



Testimony of Charles W. Dunne

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before the

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

“The Struggle for Civil Society in Egypt”

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Madame Chair, Ranking Member Deutsch, and members of the committee:

It is an honor to appear before you once again to discuss the human rights situation in Egypt, the toll on American interests and the cost to the human rights workers in Egypt of the so called NGO “foreign funding case.” I thank you for your continued interest in this issue.

The so called NGO “foreign funding case” has wreaked havoc on democracy promotion efforts in Egypt. This was, of course, the intent. Remains of the “deep state” never went away, and worked from the first months of the revolution to stage a comeback. To secure their wealth, their privileges, and above all the power to rule the country and dictate to all those who led the revolution against Mubarak, they worked to undermine the leaders of the revolution and the efforts of civil society to direct a democratic transition, and to make clear that the efforts of all those who sought a new political beginning were in vain. So far they have succeeded. There is no “democratic transition” in Egypt today. On the contrary, it is the reverse: there is a transition back to an autocracy that would make Mubarak seem liberal in comparison.

How did we get to this point with a country that has been our friend and ally for so many years, and with whom we have had a generous and productive relationship? It’s hard to say, but here are my views.

With the breakup of the Mubarak regime, the Egyptian military-- which controls approximately 40 percent of the Egyptian economy and holds the balance of power in all national-level political deliberations-- saw its opportunity when the revolution arrived. Long opposed to the ascension of Gamal Mubarak, Hosni Mubarak’s son, they jumped to reshape Egyptian politics in a manner to their liking. Thus, they were instrumental in pushing Mubarak out, and hovered over Egyptian politics until the coup against Mohamed Morsi, the first freely elected president in Egypt’s history. His misrule gave the military enough rope to hang the government of the Muslim Brotherhood.

Freedom House played but a small part in bringing about political change. We helped citizens monitor elections free of government minders. We worked to teach a new generation of civic activists how to use tactics birthed in Eastern Europe to work toward peaceful political reform. We fought against torture and helped

educate Egyptians about their rights as citizens. We worked with a completely Egyptian staff and with a wide range of Egyptian partner organizations. When we were raided on December 29, 2012, it came as shock, inasmuch as we had submitted all the necessary paperwork to complete the process of registration just two days before.

The NGO case was a tactical maneuver in the grand scheme of Egyptian politics. It was intended, I believe, to put a scare into the United States about involving itself in the Egyptian domestic political scene. It was intended to discourage efforts by international NGOs to help the work of Egyptian democracy. And it was intended to frighten domestic Egyptian NGOs, which number in the tens of thousands, from doing political work. We were subjected to this pushback precisely because our programs were effective: they engaged and empowered private citizens who worked for, and felt they deserved, better government and basic civic rights.

Leaving politics aside, what have been the effects of this case?

It has hurt families and many friends of ours. Freedom House has been forced to cancel grants to several Egyptian NGOs after our work was banned in the country. Four of our employees were forced to flee the country for fear of lengthy jail sentences. One has received political asylum in America. Another is in the process of applying. Yet another was able to return to his home country—not Egypt—but only after high-level intervention by the United States with the leader of his country to assure that he would not be deported to Cairo. Our employees who have or are seeking political asylum have five young children among them, effectively exiling them from their parents, who are not free to go back home to see their families.

I'm lucky. I was not at the trial, or in the cage where our fellow NGO workers were tried in a dirty and chaotic courtroom, during these spurious proceedings. But I do have to travel, wherever I go, with a letter from Interpol attesting to the political nature of the charges, a letter that denies Egypt's request for an international arrest warrant. On two separate occasions I have been detained, and then denied entry, to a North African country because of these charges. I have to

check with the US Embassy when I travel to make sure I won't be arrested or deported at the airport.

My deepest concern here is not for me but for Egyptians themselves. Having served there as a Foreign Service officer for three full years, I came to love the country, and its people. They deserve better. Unfortunately that's not what they're getting. Freedom House's "Egypt Democracy Compass" has tracked political developments in the country for the last year. On practically every front, Egypt has regressed. By the government's own estimate, more than 16,000 people have been swept into jail since the coup. That number is probably low. At least 2,500 hundred have been killed in clashes with the government, including perhaps 1,400 alone in the breakup of the largely peaceful demonstration at Rabaa Square. Torture and abuse in prison continue unabated. Freedom House downgraded Egypt to the ranks of the "Not Free" nations in our most recent *Freedom in the World* report, after a year in which Egypt was classed as "Partly Free" for the first time in the history of our report, largely due to the free exercise in electoral democracy.

Egyptian NGOs committed to democracy could play a major role in steering the government to liberal political change, and drawing the attention of the world to its successes and shortcoming. But the government of Egypt has moved swiftly to forestall this possibility. The new NGO law now under consideration is a major step backwards from Law 84 of 2002, which previously governed the operations of NGOs, and was clearly an attempt to restrain NGO operations. The new draft legislation would impose further restrictions on civil society, making it even more difficult for them to operate in the realm of political reform.

For one thing, the draft law would prohibit activities that "threaten national unity, public order, [or] public morals," a loose description that could and will be used to criminalize any activity the authorities deem objectionable. The draft further limits NGO activities to "social welfare and development," which would seem to preclude democracy promotion and other activities such as anti-corruption and anti-torture work. The draft also establishes a "Coordinating Committee" comprising several ministries, which has broad discretion to deny registration to NGOs which have international connections, and to deny funding from international sources as it sees fit. All in all, the draft law would take control of the NGO sector in a way that violates the norms of democracy, U.S. interest in a

politically stable and free Egypt, and Egypt's own commitments under the International Covenant on Civil and Political Rights, to which it is a State Party.

If the United States is serious about democratic change in Egypt, it must do the following things.

- First, it must reevaluate the basis of the relationship, including military aid, and consider shifting most if not all aid to economic support and educational programs, which will actually help the Egyptian people. The U.S. should develop a joint strategy with the E.U. to support inclusive economic growth, and, importantly, to persuade Gulf allies and Israel to support both economic growth and democratic reform as pillars of durable stability in Egypt.
- Second, the United States should insist on pardons for all those convicted in the NGO case as a prerequisite for deliveries of further assistance. U.S. taxpayer money should not subsidize a government that has destroyed American democracy promotion programs and sentenced U.S. citizens to jail terms for carrying out those programs. The United States should also insist on its right, guaranteed under international compacts, to freely associate with and fund Egyptian NGOs, and to support international organizations in their work in Egypt.
- Third, the U.S., must use the megaphone of the presidency and the State Department to call out human rights abuses, so as to encourage our friends in civil society and, most important, to let Egyptians know they are not forgotten and abandoned in the fight for freedom, but have the support of the free world. America must be clear about where it stands on freedom of expression, freedom of association, and freedom of religion.
- Fourth, public actions need to be followed up with private actions. For example, President al-Sisi must not be received in person by President Obama when he comes to Washington for the U.S.-Africa Leaders' Conference in August, and al-Sisi should know the reason why. He should also be told that the United States is not in the mood for business as usual, but wants to see real political progress in the service of regional stability.

None of this is easy. But it is necessary. The people of the Arab world's most populous country must not be left alone to fight a struggle for democracy on an uneven playing field without the help of those who want it to succeed.