

THE WAR REPORT NON-INTERNATIONAL ARMED CONFLICT TO CONTINUE IN SINAI?



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NOVEMBER 2019 | ANNABEL BASSIL

THE GENEVA ACADEMY A JOINT CENTER OF

CLASSIFICATION OF THE CONFLICT

In 2019, the Egyptian Government remains involved in a non-international armed conflict (NIAC) against the non-state armed group Wilayat Sinai. Israel conducts airstrikes against the group with the consent of the Egyptian Government. Therefore, the conflict remains a NIAC.

HISTORY OF THE CONFLICT

On 11 February 2011, massive protests in Egypt ended the three-decade-long presidency of former Egyptian President Hosni Mubarak,¹ who handed over power to the Supreme Council for the Armed Forces.² Nearly a year and a half later, in June 2012, Egypt held its first competitive elections in the country since the downfall of Mubarak's regime. Mohamed Morsi, the candidate supported by the Muslim Brotherhood, won the elections.³ However, the armed forces, commanded by the then General Abdel Fattah al-Sisi, ousted the newly elected president in July 2013⁴ following mass protests against Morsi's Islamist-oriented regime.⁵

Two weeks after Morsi's ousting in July 2013, the head of Egypt's Supreme Court, Adly Mansoor,⁶ was appointed interim President with Hazem Beblawi as interim Prime Minister and the commander-in-chief of the armed forces, General Abdel Fattah al-Sisi, as interim First Deputy Prime Minister and Minister of Defense.⁷ In this capacity, on 24 July 2013, he acknowledged his intention to fight terrorism.⁸ Further, this government focused on silencing pro-Islamist views during its mandate. For instance, the armed forces violently repressed pro-Morsi protests in Rabaa al-Adawiya Square in August 2013,⁹ which greatly contributed to

the escalation of insurgency in Egypt.¹⁰ Additionally, the Muslim Brotherhood leader Mohamed Badie was arrested in the same month.¹¹ Finally, in September 2013, Egyptian courts dissolved the party¹² and the government listed it as terrorist in December 2013 for attacks in Mansoura, though it denies responsibility for these.¹³ In February 2014, the interim government resigned,¹⁴ paving the way for elections in late May, won unanimously by its former member Abdel Fattah al-Sisi.¹⁵

Amid this 2011 crisis and ensuing instability, Ansar Beit al-Maqdis (ABM), Wilayat Sinai's parent group, gradually shifted its attention from targeting Israel to countering Morsi's and al-Sisi's governments.¹⁶ Indeed, it initially directed attacks against Israel, focusing on the Jewish population around the Israeli borders and pipelines in Egypt,¹⁷ aimed at cutting off supplies of gas from Egypt to Israel.¹⁸

Under Morsi, ABM switched its intention from targeting Israel to denouncing Morsi's politics –including the Egyptian regime's constant normalization of relations with Israel – through its attacks.¹⁹ At the time, the region was already the stronghold of multiple jihadist groups because Mubarak's economic isolation of the region,²⁰ home to the Bedouin population, and his crackdown on Islamists in the area had fueled grievances and led to insurgency.²¹ In fact, during the 2011 events, the government lost control over North Sinai, which created a security vacuum.²² Police stations and army facilities were besieged by aggrieved Bedouins.²³ However, Morsi's promises to develop the region

1 On the protests, see K. Dalacoura, 'The 2011 Uprisings in the Arab Middle East: Political Change and Geographical Implications', 88 *International Affairs* 1 (2012); H. Fahmy, 'An Initial Perspective on the "Winter of Discontent": The Root Causes of the Egyptian Revolution', 79 *South Research* 2 (2012).

2 N. Shama, 'To Shoot or to Defect? Military Responses to the Arab Uprisings', Center for International and Regional Studies, Georgetown University Qatar, Occasional Paper no 22, 2019, p 29.

3 D. D. Kirkpatrick, 'Named Egypt's Winner, Islamist Makes History', *The New York Times*, 25 June 2012, <https://www.nytimes.com/2012/06/25/world/middleeast/mohamed-morsi-of-muslim-brotherhood-declared-as-egypts-president.html?mtref=www.google.ch&gwh=7B4CFE5980E3F9F700AF06ABA93A651D&gwt=pay>.

4 'President Morsi Overthrown in Egypt', *Al Jazeera*, 4 July 2013, <https://www.aljazeera.com/news/middleeast/2013/07/20137319828176718.html>.

5 P. Kingsley, 'Protesters Across Egypt Call for Mohamed Morsi to Go', *The Guardian*, 30 June 2013, <https://www.theguardian.com/world/2013/jun/30/mohamed-morsi-egypt-protests>.

6 'Profile: Interim Egyptian President Adly Mansour', *BBC News*, 4 July 2013, <https://www.bbc.com/news/world-middle-east-23176293>.

7 'Egypt Turmoil: Interim Cabinet Sworn in', *BBC News*, 16 July 2016, <https://www.bbc.com/news/world-middle-east-23336167>.

8 The Tahrir Institute for Middle Eastern Policy (TIMEP), 'Five Years of Egypt's War on Terror', 24 July 2018, <https://timep.org/esw/five-years-of-egypts-war-on-terror/> (last accessed 17 October 2019).

9 Human Rights Watch (HRW), 'Egypt: Rab'a Killings Likely Crimes Against Humanity', 12 August 2014, <https://www.hrw.org/news/2014/08/12/egypt-raba-killings-likely-crimes-against-humanity> (last accessed 17 October 2019).

10 M. Awad and M. Hashem, *Egypt's Escalating Insurgency*, Carnegie Middle East Center, 2015, p 8, https://carnegieendowment.org/files/CMCEC_58_Egypt_Awad_Hashem_final.pdf (last accessed 17 October 2019).

11 S. Sinha and E. Banco, 'Timeline of Turmoil in Egypt from Mubarak and Morsi to Sisi', *The New York Times*, 2014, <https://archive.nytimes.com/www.nytimes.com/interactive/2013/07/02/world/middleeast/03egypt-timeline-morsi.html#/>.

12 *Ibid.*

13 'Profile: Egypt's Muslim Brotherhood', *BBC News*, 25 December 2013, <https://www.bbc.com/news/world-middle-east-12313405>.

14 'Egypt Interim Government Resigns Unexpectedly', *BBC News*, 24 February 2014, <https://www.bbc.com/news/world-middle-east-26323638>.

15 P. Kingsley, 'Abdel Fatah al-Sisi Won 96.1% of Vote in Egypt Presidential Election, Say Officials', *The Guardian*, 3 June 2014, <https://www.theguardian.com/world/2014/jun/03/abdel-fatah-al-sisi-presidential-election-vote-egypt>.

16 TIMEP, 'Wilayat Sinai', 2014, <https://timep.org/esw/non-state-actors/wilayat-sinai/> (last accessed 21 October 2019).

17 *Ibid.*

18 S. Said and J. Mitnick, 'Egypt Gas Pipeline Attacked', *The Wall Street Journal*, 6 February 2011, <https://www.wsj.com/articles/SB10001424052748704843304576125510103424894>.

19 M. Sabry, *Sinai: Egypt's Linchpin, Gaza's Lifeline, Israel's Nightmare*, The American University in Cairo Press, 2015, p 159.

20 *Ibid.*, p 131.

21 S. Staffell, 'From 25 January to Islamic State: Transitions in Egyptian Jihadist Narratives', in S. Staffell and A. Awan (eds), *Jihadism Transformed: Al-Qaeda and Islamic State's Global Battle of Ideas*, Oxford University Press, 2016, p 56.

22 R. Tuitel, 'The Future of the Sinai Peninsula', 13 *Connections* 2 (2014) 85.

23 M. Horton, 'Crossing the Canal: Why Egypt Faces a Creeping Insurgency', 10 *CTC Sentinel* 6 (2017) 23.

contributed to the regaining of control over lawless Sinai.²⁴ Further, the necessary flexibility underlying the desire to impose a certain ideology and the relative immunity that the insurgents enjoyed under Morsi's presidency may have prevented the escalation of the conflict.²⁵

Morsi's ouster marked an opportunity for militants to intensify their activity. Many factors have been identified as explaining the upsurge of violence at this particular moment. To some,²⁶ Morsi's ouster indicated a shift from an ideological fight against the regime to a fight for existence as a group amid the new regime's crackdown on the Muslim Brotherhood. To others,²⁷ the group exploited the existing local grievances resulting from the region's economic isolation, which were worsened by Morsi's failure to implement his party's plan to develop the Sinai. These grievances also consisted of a heavy anti-military sentiment resulting from the wave of repression against Islamists after Morsi's ouster, particularly the Muslim Brotherhood. The group further took advantage of the fact that the army was distracted by this silencing of the Muslim Brotherhood.

More precisely, after Morsi's ouster, under the interim government's regime, ABM attempted to assassinate the appointed Minister of Interior, Mohamed Ibrahim.²⁸ It further claimed responsibility for the blast in Mansoura, the attack that led the Muslim Brotherhood to be designated as terrorist by the interim government in December 2013.²⁹ The violence further intensified in January 2014. In particular, the group claimed responsibility for an attack that killed 49 and wounded 247 people in Cairo.³⁰ Additionally, in the same month, it expressed its intention to target army and state revenues, then repeatedly attacked pipelines in the following months, clearly targeting Egypt and not Israel, despite the similarity of the attacks to those it previously carried out against Israel.³¹ However, the overall

24 Ibid, 23; Tuitel, 'The Future of the Sinai Peninsula', 84.

25 Sabry, Sinai, p 202.

26 Ibid.

27 S. Hamid, 'Radicalization after the Arab Spring: Lessons from Tunisia and Egypt', in N. Burns and J. Price (eds), *Blind Spot: America's Response to Radicalism in the Middle East*, The Aspen Institute, 2015, p 53.

28 H. Al Shalchi, 'Militants Say Ex-Army Major Carried out Cairo Suicide Attack', Reuters, 26 October 2013, <https://www.reuters.com/article/us-egypt-militancy/militants-say-ex-army-major-carried-out-cairo-suicide-attack-idUSBRE99P07A20131026+RGFChg6bZ4OplzHy:97>.

29 S. Nasralla, 'Egypt Designates Muslim Brotherhood as Terrorist Group', Reuters, 25 December 2013, <https://www.reuters.com/article/us-egypt-explosion-brotherhood/egypt-designates-muslim-brotherhood-as-terrorist-group-idUSBRE99B008H20131225>.

30 Y. Basil, J. Mullen and M. Martinez, 'At Least 49 Dead in Egypt as Throngs Commemorate Revolution', CNN, 26 January 2014, <https://edition.cnn.com/2014/01/25/world/meast/egypt-blast/>.

31 A. Boyd, 'Egyptian Gas Pipeline Attack Signals Intent to Target Energy Infrastructure

number of attacks considerably declined from February to April 2014 due to the military's efforts to resorb insurgency in Sinai, then re-intensified as soon as the troops retreated in May 2014,³² culminating in a car bomb killing at least 26 Egyptian soldiers in Sinai on 24 October 2014.³³

Under al-Sisi's presidency, the conflict escalated,³⁴ particularly after some ABM members split from the group and pledged allegiance to the Islamic State (IS) in November 2014, changing their name to Wilayat Sinai (Sinai Province [of IS]).³⁵ Wilayat Sinai has claimed responsibility for more than 800 attacks since then.³⁶ In particular, it claimed responsibility for

51 attacks in the two months following the attack on 24 October.³⁷ It also launched a wave of attacks against Coptic churches in July 2015³⁸ and crashed a Russian airliner in November 2015,³⁹ in an attempt to weaken Egypt's economy and damage Egypt's relations with Russia.⁴⁰ The insurgency strengthened in 2016, with 602 attacks from January to September.⁴¹ Lastly, in 2017, the group carried out a series of deadly attacks, an average of 14 to 18 per month,⁴² including that on the Sufi al-Rawda mosque in Bir al-Abed, North Sinai. Forty gunmen attacked the mosque, killing 235 people and injuring 120.⁴³ In November 2017, it attempted to target the head of the Central Security Forces, Major General Nasser

Beyond Sinai', Global Insight, 6 March 2014.

32 Z. Gold, 'Sinai Security One Year After Morsi', TIMEP, 22 July 2014, <https://timep.org/esw/articles-analysis/sinai-security-one-year-morsi/> (last accessed 21 October 2019).

33 'Egypt: 29 Killed as Sinai Attacks Target Security Forces', BBC News, 24 October 2014, <https://www.bbc.com/news/world-middle-east-29763144>.

34 A. McManus, 'The Battle for Egypt's Sinai', TIMEP, 5 December 2014, <https://timep.org/commentary/analysis/battle-egypts-sinai/> (last accessed 21 October 2019).

35 TIMEP, 'Wilayat Sinai'; TIMEP, Five Years of Egypt's War on Terror, 24 July 2018, p 7, <https://timep.org/wp-content/uploads/2018/07/TIMEP-ESW-5yrReport-7.27.18.pdf> (last accessed 21 October 2019).

36 TIMEP, 'Wilayat Sinai'.

37 McManus, 'The Battle for Egypt's Sinai'.

38 'Egypt Profile – Timeline', BBC News, 7 January 2019, <https://www.bbc.com/news/world-middle-east-29763144>.

39 D. D. Kirkpatrick, 'ISIS Ally Emerges as Key Suspect in Russian Jet Crash', The New York Times, 9 November 2015, <https://www.nytimes.com/2015/11/10/world/middleeast/suspects-in-russian-jet-crash-risk-exposing-their-isis-allies-to-a-backlash.html>.

40 L. Dearden, 'ISIS Plane Attack: Egypt Admits "Terrorists" Downed Russian Metrojet Flight From Sharm el-Sheikh for the First Time', The Independent, 24 February 2016, <https://www.independent.co.uk/news/world/africa/isis-plane-attack-egypt-terrorists-downed-russian-metrojet-flight-from-sharm-el-sheikh-islamic-state-a6893181.html>. See also Z. Gold, *Salafi Jihadist Violence in Egypt's North Sinai: From Local Insurgency to Islamic State Province*, International Centre for Counter-Terrorism, April 2016, p 20, <https://icct.nl/publication/salafi-jihadist-violence-in-egypts-north-sinai-from-local-insurgency-to-islamic-state-province/> (last accessed 21 October 2019).

41 TIMEP, Egypt Security Watch Quarterly Reports, 2016, <https://timep.org/reports-briefings/timep-reports/> (last accessed 21 October 2019).

42 TIMEP, Five Years of Egypt's War on Terror, p 8. A. Mohamad, 'Superficial Gains, but No Lasting Success in Sinai 2018', <https://timep.org/commentary/analysis/superficial-gains-but-no-lasting-success-in-sinai-2018/> (last accessed 21 October 2019).

43 H. F. Mahfouz and K. Fahim, 'Militants Kill 235 at Sinai Mosque in Deadliest Assault in Civilians in Egypt', The Washington Post, 26 November 2017, https://www.washingtonpost.com/gdp-consent/?destination=%2fworld%2fmiddle-east%2fattack-on-mosque-in-egypts-sinai-kills-at-least-85-people%2f2017%2f11%2f24%2f618fac4a-d117-11e7-9d3a-bcbe2af58c3a-story.html%3f&utm_term=.7229aa3c64c5.

al-Husseini.⁴⁴

Consequently, in late December 2017, President al-Sisi announced a future military operation against Wilayat Sinai – undertaking to eradicate the terrorist threat in the next three months – in anticipation of the elections of March 2018,⁴⁵ which he won.⁴⁶ On 9 February 2018,⁴⁷ the Egyptian military spokesman announced Comprehensive Operation Sinai 2018 against insurgency in Sinai. This took place in the Sinai Peninsula but also covered the Nile Delta and the Western Desert bordering Libya.⁴⁸

During Operation Sinai 2018, Wilayat Sinai has maintained an average of 18 attacks per month across all zones of Sinai, with a total of 204 attacks.⁴⁹ Most notably, a few days after the start of the operation, the group conducted suicide attacks on a military base in al-Arish.⁵⁰ It further demonstrated its ability to target state agents, secure strategic positions and set up checkpoints. In particular, on 14 April 2018, it attacked Qasima Barracks in Central Sinai, one of the most protected army points in Sinai.⁵¹ On 18 May 2018, it attempted to target Major General Nasser al-Husseini again. He was injured but not killed, unlike his chief aid, who was also perceived as a high-profile target by the group.⁵² Wilayat Sinai also persisted in establishing checkpoints on key roads connecting the region to the mainland, in search of relevant targets.⁵³ Outside Sinai, the most notable attack has been on a bus carrying Christian worshippers in Minya Governorate, which killed eight.⁵⁴ Therefore, overall, the frequency of the attacks in Sinai may have been maintained in 2018, though they have caused few casualties compared to the al-Rawda mosque blast. The

attacks outside Sinai have also slowed down.⁵⁵ This raises the question of whether the intensity of violence required to classify the conflict as a NIAC is met. In contrast, the high-profile nature of the targets and the level of security of the military objectives evidence that Wilayat Sinai has maintained its level of organization, a criteria for classifying a conflict as a NIAC.

Additionally, the army has succeeded in significantly weakening Wilayat Sinai, notably by killing high-ranked militants, including one of its senior figures, Abu Hamza al-Maqdisi.⁵⁶ It reported 31 raids of different scale over the course of the campaign⁵⁷ and allegedly killed more than 40 members of the group, arrested 125 and confiscated the group’s assets, including 242 IEDs and 104 weapons, as well as its revenues.⁵⁸ The Egyptian military also established a buffer zone around the airport of Northern Sinai’s capital, al-Arish.⁵⁹

Additionally, Wilayat Sinai has been weakened by external elements during and after the campaign. Indeed, the exchange of weapons between Hamas and Wilayat Sinai stopped completely in January 2018, when the ISIS-affiliated members executed Hamas militants.⁶⁰

PARTIES TO THE CONFLICT

EGYPTIAN ARMED FORCES

There are 440,000 active and 480,000 reserve Egyptian military personnel.⁶¹ The military efforts to counter Wilayat Sinai’s attacks give a comprehensive account of the intensity of the conflict. Indeed, the armed forces have conducted several operations against Wilayat Sinai

44 ‘Egyptian Central Security Forces Chief Survives Assassination Attempt in Northern Sinai’, Asharq Al-Awsat, 20 November 2017, <https://aawsat.com/english/home/article/1089616/egyptian-central-security-forces-chief-survives-assassination-attempt-north>.

45 ‘Egypt Launches Major Assault on Militant Ahead of Election’, Reuters, 9 February 2018, <https://af.reuters.com/article/topNews/idAFKBN1FT1Z2-OZATP>.

46 R. Michaelson, ‘Sisi Wins Landslide Victory in Egypt Election’, The Guardian, 2 April 2018, <https://www.theguardian.com/world/2018/apr/02/sisi-poised-to-declare-landslide-victory-in-egypt-election>.

47 J. Burke, ‘Egypt Launches Massive Operation Targeting Islamic Militants in Sinai’, The Guardian, 9 February 2018, <https://www.theguardian.com/world/2018/feb/09/egyptian-military-offensive-targets-islamic-militants-sinai>.

48 ‘Middle East and North Africa’, 5 Armed Conflict Survey 1 (2019) 157.

49 Mohamad, ‘Superficial Gains, but No Lasting Success in Sinai 2018’.

50 ‘Middle East and North Africa’, 162.

51 Ibid. See also Mohamad, ‘Superficial Gains, but No Lasting Success in Sinai 2018’.

52 ‘One Officer Dead and One Policemen Injured in a Bombing in North Sinai’, Al Hayat, 18 May 2018, in Arabic, <http://www.alhayat.com/article/4581436/>. See also ‘The Head of the Central Security Forces Was Injured in a Bombing in Sinai’, Al-Araby Al-Jadeed, 18 May 2018, in Arabic, <https://www.alaraby.co.uk/politics/2018/5/18/%D8%A5%D8%B5%D8%A7%D8%A8%D8%A9-%D9%85%D8%AF%D9%84%D8%B1-%D8%A7%D9%84%D8%A3%D9%85%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D9%83%D8%B2%D9%8A-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A-%D8%A8%D8%AA%D9%81%D8%AC%D9%8A%D8%B1-%D9%81%D9%8A-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1>.

53 Mohamad, ‘Superficial Gains, but No Lasting Success in Sinai 2018’.

54 ‘Egypt Attack: Gunmen Target Bus with Coptic Christians’, BBC News, 2 November 2018, <https://www.bbc.com/news/world-middle-east-46075969>.

55 TIMEP, Five Years of Egypt’s War on Terror, 24 July 2018, p 10.

56 A. Abdelaty and S. Aboudi, ‘Islamic State Announces Death of Senior Militant in Egypt’s Sinai’, Reuters, 2 October 2018, <https://www.reuters.com/article/us-egypt-security/islamic-state-announces-death-of-senior-militant-in-egypt-sinai-idUSKCN1MC2BD>.

57 Mohamad, ‘Superficial Gains, but No Lasting Success in Sinai 2018’. See also Egyptian State Information Service, ‘Report Number 31 on Comprehensive Operation Sinai 2018’, January 2019, in Arabic, <http://www.sis.gov.eg/Story/181968/%D8%A8%D9%8A%D8%A7%D9%86-%D8%B1%D9%82%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D9%82%D9%8A%D8%A7%D8%AF%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D9%84%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B3%D9%84%D8%AD%D8%A9-%D8%A8%D8%B4%D8%A3%D9%86-%D8%A7%D9%84%D8%B9%D9%85%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%B4%D8%A7%D9%85%D9%84%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-2018?lang=ar> (last accessed 21 October 2019).

58 Egyptian State Information Service, ‘Report number 31 on Comprehensive Operation Sinai 2018’.

59 HRW, ‘Egypt: Events of 2018’, World Report 2019, <https://www.hrw.org/world-report/2019/country-chapters/egypt> (last accessed 21 October 2019).

60 M. Shkolnik, ‘From Marriage of Convenience to Bitter Divorce: The Unravelling Ties between Hamas and ISIL’s Sinai Affiliate’, War on the Rocks, 22 January 2018, <https://warontherocks.com/2018/01/marriage-convenience-bitter-divorce-unravelling-ties-hamas-isil-sinai-affiliate/> (last accessed 21 October 2019). See also I. Abuhweila and I. Kershner, ‘ISIS Declares War on Hamas, and Gaza Families Disown Sons in Sinai’, The New York Times, 10 January 2018, <https://www.nytimes.com/2018/01/10/world/middleeast/isis-hamas-sinai.html>.

61 Global Firepower, ‘Egypt Military Strength’, 2019, https://www.globalfirepower.com/country-military-strength-detail.asp?country_id=egypt (last accessed 21 October 2019).

– Operation Eagle Sinai in 2011⁶² and Operation Martyr’s Right from 2015 to February 2018,⁶³ during which they allegedly killed 500 operatives and arrested 600. Operation Sinai 2018 evidences an awakening of the Egyptian army as it is the first operation in Egypt to deploy the army, navy and air forces concurrently.⁶⁴ This is due to the government’s real security concerns and, potentially, the United States’ increased pressure on Egypt to strengthen the response to terrorism on its soil.⁶⁵ Security forces and irregular militia recruited and commanded by the Egyptian army⁶⁶ fight with it.

WILAYAT SINAI

Wilayat Sinai has mostly aligned with IS’s ideology since it transferred its allegiance from Al Qaeda.⁶⁷ In fact, since then, the group has endeavored to maintain a balance between adhering to IS’s claim of creating a worldwide caliphate, adopting acts typical of IS such as beheadings, and its own internal aim to overthrow the Egyptian Government.⁶⁸ While some refer to this allegiance as a merger, which may indicate a merger of the command structure of both organizations, the relationship between the two groups is in fact unclear.⁶⁹ As an affiliate, it typically receives training, funding and foreign fighters.⁷⁰ However, it seems that the planning of operations is left to the cell on the ground. For the purpose of this report, therefore, only Wilayat Sinai is considered a party to the conflict as the extent of the links between both groups are not certain.⁷¹ In parallel, IS maintains a presence outside Sinai through a separate group, the Islamic State in Egypt.⁷²

62 A. Eleiba, ‘Egypt’s “Operation Eagle” Sinai Campaign Draws Mixed Reviews’, *Ahram Online*, 4 September 2012, <http://english.ahram.org.eg/NewsContent/1/64/52021/Egypt/Politics-/Egyptys-Operation-Eagle-Sinai-campaign-draws-mixed-.aspx>.

63 A. Eleiba, ‘The Martyr’s Right is Egypt’s Largest Military Action in North Sinai in Months: Sources’, *Ahram Online*, 8 September 2015, <http://english.ahram.org.eg/NewsContent/1/0/139972/Egypt/0/The-Martyrs-Right-is-Egyptys-largest-military-action.aspx>.

64 R. Springborg and F. C. ‘Pink’ Williams, ‘The Egyptian Military: A Slumbering Giant Awakes’, *Carnegie Middle East Center*, 28 February 2019, <https://carnegie-mec.org/2019/02/28/egyptian-military-slumbering-giant-awakes-pub-78238> (last accessed 21 October 2019).

65 Ibid.

66 See HRW, ‘If You Are Afraid for Your Lives, Leave Sinai!’: Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai, 28 May 2019, https://www.hrw.org/sites/default/files/report_pdf/egypt0519_web3.pdf (last accessed 21 October 2019).

67 ‘Allegiance to ISIS: Egypt’s Ansar Beit al-Maqdis Pledges Support’, *NBC News*, 12 November 2014, <https://www.nbcnews.com/storyline/isis-terror/allegiance-isis-egypts-ansar-beit-al-maqdis-pledges-support-n246741>.

68 Staffell, ‘From 25 January to Islamic State’, p 64.

69 Mapping Militant Organizations, ‘The Islamic State – Sinai Province’, *Stanford University*, last modified December 2018, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/557> (last accessed 21 October 2019).

70 B. Rahmani and A. Tanco, ‘ISIS’s Growing Caliphate: Profiles of Affiliates’, *Wilson Center*, 19 February 2016, <https://www.wilsoncenter.org/article/isis-growing-caliphate-profiles-affiliates> (last accessed 21 October 2019).

71 For a legal analysis of the relationship between armed groups and attribution in international law, see T. Rodenhauer, *Organizing Rebellion: Non-State Armed Groups Under International Humanitarian Law, Human Rights Law, and International Criminal Law*, Oxford University Press, 2018, pp 80 ff.

72 TIMEP, ‘Islamic State in Egypt’, 8 May 2017, <https://timep.org/esw/non-state-actors/islamic-state-in-egypt/> (last accessed 21 October 2019). See also M. Awad, ‘The Islamic State’s Pyramid Scheme: Egyptian Expansion and the Giza Governorate Cell’, *9 CTC Sentinel* 4 (April 2016).

The exact number of Wilayat Sinai members is not known, but it is estimated to be between 1,000 and 1,500 active fighters. The group maintains a stronghold in Jabal Halal in Northern Sinai.⁷³

Since its creation, Wilayat Sinai has proved to be extremely organized, subjecting its members to lengthy paramilitary and ideological training upon recruitment. It is also able to conduct complex attacks due to its high intellectual capital.⁷⁴ For instance, it evidenced the complexity of its arsenal in January 2014, even before its allegiance to IS, when it downed a military helicopter with an air-to-surface missile.⁷⁵ This ability increased after it pledged allegiance to IS, as evidenced by the crash of the Russian airliner in 2015⁷⁶ and the reported advanced coordination of its attacks.⁷⁷

ISRAEL

From mid-2015 to early 2018, Israel conducted more than 100 airstrikes against Wilayat Sinai⁷⁸ out of fear of being targeted on its territory. Since then, Israel’s security concerns in relation to the group’s activities have increased. For instance, in 2017, Israel’s decision to close its border with the Peninsula after the attack on two Egyptian churches by Wilayat Sinai⁷⁹ was followed by a violent response in southern Israel.⁸⁰ As a result, Israel intensified its fight against terrorism in Sinai by conducting airstrikes with the consent of the Egyptian Government in 2018.⁸¹

KEY DEVELOPMENTS IN 2019

In January 2019, the Egyptian military forces published the 31st report regarding Operation Sinai 2018. This is the last published report mentioning Operation Sinai 2018, which may point to its end.⁸² However, violence and army

<https://ctc.usma.edu/the-islamic-states-pyramid-scheme-egyptian-expansion-and-the-giza-governorate-cell/> (last accessed 21 October 2019).

73 Rahmani and Tanco, ‘ISIS’s Growing Caliphate’.

74 TIMEP, ‘Wilayat Sinai’, 2014.

75 K. Vick, ‘Surface-to-Air Missile Attack in Sinai Spells Trouble for Israeli Airliners’, *Time*, 27 January 2014, <http://world.time.com/2014/01/27/missile-attack-in-sinai-spell-trouble-for-israeli-airliners/>.

76 TIMEP, ‘Wilayat Sinai’.

77 McManus, ‘The Battle for Egypt’s Sinai’.

78 M. Mandour, ‘Egypt’s Evolving Alliance With Israel’, *Carnegie Endowment for International Peace*, 20 March 2018, <https://carnegieendowment.org/sada/75840> (last accessed 21 October 2019).

79 R. Eglash, ‘After Egypt Church Bombings, Israel Closes Southern Border with Sinai’, *The Washington Post*, 10 April 2017, https://www.washingtonpost.com/world/middle-east/after-egypt-church-bombings-israel-closes-southern-border-with-sinai/2017/04/10/d7ef8100-1dec-11e7-bb59-a74ccaf1d02f_story.html.

80 Ibid.

81 D. D. Kirkpatrick, ‘Secret Alliance: Israel Carries Out Airstrikes in Egypt, With Cairo’s O.K.’, *The New York Times*, 3 February 2018, <https://www.nytimes.com/2018/02/03/world/middleeast/israel-airstrikes-sinai-egypt.html>.

82 ‘Has Operation Sinai 2018 Ended?’, *Al-Araby Al-Jadeed*, 24 January 2019, in Arabic, <https://www.alaraby.co.uk/politics/2019/1/23/%D9%87%D9%84>.

raids in Sinai continue as the operation has not succeeded in achieving its initial goal of defeating Wilayat Sinai completely.⁸³

Therefore, al-Sisi's so-called 'war on terror' has not ended.⁸⁴ Recent political developments also point towards this conclusion. Indeed, in April 2019, the Egyptian people approved by referendum constitutional amendments⁸⁵ that could keep al-Sisi in power for another decade, hence indicating a potential furtherance of his political and military counter-terrorism projects. Yet, it remains unclear whether the threshold of intensity of violence and organization of the armed groups required for a NIAC were still met in 2019.

With regard to the organization criteria, the army has reported the killing of 450 fighters, the arrest of thousands and the destruction of 1,200 explosive devices and 1,900 vehicles.⁸⁶ The additional reported army achievements between January 2019 and September 2019 amount to more than 150 killings of fighters and more than 200 arrests.⁸⁷ However, the accuracy of these numbers is uncertain as the number of killings and arrests reported by the government during the operation largely outnumber the number of fighters in the group,⁸⁸ pointing to its potential resilience despite the losses.

Further, al-Sisi has explicitly reiterated his consent to closely cooperate with Israel, therefore increasing the

army's capabilities.⁸⁹ In this context, Israel continues to conduct operations in Sinai, further motivated by weakening Hamas in Gaza and preventing the smuggling of weapons through tunnels crossing the border.⁹⁰

Additionally, IS's military defeat in Syria and Iraq⁹¹ may lead to a lack of funding for the group. But these territorial losses may also lead to a shift in IS's attention to Sinai in order to revive its insurgency, indicating a potential consolidation of its structure.⁹²

Lastly, the army may have strongly eroded the group's hierarchy when killing its high-ranked militants, such as Abu Hamza al-Maqdisi. However, the group's leadership is not clear, as it has always kept it opaque. Therefore, the impact of these losses on its organization is difficult to assess.⁹³ Further, there are reports accounting for the nomination of a new senior leader, Abu Jafr al-Ansari.⁹⁴

With regard to intensity, Wilayat Sinai remains active in Sinai despite its losses. The group regularly claimed responsibility for attacks in 2019. In particular it claimed it carried out 20 attacks in January, 7 in February, 13 in March, 14 in April, 21 in May, 20 in June, more than 4 in July, 13 in August and continued such claims in September. Ninety-seven of these operations were concentrated in Northern Sinai. They resulted in variable casualties. The group claimed it killed 29 members of the security forces and at least 15 soldiers⁹⁵ in January and February. In March, it either did not specify the casualties or claimed four to seven military casualties, as well as two civilians killed and ten injured. In April 2019, it killed 7 and injured 26 in an attack in Sheikh Zuweid.⁹⁶ Eight Egyptian security personnel were also killed in June in an attack against a police checkpoint

Additionally, IS's military defeat in Syria and Iraq may lead to a lack of funding for the group. But these territorial losses may also lead to a shift in IS's attention to Sinai in order to revive its insurgency, indicating a potential consolidation of its structure.

<https://www.aljazeera.com/news/2019/01/dozens-armed-fighters-killed-egypt-northern-sinai-190122110022761.html>; 'Egyptian Security Forces Kill 16 Suspected Fighters Killed in Sinai', Al Jazeera, 19 February 2019, in Arabic, <https://www.aljazeera.com/news/2019/02/egyptian-security-forces-kill-16-suspected-fighters-sinai-190219145158965.html>; 'Egypt Army Says 46 Fighters and Three Soldiers Killed in Sinai', Al Jazeera, 11 March 2019, <https://www.aljazeera.com/news/2019/03/egypt-army-46-fighters-soldiers-killed-sinai-19031111235343.html>; 'Egypt's Sinai: At Least 47 fighters, 5 troops killed in battle', Al Jazeera, 16 May 2019, <https://www.aljazeera.com/news/middleeast/2019/05/egypt-sinai-47-fighters-5-troops-killed-battle-190516133026261.html>; 'Egyptian Security Forces Kill 16 Suspected Militants in Sinai', Reuters, 21 May 2019, <https://af.reuters.com/article/egyptNews/idAFL5N22X5B6>; TIMEP, Egypt Security Watch Weekly Briefs, 2019, [https://timep.org/esw/weekly-briefs-esw/\(last-accessed-21-October-2019\)](https://timep.org/esw/weekly-briefs-esw/(last-accessed-21-October-2019)).

83 Mohamad, 'Superficial Gains, but No Lasting Success in Sinai 2018'.

84 Ibid.

85 R. Michaelson and A. Youssef, 'Sisi Wins Snap Egyptian Referendum Amid Vote-Buying Claims', The Guardian, 23 April 2019, <https://www.theguardian.com/world/2019/apr/23/sisi-wins-snap-egyptian-referendum-amid-vote-buying-claims>.

86 'Egypt Says Security Forces Killed 450 Fighters in Sinai Peninsula', Al Jazeera, 16 October 2018, <https://www.aljazeera.com/news/2018/10/egypt-security-forces-killed-450-fighters-sinai-peninsula-181016170315029.html>.

87 See 'Dozens of Armed Fighters Killed in Egypt's Northern Sinai', Al Jazeera, 22 January 2019, <https://www.aljazeera.com/news/2019/01/dozens-armed-fighters-killed-egypt-northern-sinai-190122110022761.html>; 'Egyptian Security Forces Kill 16 Suspected Fighters Killed in Sinai', Al Jazeera, 19 February 2019, in Arabic, <https://www.aljazeera.com/news/2019/02/egyptian-security-forces-kill-16-suspected-fighters-sinai-190219145158965.html>; 'Egypt Army Says 46 Fighters and Three Soldiers Killed in Sinai', Al Jazeera, 11 March 2019, <https://www.aljazeera.com/news/2019/03/egypt-army-46-fighters-soldiers-killed-sinai-19031111235343.html>; 'Egypt's Sinai: At Least 47 fighters, 5 troops killed in battle', Al Jazeera, 16 May 2019, <https://www.aljazeera.com/news/middleeast/2019/05/egypt-sinai-47-fighters-5-troops-killed-battle-190516133026261.html>; 'Egyptian Security Forces Kill 16 Suspected Militants in Sinai', Reuters, 21 May 2019, <https://af.reuters.com/article/egyptNews/idAFL5N22X5B6>; TIMEP, Egypt Security Watch Weekly Briefs, 2019, [https://timep.org/esw/weekly-briefs-esw/\(last-accessed-21-October-2019\)](https://timep.org/esw/weekly-briefs-esw/(last-accessed-21-October-2019)).

88 Mohamad, 'Superficial Gains, but No Lasting Success in Sinai 2018'. See also M. Sabry, 'The Military Operation in Sinai: Losses, Doubts and Open Ends', Al Jazeera Centre for Studies, 2 July 2018, in Arabic, [http://studies.aljazeera.net/ar/reports/2018/07/180702123122674.html%20\(Aljazeera%20on%20end%20of%20operation%202018\)%20doubts%20on%20army%20achievements](http://studies.aljazeera.net/ar/reports/2018/07/180702123122674.html%20(Aljazeera%20on%20end%20of%20operation%202018)%20doubts%20on%20army%20achievements) (last accessed 21 October 2019).

89 P. Stewart and Pete Schroeder, 'Egypt's Sisi Acknowledges Close Coordination With Israel in Sinai', Reuters, 7 January 2019, <https://www.reuters.com/article/us-egypt-sisi-usa/egypt-sisi-acknowledges-close-coordination-with-israel-in-sinai-idUSKCN1P101X>.

90 A. A. Amer, 'Israel Goes After Hamas in Sinai', Al-Monitor, 18 January 2019, <https://www.al-monitor.com/pulse/originals/2019/01/israel-raids-sinai-egypt-hamas-weapons-smuggling-gaza.html>.

91 N. Wedeman, 'The ISIS Caliphate Has Ended but It's Breeding Ground Thrives', CNN, 23 March 2019, <https://edition.cnn.com/2019/03/23/middleeast/end-of-isis-caliphate-intl/index.html>.

92 F. Gerges, 'The Islamic State Has Not Been Defeated', The New York Times, 23 March 2019, <https://www.nytimes.com/2019/03/23/opinion/isis-defeated.html>.

93 'Middle East and North Africa', 162.

94 TIMEP, Egypt Security Watch Weekly Briefs, 2019.

95 'Many Troops Killed or Wounded in North Sinai', Al Jazeera, 17 February 2019, <https://www.aljazeera.com/news/2019/02/fifteen-egyptian-troops-killed-wounded-north-sinai-190217150959819.html>.

96 M. S. Alzahr, 'Egypt ... Killings in a Suicide Bombing in Sheikh Zuweid', Sky News Arabia, 9 April 2019, in Arabic, <https://www.skynewsarabia.com/middle-east/1242745-%D9%85%D8%B5%D8%B1-%D9%82%D8%AA-%D9%84%D9%89-%D8%A8%D8%AA%D9%81%D8%AC-%D9%8A%D8%B1-%D8%A7%D9%86%D8%AA%D8%AD%D8%A7%D8%B1-%D9%8A-%D8%A7%D9%84%D8%B4%D9%8A-%D8%AE-%D8%B2%D9%88%D9%8A-%D8%AF?fbclid=IwAR1mbReBBprUONrtQ0KXyKTZTdsOzX9seg9YCx7TZNYFbplzISrhH8W4>.

in al-Arish.⁹⁷ Lastly, in July, the group attempted to target a military checkpoint by detonating a bomb, but caused the death of one soldier and one civilian before it reached the checkpoint. This attack was one day after the beheading of four individuals that the group claimed were spying for the military.⁹⁸

In parallel, attacks by IS outside Sinai have intensified. Two of them can be attributed to IS⁹⁹ and it has claimed responsibility for another. None were evidently conducted by members of the Sinai cell.

In any case, from a legal perspective, the apparent decrease in the intensity of the violence and the level of organization in 2018 and 2019

compared to previous years does not necessarily lead to the conclusion that the NIAC has ended. Indeed, in Tadić, the International Criminal Tribunal for the former Yugoslavia indicated that a conflict does not end until a peaceful settlement is reached, regardless of whether the initial levels of intensity and organization required to trigger the NIAC are still met or not.¹⁰⁰ However, in practice, this standard is too strict.¹⁰¹ Many scholars advocate in favour of the application of the criteria of general closure of military operations which applies in international armed conflicts.¹⁰² Such a closure has not occurred in Sinai, though, not least because the raids are constant and the buffer zone around al-Arish airport has been maintained.

On another note, it is worth noting that al-Sisi's strategy to eradicate insurgents in Sinai has been criticized as fueling insurgency instead by nourishing the local population's grievances.¹⁰³ From this perspective, without the

development of the Sinai, rather than a blunt eradication of insurgency through violence, the crisis will continue.

WAR CRIMES ALLEGATIONS, INVESTIGATIONS AND PROSECUTIONS

Egypt has signed but not ratified the Rome Statute of the International Criminal Court (ICC). Therefore, there were no allegations of war crimes, investigations or prosecutions by the ICC.

Operation Sinai 2018 has led to an acute humanitarian crisis due to army measures. The army imposed severe

restrictions on people's movement,¹⁰⁴ creating a siege-like situation in which it denied access to items essential for the survival of the population, such as medicine, cooking gas and gasoline. Access to food was also restricted, as the Northern Sinai population had to queue

to obtain food at a specific distribution point managed by the army. These measures impacted 420,000 residents.¹⁰⁵ Even when the restrictions on gas were eased in October 2018, residents were only allowed a minimal quantity of fuel.¹⁰⁶ The armed forces also demolished property as part of the creation of the buffer zone around al-Arish airport, including farmland, homes and commercial buildings beyond the initially designated perimeter,¹⁰⁷ destroying at least 3,600 homes and other buildings.¹⁰⁸ Some demolitions were reprisals against political dissidents and their families.¹⁰⁹

On 28 May 2019, Human Rights Watch published a comprehensive report¹¹⁰ documenting abuses by the army from 2016 to 2018, some of which the organization qualifies as war crimes. The report refers to the killing and torture of fighters at the hands of the Egyptian army, the status of which was sometimes erroneously determined, hence

97 'Egypt Attack: Soldiers Killed in Raid on Sinai Checkpoint', Al Jazeera, 5 June 2019, <https://www.aljazeera.com/news/2019/06/egypt-attack-soldiers-killed-raid-sinai-checkpoint-190605074358827.html>; S. Raghavan, 'Islamic State Militants Attack Egyptian Police Checkpoint, Killing at Least 8', The Washington Post, 6 June 2019, https://www.washingtonpost.com/world/islamic-state-claims-attack-on-egyptian-police-checkpoint-killing-at-least-8/2019/06/05/912804a0-8798-11e9-9d73-e2ba6bbf1b9b_story.html.

98 'Two Killed in Suicide Bombing in Egypt's North Sinai', Al Jazeera, 15 July 2019, <https://www.aljazeera.com/news/2019/07/killed-suicide-bombing-egypt-north-sinai-190718140314692.html>.

99 'Egyptian Policeman Killed Defusing Bomb Outside Coptic Church', Al Jazeera, 6 January 2019, <https://www.aljazeera.com/news/2019/01/egyptian-policeman-killed-defusing-bomb-coptic-church-190106092543616.html>; 'Suicide Blast in Cairo Tourist Area Kills Three Policemen', Al Jazeera, 19 February 2019, <https://www.aljazeera.com/news/2019/02/egypt-suicide-blast-cairo-tourist-area-kills-policemen-190219090924874.html>; M. Samaan and S. El Sigitany, 'Egypt Explosion Injures Tourists Near Giza Pyramids', CNN, 19 May 2019, <https://edition.cnn.com/2019/05/19/africa/egypt-museum-blast-tourists-intl/index.html>.

100 ICTY, The Prosecutor v Tadić, Appeals Chamber, Decision, IT-94-1-AR72, 2 October 1995, §70; ICTY, The Prosecutor v Haradinaj et al, Trial Chamber, Judgment, IT-04-84-T, 3 April 2008, §100.

101 R. Bartels, 'From Jus In Bello to Jus Post Bellum: When Do Non-International Armed Conflicts End?', in C. Stahn, J. S. Easterday and J. Iverson (eds), *Jus Post Bellum: Mapping the Normative Foundations*, Oxford University Press, 2014, p 301.

102 M. Sassoli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*, Edward Elgar Publishing, 2019, p 192.

103 See Horton, 'Crossing the Canal', p 25; S. F. Aziz, *De-Securitizing Counterterrorism*

in the Sinai Peninsula, Brookings, 2017, pp 4–5, <https://www.brookings.edu/research/de-securitizing-counterterrorism-in-the-sinai-peninsula/> (last accessed 21 October 2019).

104 Y. Aqil, 'When Will Operation Sinai 2018 End?', Al Jazeera, 27 May 2018, in Arabic, <http://mubasher.aljazeera.net/blog-post/%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-2018-%D9%85%D8%AA%D9%89-%D8%AA%D9%86%D8%AA%D9%87%D9%8A%D8%9F>.

105 HRW, 'Egypt: Looming Humanitarian Crisis in Sinai', 23 April 2018, <https://www.hrw.org/news/2018/04/23/egypt-looming-humanitarian-crisis-sinai> (last accessed 21 October 2019).

106 HRW, 'Egypt: Events of 2018'.

107 Mohamad, 'Superficial Gains, but No Lasting Success in Sinai 2018'.

108 HRW, 'Egypt: Army Intensifies Sinai Home Demolitions', 22 May 2018, <https://www.hrw.org/news/2018/05/22/egypt-army-intensifies-sinai-home-demolitions> (last accessed 21 October 2019).

109 HRW, 'Egypt: Looming Humanitarian Crisis in Sinai'.

110 HRW, 'If You Are Afraid for Your Lives, Leave Sinai!'

its killing of civilians in its power.¹¹¹ It also evidences the killing of civilians who were not participating in any hostilities by militias under the command of Egypt,¹¹² and analyzes an apparent lack of precaution during the army's attacks.¹¹³

Lastly, Amnesty International reported that the army used cluster munitions.¹¹⁴ As an indiscriminate means of warfare, these are prohibited under customary international law of NIACs.¹¹⁵

On the other hand, tension has grown between Wilayat Sinai and the local population in the region. In particular, Wilayat Sinai has claimed responsibility for the killing of civilians around the city of al-Arish.¹¹⁶ Further, the group systematically executed its captives and used landmines that targeted civilians.¹¹⁷ The Human Rights Watch report confirms the killing and abduction of residents and reports deliberate attacks on civilians.¹¹⁸

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¹¹¹ See "If You Are Afraid for Your Lives, Leave Sinai!".

¹¹² Ibid.

¹¹³ See HRW, "If You Are Afraid for Your Lives, Leave Sinai!".

¹¹⁴ Amnesty International, 'Egypt: Use of Banned Cluster Bombs in North Sinai Confirmed by Amnesty International', 1 March 2018, <https://www.amnesty.org/en/latest/news/2018/03/egypt-use-of-banned-cluster-bombs-in-north-sinai-confirmed-by-amnesty-international/> (last accessed 21 October 2019).

¹¹⁵ See ICRC Customary IHL Database, Rules 1, 11 and 17.

¹¹⁶ TIMEP, Five Years of Egypt's War on Terror.

¹¹⁷ HRW, 'Egypt: Events of 2018'.

¹¹⁸ See HRW, "If You Are Afraid for Your Lives, Leave Sinai!"

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