



# **Sinai Women and Girls in the Grip of Violence**

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This report was carried out by Belady: An Island for Humanity - a human rights organization supporting Egyptian women and children since 2017.

### Background of the Organization:

Belady aims to dismantle institutionalised violence by documenting the Egyptian regime's violations against women and children and educating national and international stakeholders and decision-makers about them. We also pressure and advocate the amendment of legislation that codifies violations while calling upon authorities to implement overlooked laws that would ensure respect for rights and freedoms. Belady provides legal and psychological support and protection for Egyptian women and children who have been detained under the political backdrop.

This report is part of the "Women and Girls of Sinai" project that Belady launched in December 2022. It sheds light on the suffering of North Sinai women and girls who live between the hammer of the Islamic State and the anvil of the Egyptian authorities.

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## Methodology

This report sheds light on the plight of women and girls who were residing in the areas seized by ISIS-Sinai Province, and then arrested and charged in cases known in the media as "Sinai Province" or "ISIS" cases.

This report is based on data of **106** women and **6** girls who were arrested between **2018** and **2022** and included in **24** cases (**6** cases before the Supreme State Security Prosecution, **15** cases before Military Prosecutions and Courts, **3** cases before the Public Prosecutions and Misdemeanour Courts). Belady selected a sample of **94** women and girls, wherein sufficient data was available. From that sample, **19** were asked about their personal and family lives in matters relating to the cases in which they are charged, and **26** were asked a set of other documentary questions. The report also includes an additional sample consisting of two women, a girl, and a young man who was from, or used to reside, with the North Sinai tribes.

Belady has collected this data using several methods including interviews conducted with a number of former women prisoners and their families between **2019** and **2022**, interviews conducted with individuals residing in North Sinai Governorate in December **2022**, and interviews with direct secondary sources between **2019** and **2022**. Belady also relied on indirect secondary sources such as follow-ups on press, news websites, and social media, and follow-ups on reports, statistics, and observational data by civil society organizations concerned with Sinai Province.

Belady faced a number of difficulties in writing this report including obtaining accurate and detailed information about the way and order of life within the North Sinai Governorate- whose residents suffer from continuous marginalization by the Egyptian authorities and the media. Another obstacle is the absence of any official information on the situation of women and girls in Sinai governorate, which is worsened by the policy of complete blackout pursued by the Egyptian authorities. In addition, Belady faced difficulty in reaching the women and girls in question, either because they are in Egyptian prisons or because they decline to provide information after their release for security reasons. Communication with the families was also difficult due to the limited means of communication in North Sinai, or due to their refusal to participate due to security considerations.

It should be noted that Belady filed a complaint with the United Nations on July 31st, 2022, against the violations committed by the Egyptian authorities regarding the rehabilitation and integration of women and girls charged in the ISIS and Sinai Province cases<sup>1</sup>.

## Introduction: About the North Sinai Governorate

The North Sinai Governorate is located in the northeast of the Arab Republic of Egypt, on a peninsula bordering occupied Palestine, overlooking the Mediterranean and the Red Sea. Its population is nearly half a million, but has decreased to 450,531 people due to the war on terrorism that has been raging for years<sup>2</sup>.

Sinai joined the local administration for the first time by Republican Decree No. 811 of 1974. In 1979, another Decree, no. 84, was issued dividing the Sinai Peninsula into the governorates of North and South Sinai due to its large area. North Sinai includes 6 administrative centres: Arish - Rafah - Sheikh Zuweid - Bir El-Abd - El-Hasna - Nakhel and includes 84 villages<sup>3</sup>.

For decades, the North Sinai governorate has suffered from armed conflicts. It was invaded by the Israeli military in 1956, wherein the military withdrew from it one year later<sup>4</sup>. In 1967, it was subjected again to Israeli occupation when the state built agricultural settlements<sup>5</sup>. After signing the Camp David Accords in 1978, the Israeli withdrawal from the governorate began gradually, until the region was completely liberated in 1982<sup>6</sup>.

After its liberation, the governorate of half a million residents witnessed decades of neglect by the Egyptian authorities. The suffering of the residents of North Sinai worsened after the revolution of January 25th, 2011, due to the deterioration of the economic and social conditions, coupled with the absence of political stability. Those conditions were further aggravated by the presence of the

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<sup>1</sup> "Complaint on the Rehabilitation and Integration of Women and Girls Accused in 'Daesh' and 'Sinai' Cases", BELADY- An Island For Humanity, 31/7/2022

<sup>2</sup> Central Agency for Public Mobilization and Statistics, page accessed in December 2022, on the link: <https://www.capmas.gov.eg/Pages/populationClock.aspx#>

<sup>3</sup> The previous source

<sup>4</sup> The previous source

<sup>5</sup> The previous source

<sup>6</sup> The previous source

"Sinai Province", which declared its allegiance to ISIS in November 2014<sup>7</sup>. Accordingly, these circumstances were utilised by Egyptian authorities as justifications to launch several expanded military operations with the aim of purging the region from terrorist and armed groups, starting with the "Operation Eagle", which was launched in 2011<sup>8</sup>, and then the the "Expanded Military Operation" in 2013<sup>9</sup>, and finally the "Comprehensive Operation in Sinai" in 2018<sup>10</sup>.

North Sinai residents have been subjected to various types of violations by both sides of the conflict in the war on terror such as arbitrary demolition of citizens' houses<sup>11</sup>, forced displacement<sup>12</sup>, illegal or arbitrary killings - including extrajudicial killings by the government or its agents and by terrorist groups - kidnappings, enforced disappearances by national security forces, arbitrary arrest, torture, inhuman or degrading treatment, political imprisonment, along with the suite of grave violations that follow<sup>13</sup>.

As for the local system of governance, the tribal system is widespread in North Sinai, and the North Sinai tribes have suffered from marginalization and neglect by the successive administration. For those who live in the desert mountains, negligence and marginalization are more intense, as the state considers them as "Sinai Bedouins" and not Egyptian citizens<sup>14</sup>.

Sinai tribes lack many of the basic necessities of life. They suffer from a noticeable deterioration in the infrastructure of the entire governorate, especially in places far from urban areas, where deterioration increases dramatically in the remote mountains. A member of the El-Tarabin tribe, who lives in El-Qusaima area of the North Sinai Governorate, stated during his interview with Belady that the electricity is cut off permanently. As for water and sewage networks, the tribe

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<sup>7</sup> "About the organization of Sinai Province," BBC Arabic, 1/7/2015, via this link: <https://2u.pw/J0m6aE>

<sup>8</sup> "Egypt: The army begins the Eagle Operation against militants in Sinai," BBC Arabic, 15/8/2011, via this link: <https://2u.pw/atPrjM>

<sup>9</sup> "After 100 days of extensive military operations, systematic violations continue and suffocating suffering in Sinai," the Egyptian Center for Economic and Social Rights, 22/12/2013, via this link: <https://2u.pw/iDKYIW>

<sup>10</sup> Alison McManus, "The Egyptian Army and the Campaign to Contain Terrorism in North Sinai," Carnegie Endowment for International Peace, 7/13/2020, via this link: <https://carnegieendowment.org/sada/82285>

<sup>11</sup> "The Egyptian Center expresses its concern about the arbitrary demolition of citizens' homes in Rafah," The Egyptian Center for Economic and Social Rights, 9/7/2013, via this link: <https://2u.pw/j7uxp6>

<sup>12</sup> "Sinai is out of coverage and thousands of families are threatened with forced displacement," Arabi 21, via this link: <https://2u.pw/MeAQdV>

<sup>13</sup> Human Rights Report in Egypt 2021, US Embassy in Egypt, 18/7/2022, via this link: <https://2u.pw/uq6bZl>

<sup>14</sup> BBC News, Bedouins of Sinai: "Marginalized, but we are no less affiliated with Egypt," via this link: <https://2u.pw/SSiJ4W>

members depend on tanks connected to their houses that they fill themselves. Besides, the majority of roads remain unpaved, in addition to the lack of schools and educational institutes. Moreover, the healthcare system is entirely deficient; there are no equipped hospitals capable of receiving emergency cases or performing surgeries

*"If a person in El-Qusaima breaks his legs and needs surgery, he/she must travel to El-Arish, because the best the hospital can do here is to stitch up your wound."*

To exacerbate the dismal living conditions of women and girls, the tribal system is characterised by marginalization of women and the violation of their rights as will be shown below.

## I. Sinai Women and Girls between the Hammer of the Tribal System and the Anvil of ISIS

Sinai women and girls are deprived of many rights prescribed to them by Egyptian law and international treaties and instruments due to the prevailing customs and norms that are implemented in the name of religion, and that have impeded women's participation in social, economic, and political life. According to the National Council for Women's Rights<sup>15</sup>, the status of the Sinai women and girls has deteriorated to the point that many of them are unable to obtain birth certificates for their children, and cannot obtain identity cards for themselves except in cases of extreme necessity. In addition, they generally do not have marriage certificates that prove their marriages in light of the customs and traditions of the tribe, resulting in the loss of the woman's right in case of divorce or the death of the husband. In addition, as polygamy is widespread within Sinai tribes,<sup>16</sup>women are even deprived of the right to oppose it.

### 1. ISIS Deepens the Tragedy

For two decades, the Sinai Peninsula has witnessed a series of terrorist attacks, especially between **2004** and **2006**, the most serious of which were the Taba bombings in South Sinai<sup>17</sup>. However, the presence of a strong terrorist organization capable of mobilizing and surviving for years in face of successive campaigns by the Egyptian army and security forces only took place

<sup>15</sup> The National Council for Women's Rights, Sinai Women's Development, via this link: <https://2u.pw/v58zTd>

<sup>16</sup> Rose Al-Youssef, Marriage of Shame, via this link: <https://2u.pw/v58zTd>

<sup>17</sup> Human Rights Watch, "Egypt: Arrests and Torture over the Taba Bombings," via this link: <https://2u.pw/ulz5Qy>

after the revolution of January 25th, 2011, when the "Ansar Beit El-Maqdis" group declared its existence in 2012<sup>18</sup> and carried out several terrorist attacks, such as the Rafah attack<sup>19</sup>, which resulted in the death of 17 soldiers, along with the attempted assassination of Interior Minister Mohamed Ibrahim.

In November 2014, the organization declared its allegiance to "ISIS<sup>20</sup>" and considered itself a regional branch of it, and changed its name to "Sinai Province". A wave of violence ensued resulting in the death of 3076 militants and 1226 military and police personnel between January 2014 and June 2018 in North Sinai, according to the Tahrir Institute for Middle East Policy in Washington<sup>21</sup>. In the same vein, Belady observed the killing of at least 11 young girls, a woman, and an infant girl in the attacks.

## 2. Violations under the Tribal Regime and ISIS:

### A. Forced Illiteracy:

Illiteracy lays the foundation of violence entrenched in the minds of ISIS. Although the right to education is a fundamental right guaranteed by international covenants and treaties,<sup>22</sup> illiteracy is widespread among Sinai women and girls and it is supported by tribal costumes and nurtured by the Egyptian state. According to statistics published by the General Authority for Adult Education concerning North Sinai Governorate, until July 2022, the estimated number of illiterate females for the age group 15 years old and above reached (28.3%<sup>23</sup>), and for the age group 10 years and above (24.7%<sup>24</sup>). Thus, nearly a quarter of the girls in the governorate are completely illiterate, and nearly a third of them do not complete the primary stages of education.

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<sup>18</sup> France 24, "Who is Ansar Bayt El-Maqdis group that became the arm of the Islamic State in Sinai?", via this link:

<https://2u.pw/UJOPKY>

<sup>19</sup> Sky News Arabia, "Eight of the perpetrators of the Rafah attack were killed," via this link: <https://2u.pw/OIWG86>

<sup>20</sup> Reuters News Agency, "Statement: Ansar Bayt al-Maqdis group in Egypt pledges allegiance to the Islamic State," via this link:

<https://2u.pw/kGwVsp>

<sup>21</sup> "Egypt Security Watch," The Tahrir Institute for Middle East Policy, via this link: <https://timep.org/esw>

<sup>22</sup> United Nations, the Universal Declaration of Human Rights, Article 26, via this link: <https://2u.pw/rYzH7W>

<sup>23</sup> The Public Authority for Adult Education, estimated indicators of the population and illiteracy, distributed among centers and sections for the age group 15 years and over until July 2022, via this link: <https://2u.pw/JVM0L5>

<sup>24</sup> The Public Authority for Adult Education, estimated indicators of the population and illiteracy, distributed among centers and sections for the age group 10 years and over until July 2022, at the link: <https://2u.pw/hmB7aX>

Furthermore, the governorate suffers a shortage of teachers<sup>25</sup>, in conjunction with social restrictions that prevent the woman or the girl who lives in the tribal system from stepping outside the scope of the tribe, and in some cases from leaving the yard of the house or the tents where they live. A woman or a girl going out to study is considered a direct threat to customs and traditions and breaking with tribal principles<sup>26</sup>. However, according to a witness residing in Sinai, the tribes close to urban areas, or the large tribes that have schools, began to change their beliefs and recognized the necessity of educating girls. Indeed, girls usually attend elementary schooling, and some families may decide to let their daughters attend middle and high school. However, they are rarely allowed to matriculate in universities.

## B. Forced Marriage and Polygamy:

According to the custom of most North Sinai tribes, girls are forced to marry one of their cousins, or from the other men from within the tribe, i.e "internal marriage". Some tribes, however, allow their girls to marry outsiders, such as some families that belong to the El-Sawarka tribe.

According to interviews conducted by Belady, the bride and the groom are not allowed to see each other before marriage. A meeting takes place only between the two parents of the respective families - the man's mother meets the girl, and the girl's father meets the man -, and they relay their observations to the prospective bride and groom.

The Universal Declaration of Human Rights defines forced marriage as *"When one or both partners are not able to enter into a marriage freely, because they are being pressured or forced, or threatened with violence"*<sup>27</sup>. This harmful practice found a suitable environment in North Sinai due to the nature of the tribal society and the control of ISIS over many territories, as marriage often takes place there in the form of a deal between families, or between the family of the victim and a member of the terrorist organization.

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<sup>25</sup> Veto, Minister of Education: Appointing teachers from North Sinai in their governorate is unconstitutional, via this link: <https://www.vetogate.com/2720413>

<sup>26</sup> Al-Mawqea News, Women in Sinai... (marginalization..... ignorance.....denial), via this link: <https://2u.pw/spzfC4>

<sup>27</sup> Amnesty International, "Forced and early marriage in Burkina Faso," via this link: <https://www.amnesty.org/ar/latest/campaigns/2016/04/burkina-faso-forced-early-marriage-facts/>

Fifty percent of the women accused of joining ISIS that Belady interviewed testified that they were married against their will. This percentage confirms and sheds light on the high rate of forced marriage which is criminalised by international covenants<sup>28</sup>.



## Did you agree to the marriage?

Despite these violations, the Egyptian state has neglected the North Sinai women leaving them to their under the rule of terrorist organizations. Thus, Sinai residents have no choice but to accept to marry their daughters to terrorists out of fear and under duress.

In other cases, women are forced to marry relatives who join ISIS after their marriage, as ISIS is able to attract and mobilise through enticement or intimidation.

The phenomenon of polygamy is also widely spread. Since the husband is often not content with one wife, he marries a second, third, and fourth wife, and proudly calls himself "a man with support".

In addition, a former resident of the North Sinai governorate, from the Tarabin tribe, testified during her interview with Belady that the wife does not have the right to reject nor to accept the marriage.

*"Polygamy is widespread in all tribes, whether they are far from urban areas or close, and the woman does not have the right to reject that, but if she does, her husband either ignores her, or buys her gold jewellery as a conciliatory gesture, in case he loves her."*

Forced marriages and polygamy result in physical and psychological suffering prompting women to desire divorce. According to Belady's interview with Northern Sinai women married to members of ISIS, 85% of them expressed their desire divorce. This extremely high rate sheds light on the suffering of these women who should be considered as victims in need of material and psychological support along with their children to help them escape the life of torment and financial dependence on ISIS and terrorist groups.

<sup>28</sup> Article 16 of the Universal Declaration of Human Rights of December 10, 1948.

### C. Child Marriage:

Child marriage is widespread in North Sinai where the age of marriage for girls ranges from 12 to 16 years, and it may reach 18 years in the tribes that are closer to urban areas where education is more widespread. Child marriage is defined by the United Nations Children's Fund as:

*"Any formal marriage or informal union between a child under the age of 18 and an adult or another child<sup>29</sup>."*

In the same vein, Egyptian law agrees with international laws in that the legal minimum age for marriage is 18 years, and goes further, as it penalises the *ma'zoun*, the official who officiates the marriage contract, if one of the parties has not reached the required legal age, if he had been informed of their ages beforehand<sup>30</sup>. However, the law remains deficient, as it fails to penalise the parties responsible for the marriage of minors.

The prevalence of child marriage among boys represents only one-sixth of its percentage among girls in the world<sup>31</sup> further confirming that the girl-child marriage is a gender-based phenomenon. Needless to say, the marriage of minors deprives children of their childhood. Furthermore, girl-wives are not sufficiently qualified for the obligations and duties that follow marriage, in addition to the fact that they are more vulnerable to domestic violence as they are the weaker party in the marital relationship, especially if the husband has tendencies to practise violence, as is the case of ISIS members. Moreover, early pregnancy increases the risk of health complications for minor girls and their babies during pregnancy and childbirth. Besides, marriage forces them to drop out of school which impedes their financial independence, enabling them to flee.

Even in the cases when their husbands are arrested or killed, the girl-wives or widows are left with no potential to ensure a decent life neither for themselves nor for their children, and even when they try to do so, their attempt frequently leads them directly to the grip of the Egyptian security, where they are both prosecuted and persecuted.

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<sup>29</sup> The United Nations Children's Fund UNICEF, "Child Marriage", via this link: <https://2u.pw/gRfzx>

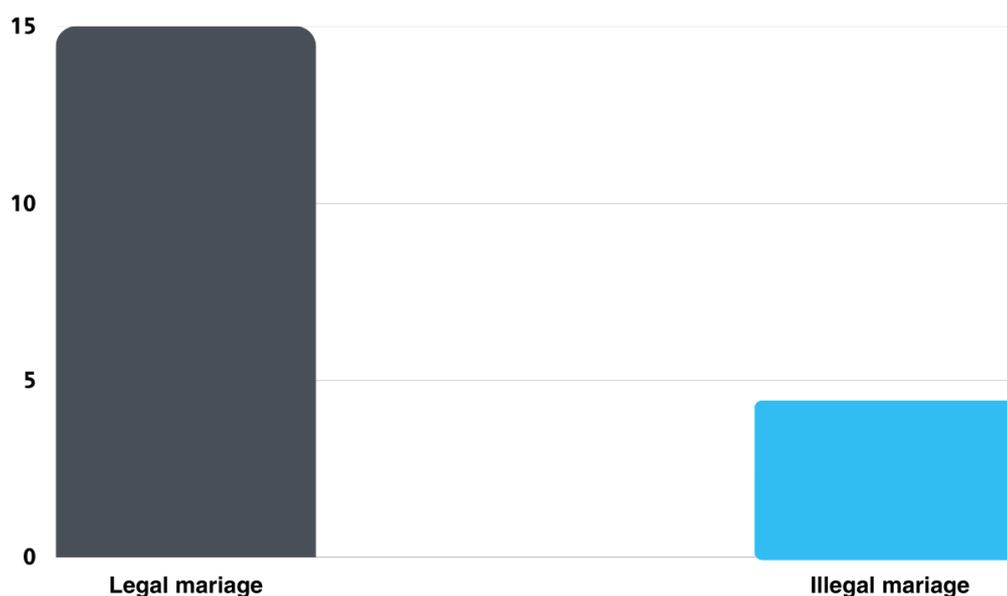
<sup>30</sup> Legal publications, "Article 227 of the Penal Code No. 58 of 1937," via this link: <https://manshurat.org/node/14677>

<sup>31</sup> United Nations Children's Fund UNICEF, previous source.

According to a human rights standards, both child marriage and forced marriage can fall under the category of human trafficking, which is defined as " *The recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception* <sup>32</sup>." This is precisely what happened to the women whose cases were examined by Belady, where purpose of this crime is sexual exploitation, which is " *Actual or threatened physical intrusion of a sexual nature* " <sup>33</sup> whether by force or under unequal or coercive conditions.

Although Egyptian law has criminalised human trafficking since 2010, <sup>34</sup> combating the phenomenon requires actual implementation, penalization of the aggressor, and protection of the victims.

To this effect, Belady has examined at least 6 girl child marriages amongst the women and girls charged in ISIS related cases. Belady observed that some were aware of their minimum rights, as 4 out of 19 confirmed that their marriage was not legal according to Egyptian law. Yet, they were all forced into these illegal practices by their tribes and ISIS.



## Do you think your marriage was legal according to Egyptian law?

<sup>32</sup> United Nations Women, previous source.

<sup>33</sup> UNHCR, "Reporting sexual exploitation and abuse," via this link: <https://2u.pw/UpyQkj>

<sup>34</sup> Legal publications, "Law No. 64 of 2010 on Combating Human Trafficking," via this link: <https://manshurat.org/node/778>

### **The Suffering of the Girl Child "Khadija"<sup>35</sup>:**

A 17-year-old girl and mother, informed a lawyer we spoke to that she did not agree to the marriage, but the family has forced her into it anyway. Khadija confirmed that her marriage is illegal under Egyptian law.

She admitted that she was subjected to physical and psychological violence by her husband who did not hesitate to beat her, and threatened to deprive her of her child. She discussed the economic violence that was inflicted on her as she did not study or work.

In the face of all these pressures, and despite her young age, "Khadija" decided to escape from her husband with her mother, but she did not know that the Egyptian authorities were waiting to arrest her, and that she would be charged with joining and financing ISIS, and would be imprisoned with her child.

### **The Journey of the Girl Child "Aisha"<sup>36</sup> :**

Aisha was forced to marry a member of ISIS, despite her young age, her rejection of this marriage, and the prohibition of child marriage by Egyptian law. After handing her to her husband, Aisha's family disavowed the consequences of their decision, leaving her to her fate. She was subjected to various types of physical violence such as beating and kicking, and was also threatened with death by her husband, which prompted the 16-year-old girl to express to Belady's her desire for divorce.

Rather than save Aisha from the tragedy and the violence committed against her, the Egyptian authorities arrested her. When the judiciary ordered her release, the relevant authorities refused to implement the judicial decision to release her, and further rotated her in a new case. (More about rotation below).

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<sup>35</sup> Not her real name

<sup>36</sup> Not her real name

### The Three Marriages of the Girl Child "Asmaa"<sup>37</sup>

Asmaa was forced into three marriages before she reached the age of 15. She narrated with sadness and pain her suffering by the oppression of ISIS on the one hand and the Egyptian authorities on the other. After her three marriages, instead of paying attention to her situation, the Egyptian authorities arrested her with her two sisters, her mother and her infant child, and charged them with "canned charges", accusing them of terrorism.

#### D. Domestic Violence Against Women and Girls in Sinai:

After their marriage, Sinai women and girls are exposed to various types of domestic violence. Domestic violence is "*Any pattern of behaviour that is used to gain or maintain power and control over an intimate partner. It encompasses all physical, sexual, emotional, economic and psychological actions or threats of actions that influence another person.*"<sup>38</sup> Based on this definition and on the cases of women and girls that Belady observed, it can be asserted that they are regularly exposed to various types of domestic violence, and in most cases, to several types of violence at once.

##### a. Physical Violence:

Physical violence is "*Hurting or trying to hurt a partner by hitting, kicking, burning, grabbing, pinching, shoving, slapping, hair-pulling, biting, denying medical care or forcing alcohol and/or drug use, or using other physical force.*"<sup>39</sup>

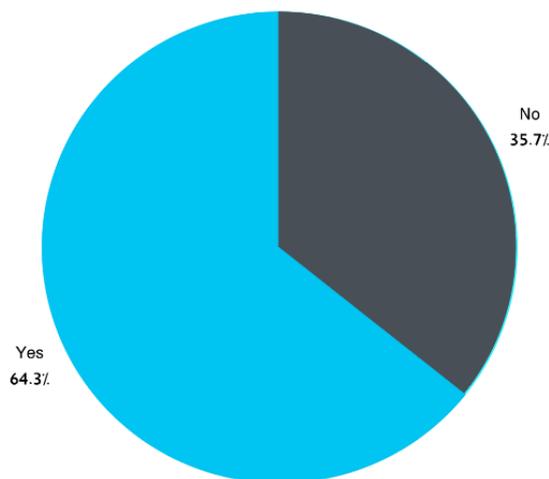
Belady asked 19 women several questions related to their situation when they were in the grip of ISIS, and 64.3% of them confirmed that they were beaten by their husbands, nearly two thirds, a rate that sheds light on the extent of suffering of Sinai women and girls.

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<sup>37</sup> Not her real name

<sup>38</sup> UN Women, Frequently Asked Questions: Types of Violence Against Women and Girls, available at: <https://2u.pw/KP8fNs>

<sup>39</sup> United Nations Women, previous source.



### Have you been beaten by your husband?

#### b. Psychological Violence:

Violence that Sinai women and girls experience extends to psychological violence, which "*involves causing fear by intimidation; threatening physical harm to self, partner or children; destruction of pets and property; "mind games"; or forcing isolation from friends, family, school and/or work.*"<sup>40</sup>

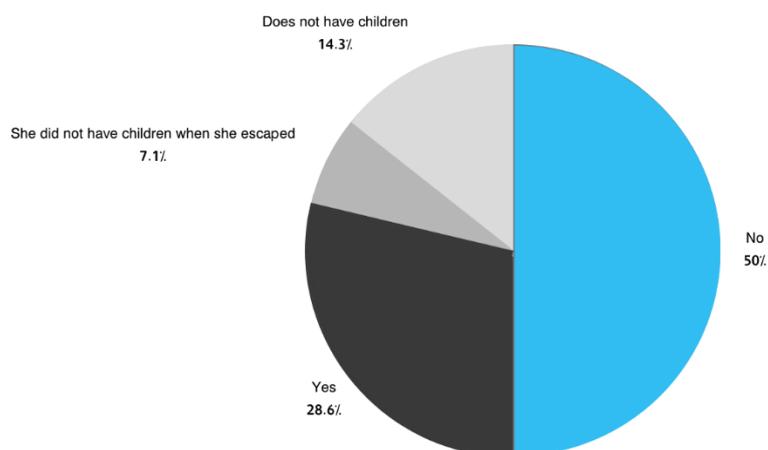
The Sinai women and girls whose cases were examined by Belady were exposed to many types of psychological violence which includes death threats. Indeed, two women out of a total of **19** admitted that they were **threatened with death** by their husbands.

As to the percentage of women who were **threatened with their children**, it was close to **30%**. According to their confessions, their husbands threaten to kill their children if they decide to escape from the grip of ISIS, where it is likely that the real figures are much higher.

This severe psychological violence against Sinai women and girls, in addition to the high level of physical violence, prompts them to leave their husbands and flee with their children.<sup>41</sup> However, instead of attaining freedom, they are led directly into the grip of the authorities who stand ready to arrest them upon their escape, as will be shown below.

<sup>40</sup> United Nations Women, previous source.

<sup>41</sup> Sinai Foundation for Human Rights, "A wave of surrender... Sinai Foundation observes more than 26 cases of ISIS members surrendering to the army and tribal militants during the month of July 2022," via this link: <https://sinaifhr.org/show/146>



## Have you been threatened with your children?

### c. Sexual and Economic Violence:

Sinai women and girls are often subjected specifically to the type of sexual violence that entails "Forcing a partner to take part in a sex act when the partner does not consent"<sup>42</sup>. The aggression of ISIS members is well documented, and it is particularly acute when it comes to women and intimacy, where members take pride in their power, considering girls and women as tools for pleasure.

The cycle of violence against Sinai girls and women who are in the grip of ISIS expands to include economic violence, which is "Making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment"<sup>43</sup>.

<sup>42</sup> United Nations Women, previous source.

<sup>43</sup> United Nations Women, previous source.

### The Suffering of Ms. "Sit Abdel Fattah":

Ms. Abdel Fattah's journey of economic violence reached its zenith when her husband, who belongs to ISIS, left her and her son without income and fled in fear of arrest.

Ms. Abdel Fattah decided to travel to Sinai city in search of a source of livelihood that would enable her to live a decent life. She was entirely dependent on family and then on her husband for **40** years dooming her attempt to seek financial independence to failure.

Therefore, she decided to return to her hometown. As life became unbearable, she found no option but to turn herself in to the National Security Forces. Instead of protecting her and helping her in her economic independence endeavours, they charged her with joining and financing a terrorist group.

### E. Sinai Women and Girls Killed and Injured:

Finally, the unbearable life of Sinai women and girls can end up in their getting killed or injured by the tribal system, or as a result of terrorist attacks, or attacks by the Egyptian authorities. The killings of women and girls did not begin with ISIS or the Egyptian authorities, but is rooted in the tribal custom. According to an interview that Belady conducted with a woman from Sinai, the phenomenon of killing is clearly established and widespread in those tribes, and many consider them a custom in all Sinai tribes, including killing for retaliation or honor killing. Yet, due to the fear and blackout information, no statistics could be found.

The witness further told Belady that since most North Sinai residents are not registered and no birth certificate was issued for them, they are unlikely to be arrested in case they commit a murder as it is difficult for the official authorities to detect a murderer with no official identity.

Besides honor killings, Sinai women and girls can end up killed or seriously injured by Egyptian authorities with impunity. Belady observed the killing of an infant and **11** young girls between the ages of **4** and **15**, and one woman, in addition to two women whose ages have not been specified in tandem with Egyptian State's attacks on the areas seized by ISIS, bombings and indiscriminate shootings between **2013** and **2018**. Further, Belady observed the injury of **26** girls, including

Mariam Ahmed Mutlaq, who was 8 years old at the time of her injury, and whose sister, Fatima, was killed in the attack at the age of 6. No legal or financial remedies were offered.

## II. Sinai Women and Girls in the Grip of the Egyptian Authorities

### 1. The Pretrial Stage: Arrest and Enforced Disappearance

Belady observed 112 arrest cases of women and girls from North Sinai between 2018 and 2022 in the backdrop of political or -more precisely- "terrorism" cases. After all the suffering that was explained above under the tribal regime and the rule of ISIS, in addition to the the authorities' raids in the region and the arbitrary and collective violations of Sinai residents -including women and girls- the authorities do not exclude this latter group from "targeted" persecution that entails, arrests and the suite of violations that follow during the pre-trial detention, continuing with the trials that involve, in their part, another set of violations.

The Egyptian law enshrined the principles of a fair trial in the Criminal Procedure Law No. 150 of 1950, where the principle of preventing arbitrary arrest<sup>44</sup> was approved, and the prohibition of illegal imprisonment<sup>45</sup> was emphasised, in addition to the right of the prisoner to complain by submitting a written or oral complaint<sup>46</sup>.

To fully guarantee this right to fair trial, several guarantees enshrined in international laws must also be implemented, such as the right to not to be subjected to arbitrary arrest<sup>47</sup> and detention, the right to not to be detained pending trial<sup>48</sup>, the right not to be tortured<sup>49</sup>, the presumption of innocence<sup>50</sup>, and the right to not to be retried for the same charge<sup>51</sup>.

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<sup>44</sup> Article 40 of the Criminal Procedure Law No. 150 of 1950.

<sup>45</sup> Article 41 of the Criminal Procedure Law No. 150 of 1950.

<sup>46</sup> Article 43 of the Criminal Procedure Law No. 150 of 1950.

<sup>47</sup> Article 9 of the Universal Declaration of Human Rights.

<sup>48</sup> Article 9 Paragraph 3 of the International Covenant on Civil and Political Rights.

<sup>49</sup> Article 5 of the Universal Declaration of Human Rights.

<sup>50</sup> Article 11 Paragraph 1 of the Universal Declaration of Human Rights, and Article 14 of the International Covenant on Civil and Political Rights.

<sup>51</sup> Article 14, paragraph 7, of the International Covenant on Civil and Political Rights.

While arrest is not considered a violation of human rights per se and could be legitimate, it becomes arbitrary when it is without due cause and the deprivation of liberty is accompanied by a violation of the basic rights and guarantees provided in international covenants. Indeed, when it comes to arresting Sinai women and girls, the mentioned guarantees become dead letters. The Egyptian security forces have committed violations that were so serious, to the extent that members of Parliament from North Sinai, the representative of the city of Rafah, Salem Abu Marahel, criticised the behaviour of the security forces. The authorities have complied on several occasions and ordered the release of 15 men and women from Sinai who were detained by the security authorities in the governorates of North Sinai and Ismailia<sup>52</sup>.

#### A. The Arrest of Entire Families:

Arrests often involve entire families, exacerbating the suffering of women and girls in Sinai.

##### **The First Family: The Ayed Odah Family**

Ms. Kholoud Salim Ayed Odah was arbitrarily arrested with her mother, Ms. Mariam Mohamed Salam Murshed, from their house in Bir El Abd, El Arish Police Station III, during a security campaign against the residents. During the raid, an officer called her brother a "terrorist". Ms. Odah was enraged and defended her brother. The officers found this incident as a sufficient reason to arrest her *and* her mother, and include them in Case No. 810 of 2019 Supreme State Security, with the usual charges of joining a terrorist organization. Ms. Salem gave birth to a baby girl, Judy, in prison. After six months, and in contravention with the law, the authorities seized the baby girl and placed her in an orphanage, where she remained until her mother's release.

##### **The Second Family: The Mayouf Family**

The Mayouf family was subjected to similar violations, Ms. Hoda Odeh Hussein Hassan was arrested with her daughter, Sahar Ahmed Mayouf Suleiman,<sup>53</sup> who in turn, was arrested along with her infant, Hamdi, who was no more than five months old at the time. Additionally, Ms. Sahar's two half sisters, Zainab and Fatima Ahmed Mayouf, were arrested with their children, Rahaf and

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<sup>52</sup> Sinai Foundation for Human Rights, "We Want to Live: Annual Report of Human Rights Violations in Sinai 2019-2020," p. 20, via this link: <https://2u.pw/mDGTLz>

<sup>53</sup> The Egypt Prison Atlas, the profile of the child Sahar Ahmed Mayouf, via this link: <https://egyptprisonatlas.org/donation/sahar-ahmed-mayouf-soliman/>

Sahar, respectively. The Egyptian security forces arrested the family February 13th, 2021 while trying to flee from ISIS, and charged them in Case No. 620 of 2021, Supreme State Security.

### **The Third Family: The Bu Madian Family**

The suffering experienced in North Sinai is best embodied by the story of the two sisters, Fatima Bu Madian and Mariam Bu Madian, whose older brother was extrajudicially killed by the Egyptian authorities. That same year, their younger brother, Abdallah Bu Madian, was arrested when he was just 12. He was charged in a terrorism case.

The court ordered the authorities to hand the younger brother, Abdallah, over to his family. Yet, the decision was not implemented and the child was forcibly disappeared. The family has not been able to know his whereabouts to date. The father also disappeared and it was reported later that he has been extrajudicially killed.

Finally, the two sisters were arrested on June 30th, 2022 because of their husbands' affiliation with ISIS. They remained disappeared for six months, until they were finally released on 19th, January 2023, without being charged in any case.

The arrest of entire families, including women and girls, highlights the arbitrary nature of the arrest. And since arbitrary arrest signifies absence of realistic justifications for trial, the Egyptian authorities press two ready-made charges without any substantiation to all the cases Belady observed, regardless of the circumstances and cases.

### **B. Charges: Joining and Funding Terrorist Groups:**

As Belady examined the charges brought against Sinai women and girls, it found that they were all prosecuted based on two ready-made charges, the first of which is "joining the terrorist group ISIS," where the second one, and complementary to it, is "funding the terrorist group ISIS". The arrested woman and girl can be charged with one of these charges, but most often, with both.

Upon examining the charges, it becomes clear that the first charge is the most prevalent. It is also the one that the Egyptian regime most utilises in cases of civil and political opposition, in cases not pertaining or related to Sinai.

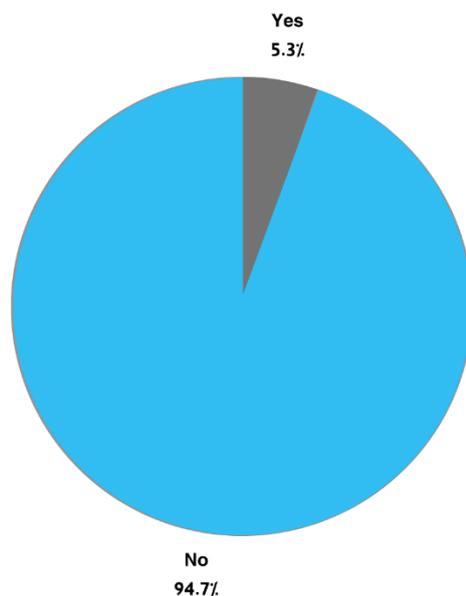
The second charge stands as flagrantly unreasonable, as it considers Sinai girls and women a source of funding for terrorist organizations whereas we have amply explained the lack of financial independence and resources of women and girls both within the tribal system and in the grip of ISIS.

Finally, the exclusivity of those two charges indicates that the charges are prepared and ready before the arrest of Sinai women and girls. If the charges were brought against them after serious investigations, and in accordance with real crimes they committed, the charges would have varied with the variety of the defendants.

### C. Reasons and Context of Arrests:

Security forces frequently carry out raids and arrests following terrorist attacks, or during sudden search campaigns in residential neighbourhoods.

As arrest following a terrorist attack could be a legitimate cause of arrest, we asked a sample of 19 women and girls about whether there was a terrorist event behind their imprisonment, and the answer was negative in nearly 95% of the cases, as only one woman mentioned that she was arrested because of her husband's explosives.



### Was there a terrorist incident that led to your imprisonment?

As to the possession of explosives or evidence, all the North Sinai women and girls Belady interviewed, without exception, stated that the security forces did not find possessions or any

evidence that might prove the charges against them. A lawyer corroborated their answer and explained,

"The absence of evidence from all the defendants is evidence of their innocence from the charges brought against them."

Since a terrorist attack is not the main reason women and girls are arrested, we found the following to be the most prevalent reasons:

- a. *Taken as "hostages" to family members:* When security forces carry out a search and do not find male family members in the house, they often take women and girls as hostages.
- b. *Upon Exercising the Right of Free Movement and Escape:* The right to movement that is guaranteed by international conventions<sup>54</sup> is considered a reason for arresting women and girls in North Sinai, as they may be arrested while walking to visit relatives, as they leave their homes when their husbands abandon them, as they seek to escape the hell under terrorist organization to raise her children in a better environment, as they move to another city and return home, or upon encountering a checkpoint.
- c. *Turned in By Their Tribes:* The constraints and abuses of the tribal system may lead directly to the arrest of the Sinai women and girls as some tribes hand them over to the Military Intelligence of the Egyptian army, as was the case of at least 3 Sinai women whose cases Belady examined who were handed over in Bir El Abd on July 31st, 2022.

A member of their family, not just tribe, may also hand them over, as happened with one of the women who mentioned that she was handed over by her brother to Military Intelligence in Arish in December 2021.

- d. *Turning Themselves In:* When the women and girls find themselves left with no choice, upon finding arrest and abuse inevitable, whether in their homes or when moving, or with the complicity of their families and tribes, their only solution that remains as the least injurious option is to turn themselves in, as they would hope that it would mitigate their suffering, or bring them the sympathy of the authorities.

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<sup>54</sup> Article 13 of the Universal Declaration of Human Rights.

Two women, whose cases Belady observed, turned themselves in at the Rawda checkpoint in Sinai in May 2022, while four other women took advantage of the presence of an army in the Metalla area in June 2022 and turned themselves in.

#### D. Violations upon Arrest: Enforced Disappearance and the Suite that Follows:

##### Enforced Disappearance:

The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as the "*Arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*"<sup>55</sup>

Out of 94 women and girls whose cases Belady examined, at least 17 of them were subjected to enforced disappearance. Some were disappeared for defined periods that lasted from two weeks to 8 months, while others were disappeared indefinitely and their location remains unknown to date.

Enforced disappearance is accompanied by a series of violations, starting with the arrest that takes place without an official arrest warrant, detention in unofficial facilities, prevention from communicating with lawyers and family members, and not being informed of their charges. That is in addition to the different types of violence inflicted against them.

##### Violations Associated with Enforced Disappearance:

Most of the women and girls whose cases Belady interviewed confirmed that they had been subjected to at least one form of torture and inhuman and cruel treatment during their enforced disappearance.

The following table shows the types of violations that women and girls in North Sinai were subjected to during enforced disappearance.

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<sup>55</sup> Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

Type of violence during the period of enforced disappearance	Number of women and girls who have been exposed to it
Torture by Beating (with a stick, in intimate parts)	6
Electrocution	3
Enforced Nudity	4
Denial of food	1
Cursing and Cussing	2
Giving Birth in the Police Station	1
Unlawful Seizure of Newborns	1
Threatening	1
Medical Negligence	1
Denial of Visits	2
Denial of the Right to Counsel	2

Belady documented the beating of a woman on her stomach and lower back while she was pregnant, which caused her a severe stomach ache, leading her to lose a part of the water around the fetus. Another woman mentioned to a lawyer that she was subjected to severe violations during her enforced disappearance, where she was completely stripped of her clothes and left naked for many days.

Even the minor girls were not spared the grave violations despite their young age. All six minors girls whose cases Belady examined, were subjected to enforced disappearance for a period lasting between twenty-two days and six months.

## 2. Investigation, Pretrial Detention, and Trial

After living harsh tribal lives, control by the terrorist group ISIS, physical and psychological violence, forced marriage, horrific journey of arrest and enforced disappearance in which they are subjected to physical and moral torture, Sinai women and girls appear before the investigation authorities hoping for justice. In this stage, they get surprised by a new stage of codified violations in cooperation with the National Security Sector <sup>56</sup>.

As they are deemed and treated as criminals even before the investigations are complete, the authorities issue decisions to imprison them in pretrial detention based on ready-made charges of joining or financing terrorist groups. Sometimes judicial authorities respond favourably, and order their release, in compliance with the law, only to find themselves back in the cycle of rotation or enforced disappearance due to "recommendations" from National Security Forces.

### A. Lost and Hidden between Various Prosecutorial Entities:

The Public Prosecution Offices that have jurisdiction over Sinai cases vary between three prosecutions: (a) The *Public Prosecution*, which is the prosecution with original competence to investigate and act in cases of felonies and major misdemeanours<sup>57</sup>. (b) The *Supreme State Security Prosecution*, which was established in 1953 by a decision of the Minister of Justice, and investigates crimes that affect the security of the state<sup>58</sup>, and finally (c) the *Military Prosecution*<sup>59</sup>. Prosecution before military courts has become legal under Article No. 204 of the Egyptian constitution in its latest 2019 amendment, as it expanded the jurisdiction of military trials for civilians as follows:

*"[...] A civilian may not be tried before the military courts, except for crimes that represent an assault on military installations, camps of the armed forces, or installations that they protect, or military or border zones established as well, or their equipment, vehicles, weapons, or documents, military secrets, public funds, crimes related to recruitment, or crimes that represent a direct assault on its officers or personnel due to the performance of their duties [...]."*

<sup>56</sup> Amnesty International, Egypt: Permanent State of Exception: Abuses by the Supreme State Security Prosecution, via this link: <https://2u.pw/guREkT>

<sup>57</sup> Public Prosecution, Public Prosecution function and terms of reference, via this link: <https://pp.moj.gov.kw/ar/Pages/PPFunctions.aspx>

<sup>58</sup> Egypt's lawyer, types of specialized prosecutions in Egypt, via this link: <https://2u.pw/MVVLgM>

<sup>59</sup> Military Justice Law No. 25 of 1966, available at: <https://2u.pw/g8OXux>

Given that the North Sinai governorate is one of the border areas that the army forces protect, this article, after its amendment, has been used to justify the act of referring civilian defendants in Sinai cases to the military prosecution and courts.

(a) *Public Prosecution:* Authorities rarely present Sinai women and girls before public prosecutions.

(b) *Supreme State Security Prosecution:* Since 2014, the percentage of political prisoners presented before the Supreme State Security Prosecution has increased significantly, especially those charged in Sinai cases<sup>60</sup>.

(c) *Military Prosecution:* Yet, recently, and in the middle of 2022, the Supreme State Security Prosecution started referring most of the cases known in the media as "Sinai Province" or "ISIS" cases to the military prosecution<sup>61</sup>.

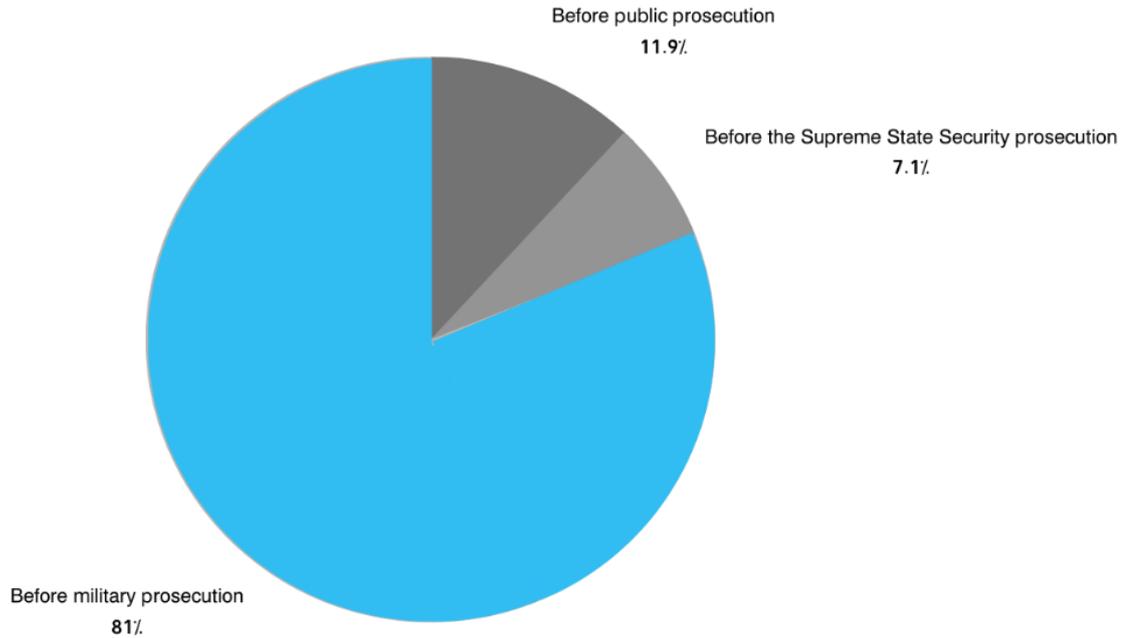
Belady has observed - amid the difficulty of accessing information within the prosecution offices and military courts, and thus actual numbers may be much higher - that during the year 2022, 42 Sinai women were presented before the three types prosecutorial offices:

- 5 women and girls -charged in three different cases- were presented before the Public Prosecution, and the cases were registered in the same year;
- 34 women, charged in fifteen new military cases, were presented before the Military Prosecution, and they were registered in the same year of 2022;
- On the other hand, 3 women were presented before the Supreme State Security Prosecution in Case No. 1935 of 2021 Supreme State Security, which was previously registered in 2021. That case was designed to envelope everyone who is charged in Sinai cases. Interestingly, none of the cases belonging to the Sinai Province or joining ISIS were registered with the Supreme State Security Prosecution during the year 2022, revealing a new approach, which is the referral to the military prosecution.

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<sup>60</sup> Legal publications, terms of reference of the Supreme State Security Prosecution, via this link: <https://2u.pw/DaWLu4>

<sup>61</sup> The Embassy of the United States of America in Egypt, Human Rights Report in Egypt 2021, via this link: <https://2u.pw/uq6bZI>



## Sinai women before prosecutions during 2022

### The Last Woman Presented before the Supreme State Security Prosecution: Ms. Sit Abdel Fattah

Ms. Abdel Fattah, who was mentioned above under economic violence, was charged in Case No. 1935 of 2021 Supreme State Security. One of the lawyers present before both the Supreme State Security Prosecution and the Military Prosecution stated during an interview with Belady that Ms. Abdel Fattah was the last Sinai woman to appear before the Supreme State Security Prosecution, and she was interrogated in May 2022.

After that, none of the Sinai women and girls were presented before the Supreme State Security Prosecution. The lawyer explained that their presence before the Supreme State Security Prosecution may draw attention of human rights activists to their case and shed light on their suffering. Therefore, the state preferred to hide them from the limelight through presenting them before secretive military prosecutions and courts. During the interview, he said:

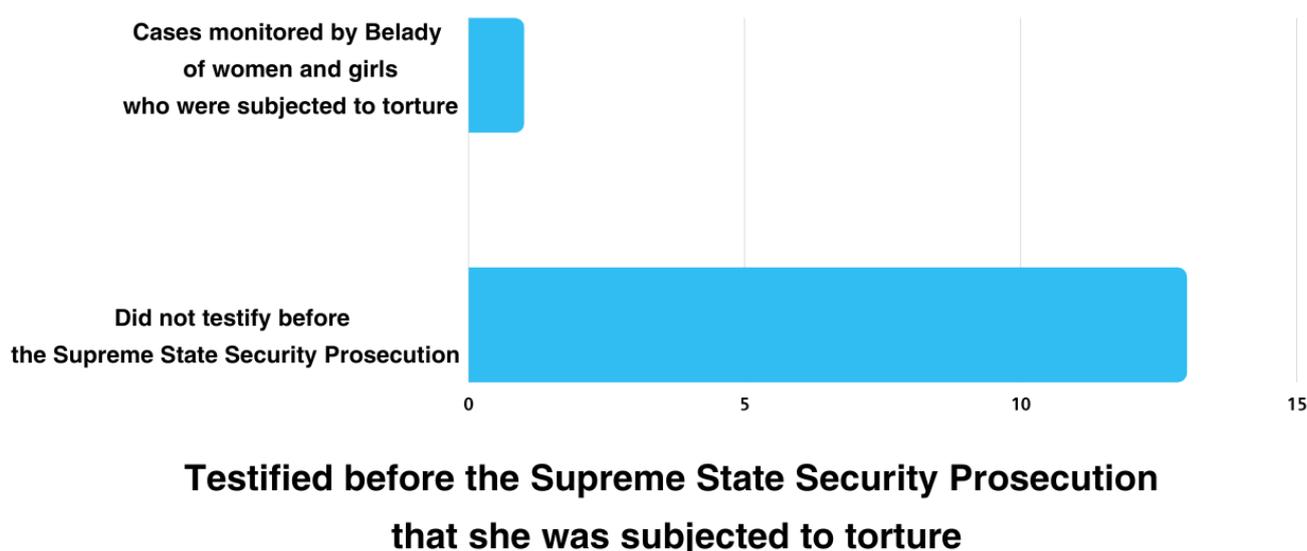
*"The last woman we saw in the Supreme State Security Prosecution was in May 2022, and after that, they were taken to the Military Prosecution. This happened because the National Security noticed that in the Supreme State Security Prosecution, these women were in sight of all the lawyers who deliver their news to the organizations, and thus their suffering will be uncovered, but in the Military Prosecution, this will not happen."*

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a. Fear in State Security Prosecution:

Many women and girls, during their interrogation before the Supreme State Security Prosecution, refuse to discuss the torture they were subjected to inside the National Security headquarters. Among the 14 women and girls charged in the Sinai cases, who Belady observed their torture during the period of enforced disappearance, only one testified that she was tortured inside the National Security headquarters in front of the Supreme State Security Prosecution, while the rest denied it due to their fear of being subjected to torture again as they are aware that the Supreme State Security Prosecution would not lift a finger to protect them as it operates under the auspices of the National Security Sector<sup>62</sup>, which is renowned for abuse.



b. Military Prosecution Shrouded in Secrecy:

The military prosecution is also reluctant to protect women and girls presented before it. Lawyers interviewed by Belady stated that women and girls presented before military prosecutions face more difficulties than those who are presented before the Supreme State Security prosecution as they are not allowed to meet their lawyers, and the military prosecution is secretive and almost inaccessible. Yet, the prosecution confirms the presence of lawyers on papers and while it prevents actual lawyers from accessing investigation and case papers.

In addition, the military prosecution disregards the fact that most of these women were arrested with no warrant issued by the Public Prosecution or the Military Prosecution. Moreover, it pays no

<sup>62</sup> The previous source.

attention to the violations women or girls were subjected to during the periods of enforced disappearance in National Security headquarters, army battalions, central security headquarters, or police stations. Rather, they strive to cover them up. Women and girls and women may even be tortured in front of the prosecution, and the latter would take no measures to protect them.

## B. Pretrial Detention: Rotation, Another Round of Disappearance, Violation of Motherhood:

### Pretrial Detention

Pretrial detention is defined as *"An investigation procedure aimed at ensuring the integrity of the preliminary investigation by placing the accused at the disposal of the investigator and facilitating his interrogation or confronting him whenever the investigation calls for it, and preventing him from escaping, tampering with case evidence, influencing witnesses, or threatening the victim, as well as protecting the accused from possible retaliation against him. And calm the public feeling revolting because of the gravity of the crime"*<sup>63</sup>.

As for its duration, Article No. 143 of the Egyptian Code of Criminal Procedure states that:

*"[...] In all cases, the period of pretrial detention in the preliminary investigation stage and all stages of the criminal case may not exceed one-third of the maximum penalty of deprivation of liberty, so that it does not exceed six months in misdemeanours, eighteen months in felonies, and two years if the penalty prescribed for the crime is life imprisonment or execution [...]"*

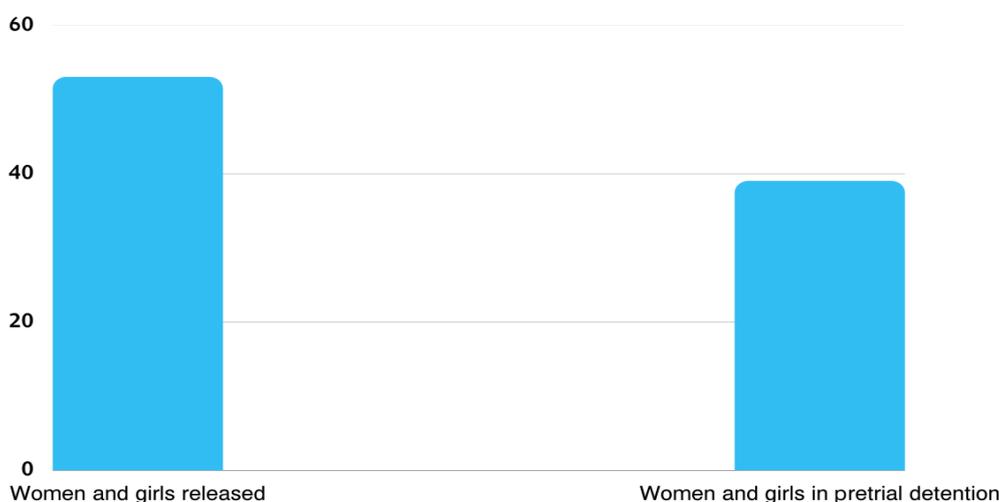
The previous text elucidates that pretrial detention is an investigative measure that should not be implemented as a punishment, and that its maximum period should not exceed two years.

Nonetheless, after being presented before the prosecution, Sinai women and girls are usually imprisoned pending investigations on the same ready-made charges despite the lack of legal justifications, and they are frequently detained beyond the maximum accepted time. The Egyptian authorities, therefore, use the mechanism of pretrial detention as a legal punishment against them.

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<sup>63</sup> General Instructions for Public Prosecutions, Article 281, via this link: <https://2u.pw/UoEdSR>

Out of 112 women and girls whose legal status was monitored by Belady at the beginning of 2023, and out of 92 women and girls whose cases were not referred to the courts, the prosecutions and the specialized courts released 53 women and girls, and kept 39 in pretrial detention.



**Sinai women and girls whose legal status was monitored between pretrial detention and release at the beginning of 2023**

### Violations during Pretrial Detention

The series of National Security violations do not end after the presentation before the Prosecution, but they extend throughout the successive stages of the justice system. The violations during pretrial detention - whether they are inflicted by the National Security or detention facilities - take multiple forms, chief among them: Denial of visitation, prolonged solitary confinement, denial of exercise, "El Tashrida"<sup>64</sup> and "El Tagrida"<sup>65</sup>, pretrial detention exceeding the period permitted by law. The most grave violations, rotation in new cases, enforced disappearance after issuing an order of release, and violations during pregnancy and childbirth, will be detailed below:

#### a. Rotation in New Cases

The Tahrir Institute for Middle Eastern Policy defines the rotation of defendants as:

*"The act of re-detaining those who have been already granted a release order after the termination of their sentences, a verdict of acquittal, or otherwise..."*

<sup>64</sup> "El Tashrida": A punishment whereby a prisoner is expelled from her original housing ward or from her bed, in order to be "vagrant" without belongings.

<sup>65</sup> "El Tagrida": An inspection carried out suddenly, and sometimes unexpectedly (after a problem, for example), by the prison administration or by the Prison Authority, and ends with "stripping" the prisoners of most or all of their belongings.

Sinai women and girls face rotation, where they are either included in Sinai cases with the same charges they were previously accused of, or in cases with new charges centred around joining a terrorist group. Belady observed the rotation of 12 of women and girls, where one was rotated in **five** cases that all orbit around the same charges- joining ISIS, and providing it with logistic and financial support.

One of the lawyers narrated to Belady the plight of several women, girls, and even entire families who have been rotated in Sinai cases, among them the girl child Mariam Saleh El-Dib, Ms. Noha Yahya Aziz, and the daughter and mother Ms. Kholoud Salem and her mother, Mariam Salem. He also mentioned the journey of Ms. Mona Salama Ayyash as follows:

### **The Rotation of Ms. Mona Salama Ayyash**

According to one of the lawyers Belady interviewed, one of the Sinai women who were subjected to grave violations during the period of pre-trial detention was Ms. Ayyash. She was considered the voice of women and girls inside the prison and was concerned with their problems, feeling that she is responsible for them. For this reason, the National Security targeted her.

Ms. Ayyash was also denied her right to weekly visits<sup>66</sup> in violation of the law that guarantees this right for pretrial detainees and placed in "discipline" (solitary confinement) for extended periods.

Furthermore, all the women and girls imprisoned in Case No. 620 of 2019 Supreme State Security were released except for her. She has been imprisoned since 2018, has been **rotated 5 times**, and remains imprisoned to date.

#### **b. Enforced Disappearance after Release**

In addition to the aforementioned violations, Sinai women and girls are subjected to enforced disappearance if they are released without being rotated in new cases. Therefore, their families lose all sorts of contact with them. Belady sheds light on two women who were subjected to this violation: Ms. Asmaa Tariq Saad El-Din, charged in Case No. 1935 of 2021 Supreme State Security. She was forcibly disappeared after her release, and Ms. Fatima Abd El-Maqsud Mohammed Hussein, charged in Case No. 750 of 2019 Supreme State Security, who was

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<sup>66</sup> Article 60, Minister of Interior Decision No. 79 of 1961 regarding the internal regulations of prisons, via this link: <https://2u.pw/zTG7nY>

subjected to enforced disappearance after her release in **June 2022** and did not appear in any other case until the writing of this report.

c. Violations during Pregnancy and Childbirth

The prison regulation law, and international rules such as the Bangkok Rules<sup>67</sup> stipulate protective measures of pregnancy and childbirth in prisons and places of detention and provide several guarantees, most notably the presence of female gynaecologists, designation of special holding places for pregnant mothers, and mandating the presence of a specialized hospital outside or inside the prison or place of detention equipped for the birthing process,<sup>68</sup> stipulating that all the expenses should be borne by the authorities.

However, Belady observed the suffering of women and girls imprisoned in Sinai cases who were pregnant at the time of arrest and forcibly disappeared in facilities that are not qualified to hold pregnant women and girls who need special health care and continuous medical supervision. In addition, these women and girls were subjected to physical abuse though they were pregnant, and gave birth in unequipped places of detention. One of them had her infant child taken from her, all in contravention with the law.

**The Suffering of the Mother Kholoud Salem**

Ms. Kholoud Salem experienced all the stages of suffering pregnant women experience, that were described above. She was arrested on March **18th, 2020**, while she was pregnant from her home with her mother, Mariam Salam, because Ms. Kholoud's brother was a member of ISIS-Sinai province.

She was subjected to enforced disappearance for about two months, and was detained in illegal facilities during her pregnancy, where she was subjected to severe beatings that led to losing a part of the water around the fetus. In addition, she gave birth to her daughter, Judy, inside the police station, and after six months, Judy was taken from her and kept in an orphanage.

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<sup>67</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, via this link: <https://2u.pw/UTCFND>

<sup>68</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) Rules 48 to 52, via this link: <https://2u.pw/UTCFND>

Ms. Salem was released in **October 2022**, only to begin the search for Judy. The mother was finally reunited with her infant daughter in **November 2022**.

### C. Trials Marred by Violations

After the presentation before the different prosecutions, the women and girls generally find themselves referred to courts that match the prosecution they were presented before, i.e. The Criminal Courts if they were before the Public Prosecution, Terrorism Circuits in Criminal Court if they were before the Supreme State Security Prosecutions, or the Military Courts if they were before the Military Prosecutions. However, there have been some recent eyebrow raising changes in the past few years.

a. Trial before the Competent Criminal Court:

Among 5 women charged in cases before the Public Prosecution, only one woman, Ms. Fatima Alzahraa Mostafa Magdy, was referred to the competent criminal court. She was sentenced to one year in prison, to be acquitted following the appeal.

b. Trial before Terrorism Circuits in the Criminal Courts:

Over the past years and until the end of **2022**, in conjunction with the use of the mechanism of pretrial detention as a punishment or a retaliatory tool, Belady observed that none of the Sinai women and girls before the Supreme State Security Prosecution were referred to the competent courts matching the prosecution, i.e. the Terrorism Circuits of the Criminal Court, and thus, no rulings were issued in their regard, but rather, they remained in pretrial detention.

As soon as the period of their detention ends, they were found to be rotated in new cases without referral to the specialized courts. The women and girls thus remain in a spiral of endless pretrial detention until a national security officer decides to send recommendations for their release.

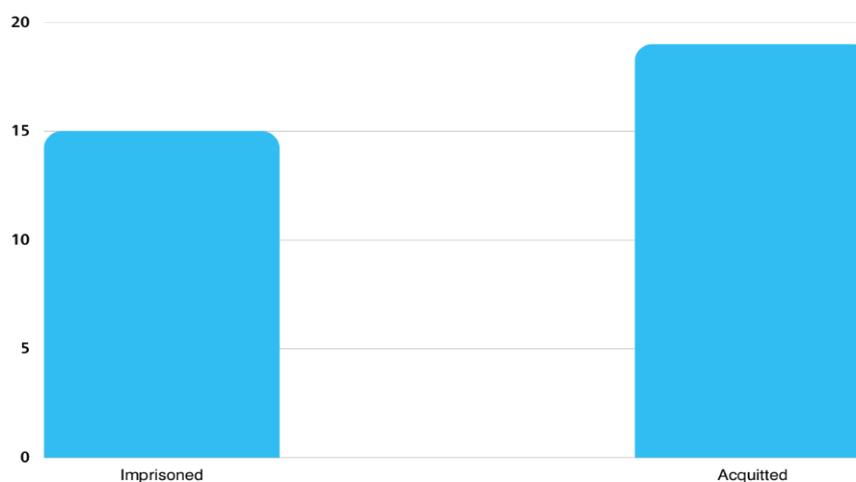
One lawyer testified to Belady:

*"We did not witness any trial of Sinai women or girls before Terrorism Circuits, none of their cases was referred to a court, they are only held in pretrial detention or rotated."*



c. Trial before Military Tribunals:

In 2022, Belady observed the trial and acquittal of 19 women and girls charged in six cases, out of a total of 34 whose cases were presented before military courts.



**Sinai women and girls before military prosecutions and courts**

Although Belady praises the acquittal of nearly half of the women and girls presented before the military courts, Belady stands firmly against trying civilians before military courts and Belady thus calls on the authorities to immediately refer the Sinai women and girls in military tribunals to civilian courts.

Further, Belady calls on the authorities to end the spiral of imprisonment, rotation, and prolonged pretrial detention of Sinai Women and girls. Finally, and on a positive note, some lawyers relayed to Belady that the judicial institution have started showing sympathy to Sinai women and girls, either ordering their release, not rotating them as they used to do previously, or acquitting them. This may be because the authorities have come to finally understand the suffering and victimhood of women and girls. Another possible reason is that the conflict in North Sinai is waning as terrorist groups have been eliminated or controlled, and some of the tribes reconciled with. In all cases, Belady calls on all relevant authorities to respect the rule of law, and treat the women and girls of Sinai as a protected group, rather than hardened terrorists.

## Conclusion

North Sinai Women and girls are born to particularly difficult lives in a remote desert Peninsula that has witnessed decades of conflict. Their lives are exacerbated by living under tribal rule, the grip of terrorist entities, and the grip of the Egyptian authorities. Under the respective grips, especially with the tribe and terrorist groups, the women and girls find themselves born to repressive social and economic conditions that include forced and child marriages, forced illiteracy, and extreme domestic violence.

These abuses are met with another set of grave violations at the hands of the Egyptian authorities that prey on them both collectively and indiscriminately and target them individually. In the former, they are forcefully displaced, their homes demolished, and they are killed or injured in indiscriminate fire.

As to individual and targeted violations, women and girls, who had no independence or freedom to act under the tribe and terrorist groups, find themselves not treated as victims, but as violent perpetrators. They are arrested and charged with joining and funding terrorist groups, subjected to enforced disappearance, torture, and rotation in new cases. Furthermore, they are frequently not presented before regular courts, but before Supreme State Security Courts, and in a worrying trend, military tribunals.

Last year, **2022**, saw a positive direction of acquittal and release, which Belady commends. On this note, Belady calls the authorities to continue releasing and acquitting the Sinai women and girls who remain in custody or charged in open cases, and prevent future violations and arrest by treating them in accordance with the principles of human rights, regarding them as vulnerable and doubly marginalised groups to be protected, rehabilitated, and reintegrated into Egyptian society; not as terrorists.

## Recommendations

1. Release all imprisoned women and girls who have been detained without evidence;
2. Immediately transfer women and girls before military tribunals to civilian courts while ensuring fair trial procedures;
3. Combat the spread of forced and underage marriage;
4. Criminalize all types of physical, psychological, economic, and sexual violence against women and girls;
5. Establish a compensation mechanism for women and girls who have been detained without committing crime, and also for those whose relatives have been arrested;
6. Hold accountable officials implicated in torturing and violating the rights of women and girls;
7. Establish committees to rehabilitate women and girls who were kidnapped by ISIS and other terrorist groups, and reintegrate them into society;
8. Issue personal identity cards and birth certificates for the residents of remote tribes within the North Sinai governorate;
9. Strive to end the practice of extrajudicial killings.