



Testimony of Charles W. Dunne

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before the

**United States House Foreign Affairs Subcommittee on the Middle
East and North Africa**

“American NGOs Under Attack in Morsi’s Egypt”

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Madame Chair, Members of the Subcommittee, it's an honor to appear before you today for this hearing on "American NGOs Under Attack in Morsi's Egypt." My colleague, David Kramer, the president of Freedom House, deeply regrets not being able to join you today along with his distinguished counterparts from NDI, IRI, and ICFJ; however, he has a meeting of his board of trustees at this very time and hopes you understand.

I, of course, know this issue very well. For the last year and a half, I was Defendant Number 30 in the Egyptian government's case against four US-based NGOs that work in the field of democracy promotion and civic and political liberties. Today, as the result of a verdict issued eight days ago, I stand convicted in that case, sentenced to five years in prison and a fine, and my organization's office in Cairo has been ordered shut down along with those of the other organizations represented here today. This all comes as a shock for me, having spent 24 years as a U.S. diplomat, three of them in Cairo where I worked closely with the Egyptian military. As long as this sentence stands, I can never return to Egypt, and my ability to travel and work freely in my field will always be in question.

Six of my Freedom House colleagues—five of them Egyptian and one of whom has since moved on from Freedom House—have also been convicted. Office director Nancy Okail and staff members Mohamed Abdel Aziz, Basem Fathy, and Magdy Moharram have all been put through a terrible ordeal, as have our Jordan office director Sameer Jarrah and former Freedom House program officer Sherif Mansour. For our Egyptian staff, this whole episode is particularly painful and unsettling, for this is happening in *their* country. I stand here in solidarity with them and hope my views expressed today represent their plight as well.

How did things get to this point?

What began as a campaign of vilification in the Egyptian media against foreign NGOs in July 2011, launched by the Minister of International Cooperation in a dispute with the U.S. Government over how to handle assistance funds, turned into a nightmare on December 29 of that year. That is when the offices of our four organizations were raided at gunpoint by the security services, our staff held incommunicado while searches were conducted, and our offices were sealed and closed. In February 2012, formal charges were proffered against 43 NGO workers in Egypt and abroad. I was one of them. Our alleged crime? Operating an organization and receiving funds from a foreign government without a license. In Freedom House's case, we had completed and submitted all the paperwork required to seek formal government recognition just three days before the raids. Ironically, one of the conditions for registration was to have opened an office.

We had no doubt from the beginning that the raids and the trials were politically motivated. All doubt was removed by the explanation of the verdict itself, which has not yet been formally released, but large portions of which were obtained and printed in the Egyptian press. Rather than relying on legal argumentation, the judges leaned on worn-out nationalist conspiracy

theories with a strong dose of anti-Israel sentiment thrown in. It's worth quoting at some length. The explanation said

Funding has become one of the global mechanisms that constitute the framework of international relations between donor and beneficiary. It has become a new form of control and domination, a soft imperialism – less costly in terms of loss and resistance than military might – pursued by donors to destabilize, weaken, and dismantle beneficiary countries.

Under the former regime that diminished Egypt's regional and international standing and prostrated before America's will to normalize relations between Egypt and Israel, foreign funding for civil society organizations emerged as a manifestation of this normalization policy. It produced calls for foreign assistance, dialogue with the Other, democracy promotion, governance, human rights, and other synonyms that hide in its shadow. They emptied these terms of any true substance and imprinted upon it their greed and ambition to breach Egypt's national security. They aimed to undermine and dismantle state institutions, leading to the division and disintegration of society. They aimed to restructure its national fabric, its sectarian and political map, to serve American and Israeli interests which surpassed those of the Egyptian people and their country under the former regime.

The degraded political and social conditions in Egypt, a sense of weariness by its people, and a lax, disintegrating state that left its fate in the hands of political groups (a gang) governed by special interests – not by loyalty to the homeland –brought forth a true popular revolt on January 25, 2011, to brush aside this rubble from the shoulders of the Egyptian people. It broke the chains of domination, subordination, and dependence on Israel that bloodied the wrist of every Egyptian, and reclaimed the freedom, human dignity, and social justice, long absent in Egypt. It overthrew the existing power and paved the way toward building a modern civil democratic state.

The United States and supporters of the Zionist entity, felt fear and horror. The United States reacted by throwing all its weight against this change, but its old tactics could not suppress it. The issue of US funding took on new dimensions in an attempt to contain the revolution, to twist its path and direct it to serving its own interests and the interests of Israel. One manifestation was to establish Egyptian branches of foreign organizations that lie outside the legal framework to take on activities of a political nature (which would never be authorized) to breach the principle of “sovereignty,” a known principle in international law, and punishable in all countries of the world including the United States.

It goes on in this vein. With your permission, Madame Chair, I would like to submit the explanation of the verdict, as translated into English by the Rafik Hariri Center, for the record. As this astonishingly vitriolic screed makes clear, there can be no doubt that politics and not the law was what drove and decided this case. In his June 4 statement, U.S. Secretary of State John Kerry acknowledged as much, stating that the trial was “politically motivated.” And here I would like to express my and my organization's deep appreciation for the many strong statements on this case that have come from both the House and the Senate, from both sides of the aisle. This sends a loud and clear message that will surely be heard in Cairo.

It is now obvious that given the political nature of the case and the political motives of the Egyptian judiciary, we cannot expect to find justice through further legal proceedings. The only viable solution is a political one. We look to President Morsi to exercise his powers to wipe the slate clean for all of the 43 NGO workers who were unjustly convicted. The U.S. government should weigh in at the highest levels with him with this expectation, and we hope Members of Congress will echo this.. This case did not begin under President Morsi's tenure; it started when the Supreme Council of the Armed Forces (SCAF) was temporarily running the country after the revolution in early 2011. But it has been his problem since he was elected in June of last year, and it has only gotten worse, culminating with last week's verdict.

We welcome the deep concern expressed by Secretary Kerry about the verdicts and the sentences, but the Egyptian government likely expects a return to business as usual once the current furor over the verdict subsides. This is in part because issues of democracy and civil society have taken a back seat to the bilateral economic and military relationships over the past two-plus years. Just last month, the Secretary quietly waived conditions on military aid despite the fact that Egypt clearly has not met the Congressional requirement that it "implement policies to protect freedom of expression, association, and religion, and due process of law." As I understand it, that money has not yet actually been transferred and should not be under the present circumstances.

The U.S. government needs to convey a stronger message that we cannot go back to business as usual while the crackdown on Egyptian civil society worsens. Nor can we fail to respond when Americans and Egyptians alike are considered criminals for implementing U.S. government-funded programs to protect the rights of Egyptians and support the emergence of democratic institutions. The message will only get across if the U.S. government makes clear that this is a turning point in the U.S.-Egyptian relationship that cannot be overlooked.

The United States has a clear interest in Egypt's economic recovery, because it would facilitate democratic progress and avert an economic collapse, which might plunge Egypt into deep instability. But the U.S. government cannot effectively assist Egypt's economic recovery without a reliable partner in the Egyptian government. The verdict in the NGO trial shows that the Egyptian government is anything but a reliable partner. Moreover, the verdict follows a pattern of abuses by Morsi's government and makes clear that there is no democratic transition taking place in Egypt today. These include continued torture and abuse in prisons and jails, impunity for security sector officials responsible these abuses and attacks on protesters, and restrictions on press and speech freedoms. One can be jailed under blasphemy laws and for "insulting the President;" nationally popular comedian Bassem Youssef, for example, was accused with insulting both Islam and President Morsi in March. A repressive draft law on NGOs now before the Shura Council would severely tighten government control over Egyptian and international NGOs and give the government the right to cut off their funding and activities at any time. In many ways, the deteriorating human rights situation in Egypt today is worse than under the former regime.

Thus, continuation of U.S. aid in its present form would do more to enable repression in Egypt than to address the country's economic problems.

To persuade President Morsi to reverse course, and get Egypt's transition back on track, the United States should take three clear steps. **First**, it should reconsider delivery of aid to the Egyptian government until the slate is wiped clean for all of the 43 NGO workers and unless and until the American and German organizations that were ordered by the judges to be shut down are allowed to reopen and operate freely in Egypt. After all, it is hard to understand how the U.S. Government could continue to provide assistance to the Egyptian government unless these steps are taken, particularly in light of the clear aid conditionality written into law.

Second, a top-to-bottom review of the U.S. relationship with Egypt – including U.S. assistance and its support for Egypt's requested IMF loan package— should be conducted by the State Department and approved by Congress before any further aid is appropriated. The relationship cannot be allowed to operate on autopilot given the dramatic political changes in the region and particularly in Egypt. A new approach is needed that reflects new realities and promotes democratic progress.

Third, the US government must consistently speak with a louder voice and at the highest levels about the importance of civic and political rights and condemn abuses whenever it sees them. The U.S. should make clear that it will continue to support funding for the free operation of Egyptian civil society and its international partners.

We fear, however, the administration may be moving in the opposite direction. The administration has requested \$27.9 million for democracy and human rights programming in Egypt for FY14, which represents less than 2% of the entire aid package being requested for the country, most of which is for military assistance. In the request, the administration describes a “time of profound change,” during which it intends to “support the Egyptian people as they strive to develop a legitimate democratic government that represents all Egyptians, promotes political freedoms, and creates economic opportunities.” However, it is difficult to see how those goals can be achieved under the current circumstances.

While the democracy aid request as a whole is almost double the FY12 figures, most of that increase goes toward election processes and to the national and local governments in Egypt. Money allocated to help the Egyptian people achieve political freedoms and human rights, which should go through local organizations and their international partners, certainly not through the government, decreased by 44% compared to FY12. This is a huge hit to an already miniscule budget and will severely hamper the ability of the U.S. to help the Egyptian people in their aspirations for democracy and freedom.

The case against the NGOs is part of a larger effort to stifle Egyptian civil society, make government less accountable to the people, and restrict freedom of speech and association. Some

will say that if that is the type of political arrangement Egyptians want, who are we to meddle in their politics?

That is not what Freedom House or any of our sister organizations were there to do. We were there to support our Egyptian friends as they sought to build the freedoms for which those in Tahrir Square demonstrated. We worked to empower citizens to monitor elections. We worked to teach a new generation of civic activists how to bring about peaceful political change. We worked to enable citizens to end the culture of impunity surrounding torture. We worked to help educate Egyptians about their rights as citizens. We don't discriminate by party, ethnicity, religion, or gender. We worked with a local office of entirely Egyptian staff and with many Egyptian partner organizations.

Twenty of these organizations issued a statement June 6 expressing their views on the case in the strongest terms. With your permission, Madame Chair, I would like to offer the full statement for inclusion in the record.

The statement, issued by the Cairo Institute of Human Rights Studies, said in part:

The undersigned Egyptian rights organizations condemn in the strongest terms the verdict issued on June 4 by the Cairo Criminal Court which convicted 43 staff members of international NGOs in the so-called "foreign funding case"...The undersigned organizations assert that this unjust ruling represents a fatal blow to the objectives of the revolution and democratization and further entrenches the pillars of the new system of authoritarian rule, which is exhibiting unremitting hostility to civil society...The undersigned organizations declare their solidarity with the staff of the foreign NGOs who were convicted in a politically motivated case that exploited repressive legal statutes and implicated the judiciary. We will continue to stand up to all attempts to restrict the right to association with draconian laws that do not comply with international standards.

Despite Egyptian government propaganda, our organizations do have willing partners. We look forward to the day we can cooperate with them once more.

Finally, I want to note that the NGO case and the appalling verdicts come with a steep human cost to the staffs of these four organizations. Lives and families have been disrupted, careers threatened, and deep emotional stress imposed. To the Egyptian government they are pawns in an internal power struggle and tools to help defy the United States. To me, my Egyptian staff members are dear friends and colleagues. I pay tribute to their courage and determination to build a better Egypt.