessive in relation to the concrete and direct military advantage anticipated.

A civilian object can be a military objective if an armed group anticipates a concrete advantage to be had in the future by targeting it, but the presumption that a civilian object is not a military objective remains. Acting on the basis of the enemy's possible intentions is not sufficient to justify an attack on a civilian object. "Purpose is predicated on intentions known to guide the adversary, and not on those figured out hypothetically in contingency plans based on a 'worst case scenario,'" wrote one academic commentator.[214]

The large-scale destruction of entire neighborhoods in Rafah does not appear to meet the requirement under international humanitarian law that the army target only specific military objectives and that damage to civilian objects that results should not be excessive in relation to the direct and concrete military advantage anticipated. Rather than targeting specific tunnels and limiting excessive damage, the pattern of destruction in Rafah is consistent with the goal of having a wide and empty border area to facilitate border control, and Egyptian officials have stated this themselves. Egyptian military authorities have not limited their demolitions to the tunnels and have destroyed thousands of civilian houses and buildings, apparently failing both to distinguish between military and civilian objects and to limit the destruction of civilian objects within the proportionality required.

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[214] See Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict, p. 90.

Additionally, though smuggling tunnels could be considered military objectives insofar as they are being used or will be used to transport weapons or fighters into Egypt, there remains almost no evidence to support the Egyptian army's justification that all Sinai-Gaza tunnels contribute to Sinai-based insurgent groups fighting Egyptian forces. Though Egyptian military officials—and occasionally their Israeli counterparts—have alleged that armed groups in the Sinai use the tunnels to receive weapons and logistical support from Gaza, they have not provided proof.[215]

More importantly, numerous media reports and statements by both foreign and Egyptian government officials have identified Libya and Sudan as the primary sources of weapons that reach the Sinai and have explained that weapons are smuggled from the Sinai to Gaza, not vice versa. On July 1, 2015, following the unprecedented attack on military positions in North Sinai by fighters of the Sinai Province group, Gen. Samir Farag, head of the armed forces' Morale Affairs department, told a television program that military officers in North Sinai "saw weapons that they hadn't seen anywhere but in catalogues," and that these weapons had come from Libya.[216] Most of the heavy weapons in use or intercepted by the authorities in the Sinai, including surface-to-air missiles, rockets and antiaircraft guns, were smuggled from Libya directly to the Sinai and bought, stockpiled and resold within the Sinai, according to media reports that cited Egyptian military officials and the head of the multinational peacekeeping force based in the Sinai.[217] Israel's General Security Agency, also known as Shabak, reported in a year-end review of 2012 that "hundreds of standard and quality weapons," including long-range, anti-tank and anti-aircraft missiles, had been smuggled from Sudan and Libya into Gaza through the Sinai.[218] Sealing the tunnels arguably has greater military utility for Israel, which faces an armed adversary in the Gaza Strip, than Egypt, but Egypt has not cited Israel's defense needs to justify its

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[215] Gili Cohen, "Hamas Provided ISIS With Weapons to Carry Out Sinai Attacks, Israeli General Says," Haaretz, July 2, 2015, http://www.haaretz.com/news/diplomacy-defense/.premium-1.664199 (accessed September 14, 2015).

[216] "Cairo Today," Orbit Network, July 1, 2015, https://www.youtube.com/watch?v=vbPRRrEs4Yo (accessed July 2, 2015).

[217] Leila Fadel, "Smuggled Libyan weapons flood into Egypt," *Washington Post*, October 12, 2011, http://www.washingtonpost.com/world/libyan-weapons-flooded-egypts-black-weapons-market/2011/10/12/gIQA2YQufL_story.html (accessed July 2, 2015) and Gili Cohen, "Sinai peacekeeping force commander warns of weapons smuggling to Gaza," Haaretz, May 31, 2012.

[218] Israeli Security Agency, "2012 Annual Summary Terrorism and CT Activity Data and Trends," http://www.shabak.gov.il/SiteCollectionImages/english/TerrorInfo/2012AnnualSummary-en.pdf (accessed July 2, 2015).

demolitions in Rafah, only its own.[219] The military advantage of destroying all tunnels is thus highly uncertain for Egypt, and Human Rights Watch found that the wholesale destruction of neighborhoods greatly exceeded the Egyptian army's stated need to end tunnel smuggling.

The tunnels also serve as a crucial lifeline of basic supplies for the besieged Gaza Strip. As of 2011, they were bringing in $700 million worth of goods annually, including 800,000 liters of fuel, 3,000 tons of gravel, 500 tons of steel rods and 3,000 tons of cement every day.[220]

In addition, despite the tremendous burden that demolitions have imposed on the civilian population, the Egyptian army has failed to explain why it cannot use along the Rafah border non-destructive means for detecting and neutralizing tunnels employed in places like the Mexico-United States border and the Korean demilitarized zone. These means could include ground penetrating radar or electromagnetic induction to detect materials in the ground. Moreover, Egypt is known to have experience with a third: laser radar vibration sensors.

As early as 2008, after the United States and Israel had put new pressure on Egypt to halt tunnel smuggling to Gaza, the US Army Corps of Engineers was reportedly training Egyptian troops to use "advanced technological equipment…including instruments that measure ground fluctuations and signal that a tunnel is being dug."[221] This training, on equipment purchased by Egypt from the United States, continued in 2009.[222] In August 2013, the defense company Raytheon received a $9.9 million contract from the US Defense Department—paid for with Egypt's US-provided military aid—to continue with "research and development" on a tunnel detection system in Egypt. This system was Raytheon's Seismic and Acoustic Vibration Imaging program, which uses lasers to detect minute

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[219] In April 2015, an arms dealer in Rafah told *Al Quds* newspaper that weapons smuggling to Gaza had come to a near-complete halt. See: "بعد تدمير غالبية الانفاق .. توقف تهريب الأسلحة والصواريخ الى غزة", Al Quds, April 11, 2015. http://www.alquds.com/news/article/view/id/553745

[220] Nicolas Pelham, "Gaza's Tunnel Complex," Middle East Research and Information Project, MER 261, Winter 2011, http://www.merip.org/mer/mer261/gazas-tunnel-complex (accessed July 2, 2015).

[221] Barak Ravid, "U.S. army Training Egyptians to Find and Destroy Smuggling Tunnels," Haaretz, June 11, 2008, http://www.haaretz.com/news/u-s-army-training-egyptians-to-find-and-destroy-smuggling-tunnels-1.247625 (accessed September 15, 2015).

[222] Donna Miles, "Gates Trip Aims to Reaffirm Ties With Egypt, Saudi Arabia," American Forces Press Service, May 4, 2009, http://archive.defense.gov/news/newsarticle.aspx?id=54176 (accessed September 14, 2015).

vibrations in the ground, revealing tunnels.[223] The Egyptian authorities have not explained why they did not or could not use this technology to locate specific tunnels.

Furthermore, Egypt has not explained the widely varying figures authorities have provided for the number of tunnels they have destroyed or the discrepancy between official statements that the army destroyed up to 1,400 tunnels since July 2013 and a United Nations statement claiming that as few as 10 tunnels were operating at one point in 2013. It is possible that the Egyptian authorities did not distinguish, in their public statements, between tunnel access shafts and actual tunnels. Human Rights Watch found only one instance, in May 2015, when the armed forces' spokesman referenced access shafts, claiming that troops had closed 521 between October 2014 and April 2015.[224] But a month later, the armed forces claimed to have destroyed 1,429 smuggling tunnels since January 2014.[225]

Because the government could have and did use other methods to close the tunnels and halt smuggling, apparently possessed the technology and training to detect specific tunnels, and has not made clear how many actual tunnels have been closed as a result of the buffer zone, the mass demolition of at least 3,255 buildings along the Sinai-Gaza border, displacing thousands of families, appears to have been disproportionate.

Eviction and Destruction of Homes under International Human Rights Law

Regardless of whether the fighting in North Sinai has amounted to an armed conflict, the eviction of the population and the destruction of homes is also subject to international human rights law, particularly the right to housing under the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt in 1982 and the right to property under the African Charter on Human and Peoples Rights.[226]

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[223] Nasdaq.com, "Raytheon to Detect Tunnels in Egypt - Analyst Blog," August 30, 2013, http://www.nasdaq.com/article/raytheon-to-detect-tunnels-in-egypt-analyst-blog-cm271605 (accessed September 14, 2015).

[224] Official Page for the Military Spokesman of the Armed Forces, "Announcement of the total number of tunnels found by the border guard on the northeast border," May 26, 2015, https://www.facebook.com/Egy.army.Spox/photos/pcb.663466143784371/663460610451591 (accessed August 28, 2015).

[225] *Aswat Masriya*, "1,429 tunnels destroyed in North Sinai in 18 months - armed forces," June 14, 2015, http://en.aswatmasriya.com/news/view.aspx?id=7bcda3f3-6a06-4ce3-beeb-e54653e7fa2b (accessed July 2, 2015).

[226] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976.

Those evicted outside active hostilities are entitled various protections, including: genuine consultation with the authorities; adequate and reasonable notice; information on the eviction and future use of the land; adequate compensation or alternative housing; legal remedies; and legal aid. International law prohibits "forced evictions," defined as the permanent or temporary removal of individuals, families or communities against their will from their homes or land, without access to appropriate forms of legal or other protection.[227] Egypt is also obliged to protect the right to property, as set out in the African Charter on Human and Peoples' Rights, to which it is a party. This includes recognizing individuals' and groups' property rights over homes and land they have traditionally occupied, whether or not they had written documentation. Evictions should be a last resort and accompanied with fair compensation.[228]

The interference with peoples' right to a home and property can only be justified if it is not arbitrary (i.e. the power to do so is set out in clear domestic law) and if it is done for a legitimate reason and in a proportionate manner (i.e. the least restrictive way to achieve the aim). Given the extent of the interference in the rights to home and property caused by these evictions and home destructions, the Egyptian authorities will need to have strong evidence that this was the only option they had.

The home demolitions and evictions in North Sinai violated many of these protections, including those concerning notification, consultation, compensation, and temporary housing. The evictions do not appear to have abided by Egyptian law either. The buffer zone decree, for instance, stated that the government must provide alternative housing for those displaced by the evictions. The government did not do so. The General Mobilization Law of 1960, which formed part of the basis of the buffer zone decree, applies to cases of war or general mobilization and allows property expropriations only "for the sake of martial efforts." Egypt has not formally declared war or general mobilization. Both the General Mobilization Law and the Emergency Law (Law 162 of 1958) allow only temporary

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[227] Committee on Economic, Social and Cultural Rights, General Comment 7, The Right to Adequate Housing: Forced Evictions, U.N. Doc. E/1998/22, annex IV (1998), para 15. The committee also wrote that state parties must ensure that "all feasible alternatives" are explored in consultation with residents and that "adequate compensation" is provided.

[228] African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986. Article 14.

expropriations. They do not address home demolitions. Finally, Article 63 of Egypt's constitution prohibits "arbitrary forced displacement of citizens" and makes it a crime.[229]

[229] Egyptian Constitution of 2014, approved by referendum on January 18, 2014, http://www.sis.gov.eg/Newvr/Dustor-en001.pdf (accessed July 2, 2015.

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The Egyptian military destroys a building in Rafah, on the border with the Gaza Strip, during forced evictions between October 20-31, 2014.

Source: https://www.youtube.com/watch?v=DfuOag5s3vM

In October 2014, the Egyptian government issued a decree to begin forcible evictions in the town of Rafah on the border with the Gaza Strip, five days after an insurgent group that later joined the Islamic State launched an unprecedented attack on a military position in North Sinai. Egypt justified the evictions as a way to defeat the insurgents by shutting down smuggling tunnels from Gaza, through which, they alleged, the insurgents received weapons and fighters.

But a Human Rights Watch investigation based on interviews with evicted families and extensive satellite imagery shows that demolitions on the border began not in October 2014 but in July 2013, after the military removed former President Mohamed Morsy.

Since then, the Egyptian military has forcibly evicted about 3,200 families, destroying as many buildings in the process, as well as hundreds of hectares of farmland. Families told Human Rights Watch the army warned them of the eviction only 48 hours or less in advance. The government's compensation has been inadequate, and the authorities gave evicted families no effective way to challenge their eviction or their compensation. The government provided no temporary housing.

Since then, the government has provided little proof that the tunnels support the insurgency and has not explained why it could not have destroyed the tunnels using less destructive means. Human Rights Watch found that Egypt's actions violated international human rights law that protects civilians against forced evictions.

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