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THE MIDDLE EAST AND NORTH AFRICA

"AMERICAN NGOs UNDER ATTACK IN MORSI'S EGYPT"

JUNE 12, 2013

Madam Chairwoman and members of the Subcommittee. Thank you for this opportunity to testify today about the conviction in Egypt of the current and former staff members of the National Democratic Institute who – along with counterparts from the International Republican Institute, Freedom House, the International Center for Journalists and the Konrad Adenauer Foundation – were put on trial in Cairo and were sentenced last week to prison.

I also want to thank you, Madam Chairwoman, and many of your colleagues for the statements of support that you have issued for those unjustly convicted. And we wish to thank as well the many Egyptian civic organizations and political leaders who have issued statements of support.

NDI was shocked and deeply distressed by the verdict. These individuals did nothing wrong, and they should be commended, not prosecuted for the work they did to strengthen and support democracy in Egypt.

In NDI's case, there are 15 individuals who have been the victims of this prosecution – five Americans, four Egyptians, three Serbians, two Lebanese and one Romanian. It has been 24 months since Egypt initiated this legal action, 21 months since staff interrogations began, 18 months since our offices were raided, and 16 months since charges were filed and the trial began. It has been an ordeal for all of them, disrupting their personal and professional lives as a number of them grappled with the trauma of the armed raids, an abrupt work stoppage, an intense government-led media campaign against them, hours of interrogation by government authorities, a dragged out trial and now a jail sentence. One former member of parliament went so far as to call them traitors and suggest that they be executed.

These proceedings began under the government led by the Supreme Council of the Armed Forces (SCAF) and were instigated by a holdover cabinet member from the Mubarak regime. Our alleged crime was operating an unlicensed branch of an international organization and receiving funds from the United States Government without the approval of the Egyptian government. The Congressionally appropriated

funds were provided by the United States Agency for International Development (USAID) and the State Department's Bureau of Democracy Human Rights and Labor (DRL).

While the motivations for the original investigation and charges remain unclear, a central issue was a longstanding conflict over who controls U.S. assistance to Cairo. Those wrongfully convicted were ultimately the victims of an intergovernmental dispute between the U.S. and the then-Egyptian government. The Egyptian view had been that such assistance should be passed through Egyptian government ministries and be used only for programs and groups sanctioned by government authorities. By providing assistance, often through people-to-people programs, the U.S. sought to assist the emergence of a vibrant civil society and political parties whose participation in the country's evolving political, social and economic development could lay the foundation for a functioning democracy. This is the same way that these groups have played positive roles in successful transitions around the world and throughout history.

NDI fulfilled all legal requirements for registration through the Ministry of Foreign Affairs in 2005, shortly after we opened an office in Cairo. I was personally told at the time by the Minister of Foreign Affairs that our paperwork was in order and that registration would be granted in a matter of weeks. And Article Six of the relevant Egyptian law states that if a registration application is not formally rejected within 60 days, it will be considered approved. NDI's application has never been rejected, verbally or in writing.

Throughout this so-called "unregistered" period, we were open and transparent about our work, regularly informing officials of our activities. We were never asked to stop work or close our offices – until they were raided on December 29, 2011. The Institute maintained a bank account, and its staff members were legally employed and paid their taxes.

Ironically, one month prior to the raid on our offices, NDI was formally invited by Egyptian authorities to observe the country's three phases of parliamentary elections that ran from November 2011 to January 2012. Our Institute organized international delegations for those elections with 82 observers from 19 countries. The armed raids themselves were carried out as our third delegation was arriving in Egypt; the funds seized from our Cairo office were to support that observation mission.

NDI's nonpartisan programs in Egypt always responded to local demands and requests for information sharing and technical assistance. In 2011 alone, more than 13,000 Egyptians from across the country participated in some 700 sessions sponsored by the Institute. We shared international experiences by leaders who were instrumental in their own democratic transitions from such diverse places as Chile, Indonesia and Poland. We conducted programs on the development of political parties with participants from all the

parties that were later elected to the parliament; and we assisted civil society groups engaged in nonpartisan election monitoring, and civic and voter education. These programs had supported public confidence and participation in the very process designed by the Egyptian authorities -- both civilian and military -- and approved in the 2011 national referendum. At no time has NDI ever funded, or aligned itself with any political party or movement, or sought a particular electoral outcome.

Yet the actions to date -- from the armed raids and the nature of the interrogations of staff members, to the public pronouncements by Egyptian authorities and last week's verdict -- were not influenced by facts or by law. They were driven by politics and an unshakable opposition to democratic development.

If there was any doubt about the political nature of the judicial proceedings, it was dispelled by the judges themselves in a summary of the verdict provided to journalists. The judges' wildly conspiratorial view of the outside world, which sounds like a throwback to a bygone era, provided the rationale for the verdict and painted a disturbing picture of how the work of nongovernmental organizations is viewed by some within Egypt.

According to a translated account published by the Egyptian newspaper Youm7, they described foreign assistance as – and I quote – “a form of new control and domination and a less-expensive form of soft colonialism pursued by donor countries to destabilize the security and stability of the receiving countries, which are meant to be weakened and dismantled under the former regime. This weakened Egypt’s position, regionally and internationally, and bowed to the will of [the] USA in building bridges to normalize relations with Israel.” The judges claimed that, “One cannot imagine...that the USA or other countries supporting the Zionist entity has any interest or a genuine desire for establishing a real democracy in Egypt.”

They went on to say that, “...foreign funding of nongovernmental organizations is a stumbling block in front of the new Egypt, which its people want; but at the same time paves the way for a new Egypt, that its enemies want.” While this rhetoric runs hot, it also runs contrary to the budgetary realities of Egypt, which currently receives billions of dollars in foreign assistance each year.

There can be little doubt that this prosecution and subsequent verdict had the specific goal of dramatically reducing, and perhaps even effectively eliminating international support for independent civil society in Egypt.

Coming in tandem with last week’s convictions is the referral of a new draft NGO law that is far more restrictive than the one under which our employees were charged and convicted. While this law is being discussed in the Shura Council, we know that it contains language that requires Egyptian civil society groups to:

- receive prior approval from the government to accept funding from international donors;
- receive prior approval from the government to conduct domestic fundraising efforts; and
- risk increased penalties for noncompliance with fines that are 100 to 1,000 times higher than the old law.

International NGOs like ours would still be subject to the prior approval of multiple government ministries, and possibly state security apparatus, before registration is granted, and even afterward be vulnerable to charges of violating the law due to the overly broad language included in the draft. For example, registration could be terminated for any activity that the government deemed to “violate national sovereignty” – a phrase broad enough to be used once by the SCAF to describe election observation.

This should be a time when an independent and vibrant civil society is engaged in democratic reforms, human rights, health care, help for the poor, other social services, economic development and a host of other causes that improve the lives of citizens. Civil society organizations are the engine that keeps a democracy healthy – facilitating dialogue between citizens and policymakers, monitoring government activity and holding officials accountable. This is true in traditional, new and emerging democracies alike.

This should be a time for active civic engagement, exuberant discourse, energetic political activity and a participatory debate on the country’s evolving political process. Last week’s verdict and the proposed NGO law could create an opposite effect.

NDI works to support and strengthen democratic institutions in nearly 70 countries where we work today. And we know from experience that political self-determination and participatory democracy is the preferred form of government by people in every region of the world. With it comes freedom of expression and association, peace and stability, pluralism and tolerance, and a citizenry that believes it has a stake in the future. These principles are enshrined in numerous international conventions and treaties to which the government of Egypt is a signatory.

We know that the relationship between the governments of Egypt and the United States is complex and important to regional security. We also know that democratic development leads to long-term economic and social advancement that improves quality of life, spurs trade, advances peace and eliminates conditions that fuel extremism.

The U.S. has made a huge investment in Egypt, including the funding disparaged by the judges that led to last week’s verdict and this hearing today. We hope the international community will not give up on a democratic transition in Egypt. The issues it presents and Egypt’s place in the world are too important. It is a key leader in the region and there

remain reasons for a strong partnership between the government and peoples of Egypt and the United States. What happens in Egypt will be important not only for the people of the country but will likely influence developments far beyond its borders.

Since its founding in 1983, NDI has worked with 13,000 civic organizations, 720 political parties and organizations, 10,000 legislators and 1,300 women's organizations, and monitored more than 300 elections. Many of our staff members, who represent 96 nationalities, have repeatedly overcome the challenges of working in difficult and sometimes hostile environments.

But not once in those 30 years has any of our staff ever been charged, tried and sentenced to prison. Foremost on our minds today are the innocent people caught up in this highly political process. We believe there should be justice for them, which can still be accomplished through legal, constitutional means, including a pardon.

In closing, I would like to thank the many members of Congress and officials in the Administration who have spoken out and worked tirelessly to help resolve the current crisis.

Thank you, Madam Chairwoman and members of the Subcommittee. I hope that my full statement could be included in the record.