

What follows is the English translation of the statement Dr. Ibrahim prepared but was not allowed to present on the final day in court. On July 28th the chief judge Abdel Salem Gomaa told Dr. Ibrahim he would accept a written statement in lieu of allowing Dr. Ibrahim to speak in his own defense. But on the morning of July 29th, after staying up most of the night to prepare the statement, Dr. Ibrahim and four of his associates were summarily sentenced and carried away to prison.

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WHAT AFTER THE LAW?

THOUGHTS OF THE FIRST ACCUSED: SAAD EDDIN IBRAHIM

TO THE SUPREME STATE SECURITY COURT

Case no. 13244

29 July 2002

**A CRY FOR FREEDOM**

1. This case has complex legal aspects that have been well handled by the six lawyers of the first defendant. I do not feel the need to repeat what they have already effectively addressed, as they are more knowledgeable on the legal issues and it would be inappropriate for me to even try.

2. The one thing that I do know about Egyptian law is this: The content of the contract is the law governing the contracting parties. A careful reading of the contracts organizing the work of Ibn- Khaldoun Center and its relations with the European Commission will reveal to the Court that there were no breaches of contract. These contracts are all included in folder no. 1, submitted to the Court with the legal brief of Dr. Ibrahim Saleh in the session of Saturday 27 July, 2002.

3. I ask the venerable Court to take careful account of the legal affidavit issued by the European Commission and notarized by the Egyptian Ministry of Foreign Affairs on 24 April 2002. This is the third document issued by the Commission regarding our case, and it explains firmly and clearly the pertinent details: 1. The framework in which the contract was concluded, 2. The nature of funds provided by the European Commission -- that these were not a "donation" or "gift", 3. The report of the independent auditors, appointed by the Commission to review work progress and expenses. In accordance with the two contracts signed between the European Commission and the Ibn Khaldoun Center and the Association for the Support of Women Voters, the auditors found absolutely nothing arousing suspicion through the end of 1999 (the date of the last report).

I am certain that a thorough reading of the documents contained in this legal brief and its attachments will make abundantly clear the fundamental issues of this case and the performance of the Ibn Khaldoun Center.

THEN, WHAT IS LEFT?

### **Civil Society as the Space for Liberty**

One phrase summarizes and embodies the philosophy, spirit, goals and practices of Ibn Khaldoun Center, and that is Civil Society.

Civil society is the space where citizens come together voluntarily, guided by their free will, to exercise their right to free speech, their right to disagree, their right to innovate, their right to try, and even their right to make mistakes.

It would be impossible for us to propagate these values and practices in Egypt and the Arab world unless we first practiced them inside the Center, in its modest premises in the Mokattam hills. The attached brochure, and what we could find of the Center's monthly magazines tell about the Center's beginnings and its journey during twelve years, and to what extent we were right or wrong.

### **Ibn Khaldoun Center – the Promoter of Civil Society**

I believe that the members of this honorable Court who are over forty- five will remember that fifteen years ago they never heard the phrase "civil society". This was not an expression used in spoken Egyptian or the Arabic language before the establishment of Ibn Khaldoun Center. If the Center has achieved a modest success, it is in the introduction of this phrase and the expansion of its common use and understanding in the Middle East. Indeed, this phrase is so important to us that the Center made it the title of its monthly magazine, its annual report, and its principal research program.

The expression became widespread, used by many layers of society, sometimes with understanding, sometimes with half-understanding or sometimes with no understanding at all. But the phrase became associated in the people's minds with positive things, even if they were not completely sure of them.

### **Civil Society and Transparency**

Again, if members of our Honorable Court go back in memory fifteen years, or to books, magazines and newspapers dealing with public opinion, they will not find the expression "transparency" being circulated or known. Another of Ibn Khaldoun's modest successes was to introduce the concept of transparency --meaning frankness and full disclosure in all public affairs that are important to the Arab world and the Arab citizen.

There was a signboard, seen by every researcher or visitor to the Ibn Khaldoun Center, which said "We have no secrets to hide." This why our activity reports, funds, and

funding sources were known and published, either in the annual brochure, the board of trustees' periodic reports, or in the monthly magazine. We always started with ourselves. As such, we never hesitated to tackle a study, a subject or a problem of importance to the researchers about which they could make a contribution and human and funding resources could be made available. The trustees and researchers of Ibn Khaldoun had no "forbiddens" since we operated with the methodology of and commitment to transparency. As a result, we did not see any fault in studying minority matters, the religious sects, and the implications of minority relations in Egypt and the Arab World.

This does not mean we were always right in our efforts; a lot of times our researchers made mistakes, but we considered honest mistakes as a "right" among other human rights. They were corrected by disclosure and full discussion, and by comparing them with better or more correct alternatives.

### **Civil Society and Development**

The trustees and researchers of Ibn Khaldoun have come to associate a specific meaning with the word "development", and that is the strengthening of human capacities, both individual and collective, for continuous progress -- spiritual and material, social and cultural, economic and political.

Those who are aware of Ibn Khaldoun's literature, or who participated in its activities, among which is Ibn Khaldoun's weekly forum (open to everyone - including state security police officers) know that the subjects of discussion varied widely - from female genital cutting, to atomic threats, to customary or secret marriage, to the complications of the Arab-Israeli conflict.

Our invitation to "development" included giving the young researchers of the Center the opportunity to be trained, and to enhance their research, communications and leadership skills. We sent them to conferences in and out of the country; we gave them the responsibility of organizing similar conferences. They were first researchers, then research and program managers; we sent dozens of them to study abroad and they received advanced Masters and PhD diplomas. We were constantly encouraging them to expand their horizons and work in agencies other than Ibn Khaldoun. Many among the thousand-some young men and women who were exposed to the Ibn Khaldoun experience are now working at the Egyptian Ministry of Foreign Affairs, United Nations organizations, local, pan-Arab, and international press and development agencies.

This, in its turn, was one of Ibn Khaldoun Center's successes. While the Center was physically closed on July 1st of the year 2000, the spirit and activities of Ibn Khaldoun remain alive in the world, through those who were schooled in it - Egyptians, Arabs and other nationalities, and through those who had dealings with it - researchers, journalists and diplomats. This may help explain to you the worldwide interest in the case you are

considering, and the seven thousand articles, news reports, and items of investigative journalism in the world's major papers and on international radio and television.

### **Civil Society, Development and Democracy**

Civil society as a space for liberty is an essential condition for initiative and creativity. Thus, it is an essential pre-condition for sustained development in its most comprehensive definition.

The political dimension of this broader development is political participation, i.e. democracy, which includes fundamentally the holding of free and fair elections.

The trustees and researchers of Ibn Khaldoun believe that the system of a civil society is a comprehensive system; so if freedom is its foundation, democracy is its mechanism of practice.

The continuation of economic development, in its limited material definition, cannot be guaranteed without both social and political development. Freedom is a unity and cannot be divided; only a free person is capable to participate, initiate, create and produce effectively.

The only explanation possible for the relapse of the economic reform that looked so promising in Egypt during the 1990s is the delay of social and political reforms. This was also the conclusion of the recent widely publicized United Nations report entitled Arab Human Development, issued in July 2002. This report was prepared by a group of Arab researchers, including five Egyptians. (Will the prosecutors pursue these five Egyptians who took part in publishing information that defames Egyptians and Arabs abroad?) It is the first internal report criticizing Egyptian and Arab social conditions, and was well received by Arab and foreign commentators because of its frankness and objectivity.

Mr. Salah Eddin Hafez, Deputy to Editor in Chief of Al Ahram newspaper reserved a full page to comment on this report, under the title: "Freedom, First... and Last" (24/7/2002). The noted columnist Salama Ahmed Salama devoted seven consecutive columns, starting 24/7/2002, for discussion of this report.

What was said in the United Nations' Arab Human Development Report, and was commented on positively and accurately by Salah Eddin Hafez and Salama Ahmed Salama, is precisely what Ibn Khaldoun Center has been calling for, beginning fifteen years ago. We are attaching parts of the UN report, and the articles by Salama Ahmed Salama and Salah Eddin Hafez.

### **In Conclusion**

Perhaps we are being persecuted because we have been pioneers in discussing openly and practicing what we preach about, and because we dared to say publicly what millions of Egyptians and Arabs think privately.

If this is the price of pioneering, the price of transparency for the sake of civil society and democracy, then it is a price that I accept. And I accept to pay it alone, without having it borne by other innocents, some of whom I knew and saw for the first time in the dock.

With my respect to the honorable Court.

Saad Eddin Ibrahim

First Accused