

Egypt:
Human Rights Violations in the context of Counterterrorism and
National Security

Joint Submission for the 34th session of the UPR Working Group, November 2019

This UPR submission has been prepared by a coalition of the following Egyptian and regional NGOs:

1. Committee for Justice (CFJ)
2. Adalah Center for Rights and Freedoms (Adalah)
3. Arab Foundation for Civil and Political Rights-Nedal (AFCPR-Nedal)
4. Cairo Institute for Human Rights Studies (CIHRS)
5. Egyptian Front for Human Rights (EFHR)
6. Humena for Human Rights and Civic Engagement (Humena)
7. The Regional Center for Rights and Liberties (RCRL)

INTRODUCTION: HUMAN RIGHTS IN THE CONTEXT OF COUNTERTERRORISM AND NATIONAL SECURITY

1. During the 28th session of the UPR in 2014, Egypt received several recommendations regarding its counterterrorism activities, and supported all of them. In particular, three recommending States - Burkina Faso, France, and the Republic of Korea - all highlighted the need for Egypt to respect human rights while countering terrorism.¹ Even though Egypt supported these three recommendations, until now the Egyptian State has not implemented any effective laws or policies to ensure that its counterterrorism efforts fully respect human rights principles and international law. In fact, several laws and policies enacted since 2014 have exacerbated the human rights violations committed in Egypt in the name of national security and counterterrorism, and outrightly violate international human rights law.
2. The United Nations General Assembly affirmed that "any measures taken by Member States to prevent and combat terrorism ... must fully comply with their obligations under international law ... and relevant international conventions and protocols, in particular human rights law"², and that any derogation of rights such as the right to assembly and the right to expression is subject to strict standards, and that the rights to life and freedom from torture, cruelty and inhuman and degrading treatment should be respected in all circumstances. Egypt has failed to respect these principles, and has used the pretext of counterterrorism to crack down on political opposition, repress all forms of public dissent and criticism, and implement "security operations" and judicial processes that violate the basic rights of Egyptians.

COUNTERTERRORISM LAWS

3. In 2015 the Egyptian government adopted two main laws in the context of counterterrorism efforts, that not only violate international human rights law in the way they are drafted, but also in the way they are applied, facilitating the State's repression of dissenting voices under the guise of national security.

"The 2015 Anti-Terrorism Law No. 94"

4. The definition of terrorism and activities listed as potential crimes under this law are broad and very vaguely defined, and as such, the State can arbitrarily designate the legitimate activities of its citizens, notably journalists and human rights defenders, as terrorist acts. For example, in April 2017 Egyptian human rights activist Mohamed Ramadan Abdel Basset was sentenced in absentia to 10 years in prison for criticizing the president on Facebook, as such posts were considered a "terrorist act".
5. Articles 40 and 41 of the law allow for the detention without a warrant of suspects in terrorism cases for 24 hours, which can be extended to up to seven days, violating their right to due process. The law also allows the State to prevent the suspect from contacting his/her family or lawyer, facilitating incommunicado detentions.
6. Article 8 gives immunity to the security forces if they use excessive or undue force while enforcing the law, ostensibly violating the right to protection under

¹ A/HRC/28/16/Add.1, 2nd cycle, recommendations 166.297, 166.299, and 166.300

² A/RES/72/284

the law for any person who may be subjected to undue force. Human rights groups in Egypt have documented several cases of security forces using undue force with total impunity against people accused of alleged "terrorism crimes".

"The 2015 Terrorism Entities Law No. 8"

7. This law defines "terrorist activities" in vague terms such as "damage to national unity and social peace", giving the State wide discretion to accuse any person or entity of being terrorists, and to restrict the work of political parties, civil society organizations, journalists, activists and political opponents that don't align with the government's views. The Egyptian government has abused this law to stigmatize its political opponents by labeling them as terrorists.
8. This law does not require any specific evidence to be presented in order to officially designate a person or entity as a terrorist. A simple request from the Attorney General to the Court of Appeal is enough to include a person or entity on the official terrorist list, regardless of evidence. Once a person or entity has been placed on the terrorism list, they are not entitled to directly contest or appeal the decision.
9. There are currently more than 2000 people officially listed as terrorists by the Egyptian State.

2017 Amendments to the Criminal Code

10. On 27 April 2017, the Egyptian president issued Law 11, which amended the Code of Criminal Procedure and the law on appeal procedures before the Cassation Court, ostensibly to ensure speedier trial proceedings (notably in terrorism cases), but that in practice has removed several fair trial protections.
11. Ignoring objections from the legislation committee in the State Council, which is tasked with reviewing legislation, article 277 of the Code of Criminal Procedure was amended to give all courts total discretion as to whether they hear or dismiss witnesses.
12. Article 289 of the Code of Criminal Procedure was also amended to permit courts to use accepted statements gathered during preliminary interrogations as evidence, even though these statements were often given without the presence of a lawyer.

Recommendations:

13. Immediately amend all legislation related to counterterrorism and national security, notably the *2015 Anti-Terrorism Law No. 94* and the *2015 Terrorism Entities Law No. 8*, to ensure that all laws are in line with international law and the full respect for human rights.
14. Ensure that any amendments to the Code of Criminal Procedure respect and process due process rights, including for cases related to terrorism and national security.

POLICING TACTICS and PRECAUTIONARY MEASURES

15. Under the pretext of counterterrorism, the Egyptian security forces have engaged in numerous policing tactics and punishments against alleged "terrorists", but that have in practice violated the basic rights of those targeted and been used to silence, repress, and control political opponents and critics of the government.

Pretrial detention and enforced disappearance

16. Article 143 of the Code of Criminal Procedure states that pre-trial detention cannot exceed a period of two years, but many individuals have been kept in detention without trial for longer than this. In addition, Egyptian law outlines very specific conditions for when pretrial detention can be imposed (such as if the suspect poses a flight risk or if there is a risk of evidence tampering), yet the Egyptian authorities have ignored these conditions and have been using pretrial detention widely and as a tool to silence legitimate criticism under the pretext of national security.
17. For example, writer Hisham Gaafar was arrested in October 2015 and later charged with alleged crimes related to “national security”. He has yet to face trial, grossly violating the two year maximum for pre-trial detention, and in addition has been subjected to solitary confinement and inhumane conditions.³
18. The Egyptian authorities have not only held people in prolonged and unjustified pretrial detention, but have also denied them access to their lawyers and families during these detentions, holding them incommunicado to what amounts to enforced disappearance.
19. Adalah Center for Rights and Freedoms monitored the trial procedures in 27 cases between July 2013 and December 2017, during which 138 individuals were subjected to enforced disappearance at some time during the proceedings.
20. One especially egregious case is that of Ezzat Ghoniem and Azzoz Mahgoub, who were arrested on terrorism-related charges on 1 March 2018. The court ordered their probational release 4 September 2018. They were never released, and 10 days later they were forcibly disappeared by the authorities. Ezzat Ghoniem remained forcibly disappeared until 9 February 2019, when lawyers saw him at the Cairo Criminal Court. Azzoz Mahgoub still remains incommunicado.⁴

Precautionary measures

21. According to Egyptian law, under certain circumstances the authorities may temporarily restrict the freedom of individuals suspected or convicted of a crime, including but not restricted to house arrest, police surveillance, and travel bans. However, since 2013 the Egyptian State has abused these measures under the pretext of counterterrorism and national security, particularly targeting journalists, activists, and human rights defenders.
22. In 2018 alone, the Egyptian Front for Human Rights noted that at least 174 political detainees were subjected to precautionary measures upon their release.⁵

Police surveillance

23. Article 28 of the Code of Criminal Procedure allows for police surveillance to be imposed in very specific cases, notably only against those who have been convicted of a felony. However, the Egyptian state has been subjecting individuals to surveillance and “judicial supervision” without providing justification for the need for such measures of control. As such, it appears the

³ For more information, see <https://cihrs.org/rights-organizations-and-public-figures-the-case-lays-the-groundwork-for-the-confiscation-of-the-right-of-academic-research-and-freedom-of-information-and-infringes-freedom-of-association-and-freedom/?lang=en>

⁴ For more information, see <https://www.amnesty.org/en/documents/mde12/9847/2019/en/>

⁵ <https://egyptianfront.org/ar/wp-content/uploads/2019/01/%D8%AA%D8%AD%D8%AA-%D8%A7%D9%84%D8%A8%D8%B5%D8%B11.pdf>, page 4 (available only in Arabic)

authorities are simply imposing these restrictions on critics of the government in order to disrupt their daily lives and prevent them from engaging in their legitimate work, since there seems to be no other justification for such surveillance measures.

24. Examples include photojournalist Mahmoud Abou Zeid, also known as Shawkan, and 213 people who were imprisoned in the Al-Fath Mosque case. They have all been sentenced to five years of "police observation" after having served their prison terms, subjecting large numbers of people to what appears to be arbitrary restrictions to their basic freedoms by forcing them to present themselves at the police station on a daily basis.⁶
25. These measures not only limit the ability of those affected to move freely, but they also have serious negative impacts on their economic and social rights, limiting their ability to study or work, and impeding their reintegration into society.⁷

Travel Bans

26. Under the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights, both of which Egypt has ratified, everyone has the right to leave any country, including their own. The Egyptian authorities have used the pretext of "national security" to curb this right by widely imposing travel bans, even on people who pose no credible threat to national security, notably against activists, lawyers, and journalists.
27. From June 2014 to February 2016, CIHRS and AFTE documented at least 217 people, Egyptians and non-Egyptians, who were detained at the airport and either prohibited from travel or denied entry into Egypt.⁸ Many of these travel bans were apparently imposed by decree and completely failed to follow any due process.
28. All the travel bans, even those issued by judicial order, failed to meet the most basic requirements of transparency in informing their targets of the ban's rationale and providing them with an official document stating this rationale. Most often, individuals discovered they were subject to a travel ban only once they were detained at the airport.

Recommendations

29. Immediately release or try individual who have been in preventive detention for longer than two years, and ensure that the duration of pre-trial detentions complies with articles 142 and 143 of the Code of Criminal Procedure.
30. Ensure that trials and precautionary measures comply with due process rights enshrined in the ICCPR.
31. Immediately lift all travel bans and police surveillance measures against human rights defenders, activists, journalists and anyone being prevented from free movement simply due to the exercise of their right to free expression.
32. Ensure that all current and future travel bans are issued through transparent judicial procedures and appeal processes are independent and fair.

⁶ For more information, see <https://egyptianfront.org/statments/joint-statement/for-unconditioned-freedom-stop-political-use-of-probation-and-precautionary-measures/>

⁷ For more information on the abuse of "police probation" and its multiple negative consequences, see <http://egyptianfront.org/ar/wp-content/uploads/2018/09/Dual-Punishment11.pdf>

⁸ See CIHRS/AFTE report on the abuse of travel bans: <https://cihrs.org/wp-content/uploads/2016/11/Travel-Ban-Report-pdf.pdf>

33. Immediately end the practice of incommunicado detentions, ensuring that detainees' rights to access to their lawyers and families are respected.

TERRORISM CIRCUIT COURTS

34. In 2013 the Egyptian justice minister issued Decree 10412/2013 designating five felony court circuits, increased to nine in judicial year 2018-2019, as "terrorism circuits." The jurisdiction of these courts is not clearly defined, but they were ostensibly created to try cases linked to threats to national security. The authorities can directly assign cases to these terrorism circuits as they wish, and cases are seemingly arbitrarily transferred out of the courts of original jurisdiction and assigned to the terrorism circuits.
35. Numerous activists and journalists have been prosecuted in these courts for alleged crimes that do not qualify as legitimate issues of national security. For example, on 24 February 2015 one of these courts tried and sentenced political activist Alaa Abd El Fattah and 17 other people to five years in prison simply for organizing an unlicensed demonstration. In September 2018 photojournalist Mahmoud Abu Zeid, known as Shawkan, was tried by one of these courts and also received five years in prison for photographing protests in 2013.

Violations of the right to a fair trial

36. Judges presiding over the terrorism circuit courts were handpicked by the head of the High court of Appeals and have consistently handed down heavy sentences (life imprisonment and death).
37. The seats of these circuit courts were moved to facilities operated by the Interior Ministry, such as the Police Academy and Police Institute. The courtrooms have been outfitted with glass cages where defendants are seated, equipped with speakers under the direct control of the presiding judge. This allows the judge to cut defendants off completely from speaking with or hearing what is happening outside of the cage, leaving defendants unable to hear and follow trial proceedings, court procedures, and their defense and thus denied their fundamental right to due process.
38. These courts deny entry to most of the public and journalists without legitimate justification, undermining the public nature of proceedings, a principle enshrined in Article 14(1) of the International Covenant on Civil and Political Rights.
39. Trials in these courts rely fundamentally, and often exclusively, on police investigative reports as independent proof of defendants' guilt, and they issue mass death sentences and prolonged prison sentences. For example, in the February 2015 trial of the Kerdasa case, the fifth circuit of the Giza Felony Court sentenced 183 people to death based solely on police reports.
40. The terrorism circuits have persistently violated the right of defense, holding trials in the complete absence of defense counsel. The seventh circuit of the Minya Felony Court, hearing the case of events in al-Adwa and Matay in 2014, sentenced hundreds of defendants to death, including children, in the absence of any defense counsel. The Minya Lawyers Syndicate had refused to appear before these courts due to their misapplication of the law, but the court nevertheless continued proceedings without appointing alternate defense attorneys for the defendants. In February 2015, the fifth circuit of the Giza Felony Court also sentenced several defendants without attorneys to

death in the Kerdasa case without giving the defense counsel adequate opportunity to mount their defense. In this case the Egyptian Court of Cassation ruled that the right to defense had been violated and ordered a retrial⁹, but the terrorism circuits continue to proceed with trials without permitting defendants to be properly represented in court.

41. Article 124 of the Code of Criminal Procedure allows the prosecutor to initiate an interrogation without the presence of a lawyer in cases of flagrante delicto or cases where speed is a necessity due to fear of loss of evidence. However, denying individuals access to a lawyer during interrogations has become the norm in cases allegedly related to terrorism or national security, even when the situation does not warrant a time-sensitive interrogation without a lawyer. Between June 2014 and December 2017, Adalah Center for Rights and Freedoms monitored the trials of 28 cases linked to terrorism or national security charges, and noted that 356 defendants had been interrogated with the presence of their lawyers
42. These circuits at times appoint counsel for defendants who do not wish to be represented by these court-appointed lawyers, but nevertheless continue with the trial proceedings. For example, in November 2014, the Egyptian Lawyers Syndicate issued a decision barring its members from appearing before the fifth circuit of the Giza Felony Court in the trial of activist Ahmed Douma after the presiding judge had referred three lawyers to the Public Prosecution for questioning on charges of inciting rioting and failure to comply with professional ethics, and the court forced Douma to advance with the trial with a court-appointed lawyer against his wishes. The same circuit pursued the same tactic in the April 2015 trial for the Rabaa operations' room. When some defense lawyers failed to appear in court due to personal emergencies, the court refused to adjourn proceedings and appointed alternate defense counsel, which mounted a purely formal defense consisting of simply denying the charges, according to a ruling of the Egyptian Court of Cassation.¹⁰

Recommendations:

43. Clearly define the jurisdiction of any special courts, and ensure that the selection of judges, assignment of cases and lawyers, and court proceedings all fully respect due process rights.
44. Immediately stop holding trials in isolated facilities that violate due process rights, and transfer all current and future trials to the court buildings of the Ministry of Justice, where journalists, civil society, and defendants' lawyers and families can all access the trial proceedings.
45. Ensure all persons facing trial have adequate time and facilities for the preparation of their defense and full access to a lawyers of their own choosing
46. Immediately annul all verdicts and sentences handed down in trials that violated the rights enshrined in article 14 of the ICCPR, and hold retrials where necessary fully respecting all due process rights.

FREEDOM OF EXPRESSION & FREEDOM OF THE PRESS

⁹ Ruling from the Court of Cassation (in Arabic) available here: <https://manshurat.org/node/1434>

¹⁰ Case no. 21819/85, ruling issued on 3 December 2015, page 5

47. Under the pretext of counterterrorism, the State has systematically targeted journalists, preventing them from delivering free and open news to the population and subjecting them to personal attacks. Journalists and bloggers are the targets of many forms of human rights violations, including censorship violating their right to free expression, prolonged provisional detention, imprisonment after unfair trials, unjustified raids and confiscation of their equipment, and even physical attacks.

Repressive legislation

48. Recommendations made during Egypt's 2nd UPR cycle calling for the amendment of the penal code to guarantee freedom of expression¹¹ were not implemented. Not only does Egypt's penal code and legislation continue to severely curtail free expression, but new laws were passed since 2014 further consolidating control of the State over the media and journalism, and through these laws journalists have suffered censorship and legal persecution.

49. Article 35 of the *2015 Anti-Terrorism Law No. 94* bans the publication of information on terrorism operations that differs from the official State narrative, subjecting individuals and media outlets to heavy fines for contradicting the State.

50. Article 36 of the *2015 Anti-Terrorism Law No. 94* states that journalists must have special authorization to record or broadcast any trial proceedings related to terrorism charges, greatly limiting the transparency of the courts and subjecting journalists to heavy fines if they are found in violation of this law.

51. The *2018 Media and Journalism Regulatory Law No. 180* broadened the number of topics subjected to censorship. This law permits the Supreme Council for Media Regulation to block websites and remove content that criticize or contradict the official State narrative on a number of issues.

52. Article 27 of the *2018 Cyber Crimes Law No. 175* criminalizes the founding, administration, and use of any website considered in violation of the ambiguously worded terrorism laws, including the publication of any information that counters the State narrative on national security and terrorism cases.

Censorship and raids

53. From 2014 until the present, the State has resumed the practice of extrajudicially censoring newspapers and media outlets. Numerous media websites have had content removed and newspapers have been prevented from printing. Often times this censorship is ordered by "unnamed State authorities". There are several documented cases of a website being blocked or the printing of a newspaper being suspended, and when media outlets appeal to the State they are simply informed that the authorities do not know who has ordered the censorship but no action is taken to reinstate the publication.

54. In 2015, the state-owned Al-Ahram print house repeatedly halted the printing of the privately owned Al-Sabah, Al-Masry Al-Youm, Al-Mesryoon and Sout Al-Oumma after they had published articles criticizing government officials.

55. From 24 May 2017 until now, human rights groups in Egypt have documented more than 500 websites being blocked in Egypt, including the websites of media agencies such as Mada Masr, Al-Bedaya and Al-Araby Al-Jadid.

¹¹ A/HRC/28/16/Add.1, 2nd cycle, recommendations 166.208 (Australia), 166.209 (Brazil), 166.211 (Lithuania), 166.214 (Germany), and 166.221 (Mexico)

56. In 2014, two news agencies - Yakin Network and Hasry - were raided and their equipment was confiscated. In 2016, the headquarters of two private media entities - Masr Al-Arabiya and Al-Tariq - were raided, as was the journalists' syndicate. Masr Al-Arabiya's headquarters was raided again in 2018 by the police.

Arrests, prolonged detention, and unfair trials

57. Recommendations made during Egypt's 2nd UPR cycle calling for the release of all those imprisoned for exercising their right to freedom of expression¹² were completely ignored. Not only did journalists who were unjustly imprisoned remain detained, but there were numerous new cases of judicial persecution and imprisonment of journalists and media representatives simply for having performed their legitimate work.

58. During the 2016 of Masr Al-Arabiya, the agency's editor in chief "Adel Sabry" was arrested and has been kept under pre-trial detention since then, along with journalist Mostafa Al-Aa'sar, both for allegedly "spreading false news" and "belonging to a terrorist group". Since 2015, many journalists have faced similar charges for apparently simply publicly contradicting or criticizing the government.

Physical attacks

59. Recommendations made during Egypt's 2nd UPR cycle calling for the protection of journalists from threats and attacks¹³ were not implemented, as attacks against journalists have continued with total impunity.

60. Throughout the year 2014, the independent human rights community documented 148 cases of journalists being physically attacked. In 2015, another 84 beatings of journalists were documented. In 2017, there were at least 9 documented cases of physical attacks against journalists and media professionals. Some of these physical attacks were committed by police forces, and others were cases of private citizens attacking journalists while citing claims by the State that these journalists support terrorism and threaten national security through their work.

Recommendations:

61. Immediately amend all laws restricting free expression, notably article 35 of the *2015 Anti-Terrorism Law No. 94* and the *2018 Media and Journalism Regulatory Law No. 180* in order to allow independent media to publish information and opinions regarding the State's counterterrorism practices and policies.

62. Immediately release and drop all charges against those detained and/or charged for simply exercising their right to freedom of expression, notably journalists and media representatives.

HUMAN RIGHTS IMPACTS OF COUNTERTERRORISM EFFORTS IN THE SINAI

63. One of the areas of Egypt suffering particularly acute human rights violations in the context of the State's counterterrorism operations is the North Sinai.

¹² A/HRC/28/16/Add.1, 2nd cycle, recommendations 166.207 (Estonia), 166.215 (United States of America), 166.216 (Austria), and 166.217 (Norway)

¹³ A/HRC/28/16/Add.1, 2nd cycle, recommendations 166.206 (Czech Republic), 166.212 (Tunisia), and 166.218 (Luxembourg)

Since October 2014, the people of the North Sinai governorate have been living under a state of emergency under the pretext of a "war against terrorism".

64. On 29 November 2017, President Sisi ordered the Chief of Staff of the Armed Forces and the Minister of Interior to "exterminate terrorism in Sinai", with no mention for the need to respect human rights. As a result, the security forces launched the "Comprehensive Operation" in North Sinai in February 2018, which continues in effect until today with no end in sight.
65. The state of emergency and the counterterrorism operations have not only resulted in unjustly prolonged restrictions to people's freedoms and basic rights, but has also given way to outright human rights violations at the hands of State security forces. These violations include extrajudicial killings by the military, arbitrary arrests and detentions, and violations of social and economic rights.

Extrajudicial killings and injuries

66. Egyptian Front has tracked official statements by the military when they claim to have killed or injured alleged terrorists in North Sinai. None of these cases of injuries or deaths are ever brought before the courts or transparent investigations to determine whether they were in fact caused by legitimate uses of force, and based on testimonies by witnesses and victims' families, they appear in fact to be extrajudicial killings.
67. Between October 2014 and the end of 2018, Egyptian Front documented military statements claiming a total of 2811 people killed and 88 people injured by the security forces, all allegedly suspected terrorists. However, the authorities have not disclosed the names of these individuals, nor provided any evidence to justify their deaths or injuries. In fact, the authorities themselves declare that in some cases the alleged terrorists were killed or injured in premeditated military attacks against large groups of more than 50 people, where it is arguably impossible to distinguish if individuals in the group are the suspected terrorists or ordinary civilians.
68. There have also been reports of at least four children being injured in attacks by the armed forces, with no investigations or assurances for justice from the authorities. On 11 May 2018, military forces at Al Daraeb checkpoint fired at Abo Zare, South Sheik Zuwayed, injuring three brothers: Islam Awwad Hassan (9 years old), Hassan Awwad Hassan (7 years old), and Belal Awwad Hassan (4 years old). A similar situation occurred on 2 November 2018, when the armed forces fired bombs at a family home near El Masoura, South Rafah, injuring a three-year-old girl named Zeinan H. The reason for these attacks is unclear, although such attacks are reported to be frequent, allegedly because there are terrorists believed to be hiding in the area. Nevertheless, no explanation or compensation was provided to the family, and it seems no precautions have been taken to ensure the safety of civilians, notably children, during these spontaneous bombings of residential areas.
69. Since the beginning of the Comprehensive Operation in February 2018, Egyptian Front has documented 23 civilians killed by the armed forces in North Sinai. The authorities consistently deny ever having been involved in the death of any civilian. They have acknowledged only one of the 23 cases, the killing of Mohamed Ibrahim Gabr, claiming he was a terrorist, but no evidence has been presented or investigation opened into his death.

70. Another one of the 23 cases is the killing of seven-year-old Saleh Abd elHameed alRakeeba who was shot in the head by a stray bullet from the military forces in Rafah on 17 March 2018. There was no investigation or attempt at ensuring justice in this case.
71. On 21 March 2018, a large crowd gathered in al Masoora district, West Rafah, to buy wheat after a long period of food shortages. The military, apparently in an attempt to disperse the crowd, shot randomly and ended up shooting two young boys. 9-year old Abdullah Mohamed Amer died instantly, and 11-year old Mohamed Ezz elDin dies the following day as a result of his injuries. Again, no inquiry or attempt at justice was made.

Freedom of information and freedom of the press

72. Information on the situation in North Sinai, notably on counterterrorism operations and their impacts on the population, is almost exclusively limited to official statements from the security forces, most often lauding “victories” against terrorists and refusing to share information or respond to questions and concerns regarding human rights. Media and civil society organizations are restricted from investigating and publishing information on North Sinai, and they risk arbitrary arrest and heavy penalties linked to terrorism crimes if they publish anything that counters the official State narrative.
73. One prominent example is the case of freelance journalist Ismael Al-Eskandarani, who was arrested and charged with “joining a terrorist organization” and “spreading false news” solely on the basis of his journalism work in North Sinai. He was tried in a military court and on 22 May 2018 was sentenced to 10 years in prison.
74. Al-Eskandarani is but one glaring example among many of intimidation and persecution of journalists in North Sinai, which has resulted in self-censorship and a lack of independent information on the situation in the region.

Arbitrary arrests

75. According to official statements, between October 2014 and the end of 2018, 8226 people were arrested in North Sinai for “suspected terrorism” or for “security reasons”. The whereabouts and status of the majority of these people cannot be confirmed, as the authorities rarely provide transparent information about these cases, but it is reasonable to believe that their due process rights have not been respected, as is the case for similar cases in other parts of the country and the few cases we have been able to follow in North Sinai.

Destruction of property

76. The security forces have adopted a practice of burning and destroying the property of North Sinai residents, allegedly in the context of counterterrorism operations, but without providing any justification or based on any legal process.
77. Between October 2014 and the end of 2018, the security forces have publicly acknowledged burning 2649 motorbikes, 1572 cars, and 519 four-wheel drive vehicles, and has destroyed 216 warehouses, 1431 houses, and 1139 huts and dens.

Violations of economic, social, and cultural rights

78. The social and economic crisis in North Sinai has escalated since 2018 with the launch of the Comprehensive Operation, resulting in unprecedented food and water shortages. Starting in February 2018, a curfew was imposed and movement from and to North Sinai has been restricted allegedly due to

“security concerns”. With roads being blocked and the delivery of food and other supplies from outside of North Sinai prohibited, a severe food shortage has resulted. The military thus became the main supplier of food to the region, but has failed to meet the needs of the population.

79. Since the launch of the Comprehensive Operation, North Sinai has suffered from constant disruptions of internet, telecommunication, and electricity connections, without warning or explanation. This has had serious negative impacts, including on their ability to work and access basic services and information.
80. Access to education in North Sinai has also been severely restricted due to the State’s counterterrorism operations. On 14 February 2018 the University of Sinai postponed the beginning of the study period due to security concerns linked to the Comprehensive Operation. The university eventually decided to transfer students to other universities in the Delta outside Sinai. With public transportation largely unavailable and becoming ever more costly, most students have been unable to attend classes and continue their education.
81. The same has happened with highschools in North Sinai, leaving students with no access to education.

Recommendations:

82. Immediately end the state of emergency in North Sinai, and allow the free movement of goods and people to and from the region.
83. Investigate all cases of extrajudicial killings in the Sinai and ensure that those responsible are held to account through thorough investigations and independent and transparent trials.
84. Immediately release all journalists and media personnel detained in the Sinai for simply conducting their legitimate work, and ensure that national and international media have access to the Sinai and are able to freely publish information on what is occurring in the region without fear of reprisals.

ANNEX 1: CONTRIBUTING ORGANIZATIONS

This joint submission was prepared by the following organizations:



Committee for Justice (CFJ)

Website: www.cfjustice.org

CFJ is an independent association for the defense of human rights based in Geneva, Switzerland, established in 2015. CFJ's mission is to defend victims of and persons vulnerable to human rights violations with a focus on the Middle East and North Africa region. CFJ seeks – through monitoring and documentation – to present a credible picture of human rights abuses enabling the international community, CSOs and knowledge hubs to provide alternative solutions concerning the human rights situation in the region, obtain justice and reparations for victims, and counter impunity for perpetrators of human rights violations.



Adalah Center for Rights and Freedoms (Adalah)

Website: www.adalaheg.org

Adalah is a non-governmental independent legal and human rights center established in 2014. It works to defend rights and freedoms through legal support and strategic litigation, research, monitoring and documentation, advocacy activities and capacity building. It has four programs in particular: Criminal Justice Program, Student Rights and Academic Freedoms Program, Refugee Program and Minority Program.



Arab Foundation for Civil and Political Rights-Nedal (AFCPR-Nedal)

Website: www.afcpr-nedal.org

AFCPR-Nedal, founded in 2014, is a non-governmental organization and law firm certified by the Bar Association in Egypt. The organization works to support human rights, and focuses on four main areas: the death penalty, torture, freedom of expression, and enforced disappearances. They provide legal aid for victims, publish studies on human rights, and organize training sessions for lawyers and activists on both legal procedures and documentation. At the end of 2015, AFCPR-Nedal joined the World Coalition against the Death Penalty (WCAPD). In 2019 AFCPR-Nedal applied for ECOSOC consultative status.



Cairo Institute for Human Rights Studies (CIHRS)

Website: www.cihrs.org

Founded in 1993, CIHRS is an independent regional policy institute & non-governmental organisation, dedicated to the promotion of political & civil rights, justice and accountability. CIHRS empowers local change makers and elevates their voices to advocate for the respect of human rights and democracy in the Middle East & North Africa. Through advocacy, networking, research and capacity-building, CIHRS aims to empower and elevate the voices of local change makers. CIHRS enjoys consultative status with UN ECOSOC since 1997.



Egyptian Front for Human Rights (EFHR)

Website: www.egyptianfront.org

EFHR is an independent non-governmental organization established in the Czech Republic in 2017. EFHR works to improve the human rights situation in Egypt through research, advocacy and legal work, including defending journalists, bloggers, activists, and human rights defenders in court facing unjust criminal proceedings.



Humena For Human Rights and Civic Engagement (Humena)

Website: www.humena.org

Humena is a regional human rights organization, founded in 2018, working on advocacy and research on human rights issues, notably in Egypt, Lebanon, Syria, and Bahrain. Humena advocates the adoption of human rights-based approaches (RBA) through strengthening accountability, promoting non-discrimination, and strengthening partnerships among NGOs in the region.



The Regional Center for Rights and Liberties (RCRL)

Website: rc-rl.org

RCRL is an Egyptian non-profit law firm founded upon the law firm rule in February 2016. The organization consists of lawyers and researchers working as human rights defenders in Egypt and regionally, taking human rights principles as their reference and approaching peaceful action as their method to ensure the dignity and the freedom of the individual. The center provides free legal support to journalists and media professionals, conducts legal analytical and policy papers and organizes advocacy campaigns for imprisoned journalists.