



**Testimony of David J. Kramer**

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before the

**United States House Committee on Foreign Affairs**

“Egypt at a Crossroads”

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Madame Chairwoman, Members of the Committee, it is an honor to appear before you here today to discuss recent developments in Egypt. I'm also pleased to appear with my colleagues, Ken Wollack, Lorne Craner, and Joyce Barnathan from NDI, IRI and ICFJ, respectively.

As the title of today's hearing states, Egypt is indeed at a crossroads, and the future of Egypt's transition is at stake. The smothering of civil society will obstruct Egypt's ability to develop accountable and independent institutions, combat corruption, and create economic opportunities Egyptians desire and have fought for over the course of the past year. In short, recent developments will frustrate Egyptians' hopes for a better, brighter future.

We are here today because of the events of and since December 29, when Egyptian armed forces raided our offices and seized files, laptops, and cash. The situation since the raids has only gotten worse. What happened on December 29 constituted an unprecedented assault by Egyptian security forces on international civil-society organizations and our local counterparts. Not even under Hosni Mubarak did we and our partners face such attacks. Despite promises made by Egyptian authorities to the highest levels of the U.S. Government, we remain closed, our computers, files, and cash still in the possession of the Ministry of Justice, and our staffs face hostile interrogations by investigating judges, and now the prospect of arrest and imprisonment. Nowhere else in the world has any of our offices been treated as they are in Egypt.

Our organizations and staff are the ones in the headlines, but we must not forget about the hundreds of Egyptian organizations that are facing similar pressure and charges but have no Americans on their payroll. Of the 10 organizations raided on December 29 by armed Egyptian forces, five were foreign (our four organizations plus the Konrad Adenauer Foundation) and five were Egyptian; 17 offices in total were raided. Some 400 additional Egyptian non-governmental organizations have been under investigation and face relentless pressure from the government. In seeking a resolution to the current stalemate in which members of our staff are on a travel ban and face charges that may lead to prison sentences and fines, any deal that is limited to our organizations and leaves Egyptian civil society groups and individuals to fend for themselves would be wholly unacceptable. I am endlessly impressed and inspired by the determination and courage of my Egyptian staff members who, under very adverse conditions, want to continue to support their country's transition to democratic rule and fight against the spurious charges against them. They and their Egyptian colleagues are true heroes in this saga.

Lest we get caught up in a discussion about the legal merits of the charges looming over us and other organizations in Egypt, let me state clearly that we do not view this situation as a legal matter involving rule of law. And since we have yet to be formally charged with any crimes, we are left with press conferences, news leaks, insinuations, and rumors to inform us of the charges against us and the nature of the so-called evidence supposedly substantiating

allegations of illegal foreign funding, operating without permission, and trying to destabilize the political situation in Egypt. The charges are clearly political in nature and without foundation.

For Freedom House, the problems did not suddenly appear with the raids of December 29. Members of our staff, all of whom are Egyptian (we have no expats working for us in Egypt) were interrogated several times before, and Freedom House was the object of unwanted and negative state-media attention in the weeks leading up to the raids. This, despite the fact that we were fully transparent with various government ministries about our activities, cooperated fully with officials as we submitted our application for registration, and met with the authorities as the investigation unfolded. We never did anything illegal or improper. As part of the registration process, we were told by authorities that to seek registration, we were required to have an office and a staff, and we complied with those requirements. We have made every effort to conduct our activities in Egypt in a transparent manner and to comply with the terms of Egyptian law. We were repaid with an armed raid, legal threats, and closure of our facilities, which are funded, I might add, by U.S. taxpayers.

Freedom House was founded in 1941 in support of freedom and democracy around the world. We don't support or fund political parties or politicians; instead we work to strengthen civil society and bolster human rights activists. Freedom House and similar organizations are in Egypt to respond to the indigenous demand for help in promoting civil society, rule of law, election observation, human rights, and people-to-people exchanges — assistance that we provide in many other places around the world. We would not be in Egypt were there not local interest in and demand for the kinds of support, training, and expertise we provide. Around the world, our organizations have decades of experience in helping countries going through transitions. We are independent institutions, albeit with significant U.S. Government funding, with missions and mandates to promote greater freedom, democracy, pluralism, and human rights.

Pursuant to Egyptian law, each of our organizations has attempted to register with the Ministries of Foreign Affairs and Social Solidarity. Ken and Lorne can address their organizations' applications and the fact that they are still awaiting an answer nearly a half dozen years after submission. Freedom House, which opened an office only after last year's uprising, submitted its final registration papers just three days before the raid. But registration, to be clear, is not the magic solution. If accompanied by various conditions and strings attached, it could give the Egyptian authorities greater control over our activities and even veto power over the areas in which we can work. This is certainly the case under existing NGO law, Law 84, which is used to repress civil society rather than assist it, as we have seen in our case.

We have no interest in operating under such terms. Nowhere else do we endure such smothering control, and yet that seems to be the authorities' main goal — to control us and in turn scare Egyptian organizations and activists who wish to work with us. Moreover, recently

proposed legislation on NGOs, if passed into law, would do even greater damage to civil society activity in Egypt. There were reports on Tuesday that this law had been withdrawn and will be reworked.

### **How did things reach this point?**

The protests last January and February that led to the resignation of Hosni Mubarak reflected Egyptians' pent-up frustration with endless human rights abuses, rigged elections and lack of real economic opportunity; they offered hope to the Egyptian people for the first time in decades. The Supreme Council of the Armed Forces (SCAF) assumed control of the country and earned early praise for its relative restraint amid the massive protests in downtown Cairo. The high regard in which the military was held in Egypt gave hope that it would empower civilian rule and oversee a transition to genuine democracy. Its close relationship with the U.S. military gave us confidence that we could assist this process.

It was not long, however, before human rights abuses became commonplace once again with brutal attacks against demonstrators; increased religious tensions between Muslims and Coptic Christians; prosecution of regime critics in military tribunals; and assaults on female protesters, including through the infamous "virginity tests." The SCAF also maintained the much-hated "emergency law" under which Mubarak had ruled for three decades and even when they suspended parts of it, they left in provisions against "thuggery", whatever that means.

Essentially, in the minds of many Egyptians, the military has hijacked the revolution and what it represented. Protests in Tahrir Square have continued over the past year against the SCAF, and in turn the military leadership has sought to blame foreign forces — particularly civic groups that support civil society and free and fair elections — for the continued opposition and accused us of trying to foment further revolutionary activity. Freedom House is among the favorite targets of these absurd accusations.

The main accuser in public has been Minister for Planning and International Cooperation Faiza Aboul Naga, a Mubarak holdover. At the same time, the military council has created an environment of distrust of and attacks against so-called "foreign hands" through the state-controlled media and through public statements. Any claims by the military that the situation is out of their hands do not stand up under scrutiny. They have been in charge in Egypt since Mubarak's resignation but have shown little respect for judicial processes or independent branches of government unless it suits their needs. There is no doubt, though, that Minister Aboul Naga has taken the lead on the attacks against our organizations; she has been a longstanding opponent. She has insisted on full control over the funding for all non-military assistance going to Egypt and resented the decision by the Obama Administration last year to shift nearly \$20 million directly to IRI and NDI for purposes of helping Egypt with its elections.

(Freedom House, by the way, has yet to receive any new directed funding from the U.S. Government for activities in Egypt.)

At the same time that NGOs are being blamed for Egypt's problems, Egypt's military rulers are blocking the accountability and transparency that Egyptian society fought for and that was integral to ending Mubarak's rule. Meanwhile, amid the current unstable environment, the Muslim Brotherhood's Freedom and Justice Party (FJP) did well in elections for the lower house of parliament, and the Salafist Nour Party far exceeded expectations, winning close to a quarter of the parliament's seats. While the more moderate, liberal parties deserve some criticism for not preparing adequately for the elections, they also were handicapped by the interim government's efforts to neuter and neutralize them in the hope that voters would be faced with a false choice between the SCAF and the extremists. Indeed, the SCAF's repression over the past year was directed almost entirely at liberal political forces and civil society, as the SCAF has attempted to continue the Mubarak line that they are the only viable alternative to Islamist extremism. This approach perpetuates the instability produced under the Mubarak regime and will lead to an inability to meet the needs of the Egyptian people. The results of the election have raised concerns that extremist forces will take over Egypt. While somewhat overblown, these fears would best be allayed by allowing civil society to play an active role in shaping the country's future. The crackdown on civil society represents a clear effort to block a democratic transition in Egypt.

### **Implications for the U.S.**

Each day that passes in which our offices remain closed only makes the situation worse. We need to be allowed to reopen; have our confiscated equipment and cash returned; see an immediate end to the investigations; be allowed to register with no strings attached; and see an end to a negative campaign in state-owned media against us, our staff, and those with whom we work. This applies for us and all Egyptian NGOs. We cannot be given special treatment while Egyptian civil society remains under attack. More importantly, all civil society organizations need to be allowed to operate freely. We are encouraged that the Human Rights Committee of the new Egyptian parliament has taken an interest in this and would encourage this Committee's engagement with them. The future of Egypt's democracy, after all, lies among other things in active and engaged lawmakers accountable to and representative of the people.

The implications for U.S. interests are significant and extend beyond the American-Egyptian relationship. That is because regimes around the world are following very closely what the Egyptian authorities are able to get away with in their efforts to rein in civil society and go after American-funded non-governmental organizations. How we respond will have an impact on the ability of organizations like mine to operate elsewhere, and we already are starting to see signs of this. If we essentially are shut down or left in a state of legal limbo in Egypt, we could face similar fates in other countries. Thus, it is critical that we do all we can to protect and

preserve civil society in Egypt and the possibilities for Egyptian organizations and foreign ones like Freedom House to maintain a presence and conduct effective programs that Egyptians want.

The international community — the United States in particular — must respond aggressively to the Egyptian authorities' human rights abuses and appalling treatment of civil society. U.S. assistance to Egypt — which totals \$1.3bn to the military alone, about a fifth of Egypt's military budget — depends on the Administration's being able to certify to Congress that the Egyptian government is taking steps to move toward civilian government and protect civil liberties; recent developments simply make such certification impossible. Absent a waiver by the Administration (and one seems unlikely), this will trigger a suspension in American military aid to Cairo. It is hard to understand how the United States could provide taxpayer assistance to an Egyptian military leadership that prevents NGOs from implementing democracy and human rights projects supported by those same U.S. taxpayers.

Beyond that, the U.S. should immediately end any relationship with the Ministry for Planning and International Cooperation and cease running any non-military assistance through that ministry. In calling for investigations and armed raids against our organizations, Minister Aboul Naga has lost all credibility to handle any U.S. assistance funds in a constructive or accountable manner and forfeited any right to oversee or handle these monies. Additionally, an audit of the funds that have gone through her ministry in the past would be well-advised. In the absence of accountable governing structures and a political system based on the rule of law and the free flow of information and ideas, the government is unlikely to be able to produce economically in ways that meet the material aspirations of the Egyptian people.

Senior U.S. officials, including President Obama and many Members of Congress, have weighed in with their Egyptian counterparts in an effort to persuade the authorities in Cairo to change course, so far without success. Unfortunately, I believe that only the suspension of U.S. military assistance will get the Egyptian government's attention. Suspending aid is not meant to punish the Egyptian people and if done correctly, it won't; instead, it will make clear to the authorities that attacks against civil society and against U.S.-funded NGOs do not come without a serious price.

Egypt has been a strategic partner of the United States for over thirty years. Stability in this important country depends on moving forward in the transition to democracy. The alternative — reversion to authoritarianism and resurgent radicalism — poses a serious threat of deepening political turmoil and increased economic stress, with potential regional repercussions. This is in no one's interest.

Finally, Madame Chair, let me reiterate a point with which I started. This issue is about the future of Egyptian civil society. What happened to our organizations is extremely serious; only two other scenarios could have been worse: our staff could have been arrested (and still

might be) or someone could have been injured during the raids. But at the end of the day, Freedom House and similar organizations play a minor role in supporting rule of law, election monitoring, and human rights. We cannot want these things for Egypt more than Egyptians do. The reaction of the Egyptian NGO community to the raids and subsequent campaign has been uniformly critical toward the regime and reassuringly supportive of our efforts. Our partnerships are important, and our Egyptian colleagues want them to continue. This heartening response shows that many Egyptians are eager to see their country move in a more democratic direction, with civil society playing a strong role. It is those Egyptians whom we want to support and who want our help. We have an obligation to continue working with them as they strive for a better future for their country.