

**AMERICAN NGOS UNDER ATTACK IN
MORSI'S EGYPT**

HEARING
BEFORE THE
SUBCOMMITTEE ON
THE MIDDLE EAST AND NORTH AFRICA
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
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AMERICAN NGOS UNDER ATTACK IN MORSI'S EGYPT

WEDNESDAY, JUNE 12, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE MIDDLE EAST AND NORTH AFRICA,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 1 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the subcommittee) presiding.

Ms. ROS-LEHTINEN. The subcommittee will come to order. After recognizing myself and Mr. Connolly for 5 minutes each for our opening statements, we will then recognize other members seeking recognition for 1 minute each. We will then hear from our witnesses. Thank you, ladies and gentlemen, for being here. And, without objection, the witnesses' prepared statements will be made a part of the record. Members may have 5 days to insert statements and questions for the record subject to the length limitation in the rules. The chair now recognizes herself for 5 minutes.

Over 2 years ago, the improbable happened. Millions of Egyptians filled Tahrir Square and streets all across Egypt, demanding the end of the Hosni Mubarak regime and ushering in a new democratic era: An era free of government corruption, free of police brutality; an era that would allow all Egyptians to exercise their freedoms of speech, expression, assembly, and religion. But, as we all know, the transition to a true democracy is often an arduous task that takes time and commitment, and it must be responsive to the goals and aspirations of those who facilitated the change.

The Egyptian transitional government's treatment of pro-democracy groups, like Freedom House, IRI, NDI, and groups that promote a free, independent press, like ICFJ, was in direct contradiction with the principles of democracy and with the goals of the revolution.

It is clear by last week's verdict, Morsi's refusal to drop the charges and the new NGO law, that the freedom for these groups to work will only be further restricted under the Muslim Brotherhood-led government. These institutions and their employees all believed in the cause of freedom and democracy. They believed in the aspirations of millions of Egyptians who wish to cast off the oppressive yoke of totalitarianism and establish a free and open society. But the Egyptian Government feared that the people might soon turn against the government in the people's pursuit to end corruption and bring real democratic reforms. So the Egyptian au-

thorities ransacked the offices of these NGOs, arrested their employees, seized their assets, and shut down their operations.

It was hoped that the Egyptian officials would soon see the error of their ways and drop the charges and allow the NGOs to continue their work. However, last week all 43 defendants were convicted and sentenced in a case that had no basis in the rule of law. This verdict was politically driven and not just an attack on these American NGOs, German NGO Konrad Adenauer Foundation or their employees who come from countries like the U.S.A., Germany, Serbia, Norway, Lebanon, Romania, and many other places. This verdict was an indictment on the Morsi regime's assault on freedom, on human rights, on democracy, and the Egyptian people themselves. We must stand in solidarity with those who continue to seek the ideals of the revolution. It is no longer acceptable to send unconditional aid to a regime that persecutes, prosecutes, and convicts those who seek to aid Egyptians seeking freedom and true democracy for all of Egypt.

To seek further reforms, I have introduced H.R. 4016, the Egypt Accountability and Democracy Promotion Act. This bill would condition our economic assistance to Egypt in order to advance U.S. national security interests by ensuring that Egypt protects freedom, protects human rights, the rule of law, civil society organizations, and upholds the 1979 Egypt-Israel Peace Treaty because if we don't condition our aid, we risk sending the wrong message yet again to countries in the region and around the world that the United States will not only tolerate this unabashed attack on democratic values, but we will not hold these violators accountable for their repressive actions.

When I was chair of the full Foreign Affairs Committee, the administration wanted to send over \$500 million in taxpayer money, American taxpayer money, to Morsi. I placed a hold on this because of the repressive actions of the Muslim Brotherhood-led government and because of its crackdown on civil society and the rule of law.

I was disappointed to hear Secretary Kerry announce earlier this year in Cairo that the United States would provide an additional \$250 million in assistance to Morsi in Economic Support Funds. We cannot afford to send a mixed message at this delicate juncture. We must send a strong unified signal if we are to see Egypt realize the goals of the revolution.

The United States must call on Morsi to immediately pardon all 43 individuals and allow the NGOs to reopen without further harassment from government authorities. We must also impress upon him the importance of abandoning his proposed NGO law that would restrict the operations of NGO groups across Egypt even further, allowing for the possibility of even more of these sham trials to occur. And we must insist that the Muslim Brotherhood-led government implement real democratic reforms or risk losing U.S. assistance. The choice is clear.

With that, I am proud to call upon Mr. Connolly for his opening statement. Thank you, Gerry.

Mr. CONNOLLY. Thank you so much. Thank you so much, Madam Chairman. And let me join with you in the expression of senti-

ments of grave concern, if not disgust, at the recent developments in Cairo.

The issue of the NGOs is not only a test for Egypt. It is actually a test for the United States. Will we support institutions we have helped create to promote democratization in emergent societies, not just the American employees of those NGOs but the Egyptian employees as well who are at great risk. They must know from the halls of Congress to the Executive Branch that they are not being abandoned and that we are as concerned about their fate as we are or would be for an American on trial.

I was in Egypt last May, almost exactly a year ago. At the time, Field Marshal Tantawi was still in office. And we had had a meeting with the Egyptian employees of the NGOs represented at this table. I was struck, Madam Chairman, with how highly educated and highly motivated these people were. They cared about their country. They cared about its future. They cared about trying to contribute to the democratization of institutions that were just emerging in the post-Mubarak era.

And, frankly, what has happened, what was happening then and what has happened now, were some officials, including the official at the time, Fayza Aboul Naga, a demagogue of the first order, a woman tried to prove that her previous association with the previous regime somehow had been cleansed at the expense of these NGO workers.

Our delegation, led by our former colleague David Dreier, made it very clear to General Tantawi at the time that this issue would be a major sticking point in bilateral relations if not resolved. He was surprised that it was elevated to that level of concern. And every member of our delegation, Republican and Democrat, reiterated that position. Here we are 1 year later, and we now have the guilty verdicts.

I have long believed that the U.S.-Egyptian relationship, as I know you do, too, Madam Chairman, is a critical one in the Middle East, critical as a cornerstone, obviously, in the Camp David Accords, critical in the evolution of the so-called Arab Spring. Egypt is the largest Arab country. Outcomes there matter.

The Muslim Brotherhood is struggling with how to emerge as a democratic force in civil society. And I understand that. And some patience is going to be required. But these verdicts are a huge impediment in our relationship, in our ability to partner with the Egyptian Government, whatever it is going to be. And I have to say it is very important for those listening in Cairo and, for that matter, in the halls of our State Department to understand that the tolerance for this here in the United States Congress on a bipartisan basis is next to nil and that there will be strong reactions here on both the military and economic front and in every aspect of our bilateral relationship until and unless this issue is addressed forthrightly by the Morsi government and reversed.

Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Good. Thank you very much, Mr. Connolly.

And, seeing no further requests for recognition, we welcome our panelists here today. First, we will hear from Mr. Lorne Craner, no stranger to our committee, president of the International Republican Institute. Prior to this position, Mr. Craner has had a long

and distinguished career in public service, having previously served as Assistant Secretary for Democracy, Human Rights, and Labor for former Secretary of State Colin Powell, a position for which he received the Distinguished Service Award from Secretary Powell. He also served at the National Security Council from '92 to '93 and as Deputy Assistant Secretary of State for Legislative Affairs under James Baker. Welcome, Lorne.

Next we welcome Mr. Charles Dunne, the director of the Middle East and North Africa Program at Freedom House. Prior to joining Freedom House, he spent 24 years in the Foreign Service, serving all across the world, including in Cairo and Jerusalem. Mr. Dunne has had a distinguished career in public service, serving as Director for Iraq at the National Security Council, as a foreign policy adviser at the Joint Staff in the Pentagon, and as a member of the Secretary of State's policy planning staff, where he contributed to the development of initiatives to advance democracy in the Middle East and North Africa. Welcome, Charles.

And we welcome Ms. Joyce Barnathan, who is the president of the International Center for Journalists. Prior to joining ICFJ, Ms. Barnathan had a long and impressive career as an international journalist, having covered assignments in Asia and Russia for Businessweek and Newsweek. She is the winner of five overseas Press Club awards as well as the National Headliner Award and currently serves on the Steering Committee of the Global Forum for Media Development. Welcome.

Finally, we welcome Mr. Kenneth Wollack, the president of National Democratic Institute, where he has served in that capacity since 1993. Before joining NDI, Mr. Wollack co-edited the Middle East Policy Survey and wrote regularly for the Los Angeles Times. He has served on task forces sponsored by various organizations, including the Brookings Institute, the United States Institute of Peace, and the Council on Foreign Relations. Mr. Wollack currently is a member of the Advisory Committee on Voluntary Foreign Aid and has served as a chairman for the U.S. Committee for the United Nations Development Program. And our kids are somehow intertwined. That is a real claim to fame.

So thank you to our excellent set of panelists. Lorne, we will begin with you.

STATEMENT OF THE HONORABLE LORNE W. CRANER, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE (FORMER ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND LABOR)

Mr. CRANER. Well, Chairman, members of the committee, I want to first thank you for your continued focus on the Middle East and for the unwavering interest and support you have shown to all of us at this table.

I wish today's hearing was a progress report on Egypt, but it is not. The Egyptian transition at this point can only be described as a mess. And it is moving in an ever more negative direction. You have focused this hearing on "American NGOs Under Attack in Morsi's Egypt." So let me begin by describing how Morsi's Egypt is doing compared to other countries.

Political transitions in the Middle East will take time, as they have in other regions. While we must, as Mr. Connolly said, have a long-term outlook, it is also true that key milestones along the way impact the pace and bad decisions along the way can fundamentally alter the direction of the transition. One need only think of the contrast between Poland, Hungary, and the Czech Republic and Bulgaria, Romania, and Serbia in the mid-1990s.

Comparisons between the speed and scale of reform in Tunisia and Egypt—their revolutions occurred almost simultaneously—are, likewise, fair. It is true that Tunisia started with a smaller, more homogeneous, more educated population and that Ben Ali, like Mubarak, an authoritarian, left his country with less poverty and a better economy. But those differences cannot account for Egypt's failure to keep up with the pace or scope of change in Tunisia on issues I detail in my written testimony, from Cairo's failure to safeguard the rights of women and minorities to placing the executive above judicial review to significantly less freedom of expression, to the government advocating a harshly restrictive civil society law, to attacks on domestic and, yes, foreign NGOs.

Not all Arab Spring transitions have gone as poorly as Egypt. There are worse transitions. Syria comes to mind. But certainly the transitions in Tunisia and, I would argue, even Libya are going better than Egypt's. The shrinking political space we see in Egypt is not a common feature among Arab Spring countries. Going after domestic and foreign NGOs is not a common feature among Arab Spring countries. This brings me to our issue: The Egyptian court's trial and guilty verdicts.

I will not detail the saga of the last 18 months. We all know that quite well. You will recall that the charges against us were that we were not registered organizations in Egypt, despite our effort since 2006 to do so, and that we did not use the type of bank account available to registered organizations.

When we last appeared before you, we related the testimony of the person who, as you know, started this sad saga, Egyptian Minister of Development Fayza Aboul Naga, that we were engaged in a neo-colonial plot at the behest of Israel to divide Egypt. This nonsense became an integral part of the prosecution's case in court. Our respective attorneys presented a defense based on the merits of the charges against us entering evidence and witness testimony about the true nature of our work, demonstrating that the Egyptian Government had full knowledge of it and that we had made extensive efforts to become registered since 2006.

A report completed by Egypt's own Shura Council in 2012 placed the onus of the international registration process on mismanagement by the Egyptian Government.

And yet, despite an abundance of objective information confirming the weakness of the charges, the trial court on June 4th in disjointed verdicts found all 43 defendants to be in violation of Egyptian law and imposed harsh penalties from 1 to 5 years in jail with hard labor and ordered that our organizations be closed in Egypt. These verdicts obviously have a direct negative impact on our organizations and staff.

Moreover, the verdict is part of a broader trend in Egypt. It did not occur in isolation. It is a parallel issue to the current draft

NGO law and other discouraging developments I referred to earlier.

For our partnership with Egypt to endure, we must have a willing partner. We all understand Egypt is in the early stages of transition and mistakes will be made. And, yet, it is difficult to ignore the consistent failure by Egypt to make the positive steps toward building a democracy that we see in places like Tunisia or Libya.

To overlook the current assault on democracy would send the wrong message. Instead, the U.S. must strongly and consistently support popular demands for transparency, accountability, and freedom at this critical Middle East crossroads. This means a clear continued commitment by the administration and the U.S. Congress to those working under increasing duress for a democratic Egypt.

Thank you.

[The prepared statement of Mr. Craner follows:]

**TESTIMONY OF LORNE W. CRANER
PRESIDENT
INTERNATIONAL REPUBLICAN INSTITUTE
HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON THE MIDDLE EAST AND NORTH AFRICA
JUNE 12, 2013**

Chairman Ros-Lehtinen, Members of the Committee, it has been nearly sixteen months since I testified before you on events in the Middle East and, specifically, on Egypt. I want to thank you for your continued focus on the region, and Chairman Ros-Lehtinen, I want to thank you personally for the unwavering interest and support you have shown to us and our colleagues at this table.

I wish today's hearing was a report on progress Egypt has made in its transition, but regrettably it is not. The Egyptian transition at this point can only be described as a mess, and it is moving in an ever more negative direction. You've generously focused this hearing on "American NGOs under attack in Morsi's Egypt," so let me begin by describing how Morsi's Egypt is turning out.

EGYPT'S TRANSITION

I said in my last testimony that democratization comes many ways – slow and fast, civic and political, revolutionary and evolutionary – and that precise trajectories are difficult to predict. I think all of us in the democracy and governance assistance community share the view that political transitions in the Middle East will take time. Egypt is not different from other countries when we say the transition is a decade or decades-long project. That is not so different from transitions that occurred in Eastern Europe and elsewhere in the world regarding timeframes, as I often note, countries as varied as Bulgaria, Romania and Slovakia took many years after the fall of the Soviet Union to finally break with their authoritarian past. While we are in agreement that we must have a long-term outlook, it is also true that key milestones along the way impact the course of the transition, and bad decisions along the way could fundamentally alter the direction countries in the Middle East are headed. In Egypt, it appears that it is headed in the wrong direction. And, in Egypt, both the new non-governmental organization (NGO) law under discussion and, tangentially, our case and the issue of international NGOs working in Egypt, constitute negative milestones in the country's course of transition that should not be overlooked.

One of the benefits of multiple transitions occurring simultaneously is that we have some points for comparison that can and should be utilized to set a general frame of reference for how well countries are doing. Egypt and Tunisia are different countries. Compared to Egypt, Tunisia started with a more homogeneous population that is smaller and better educated. Tunisia has less poverty and in years past, was often pointed to as a model of economic success. Yet both are Arab countries that share a similar recent history of having autocratic rulers overthrown by citizen revolts driven by a demand for more accountable rule. In both countries, judging by first elections, Islamist political parties are the ascendant political forces. Both have had to tackle the questions of new constitutions, freedom of association and NGO laws. It is appropriate eighteen months after the region's revolutions began, to look at the two in comparison today. I am here to

tell you we should be modestly optimistic about Tunisia's current course and very concerned about an Egyptian drift backwards toward authoritarianism.

Tunisia's interim government has faced notable crises, including the assassination of a secular opposition politician earlier this year. In its current iteration however, an interim government led by both Islamist and secular political parties has endured. The country's National Constituent Assembly has been slow in fulfilling its mandate to write a new constitution and is now on its fourth draft. With each episode of crisis though, a new consensus seems to emerge and at present there is reason to believe the fourth constitutional draft will be voted on.

In stark contrast, Egypt held a constitutional referendum that made select changes and held parliamentary elections beginning in late 2011. Previous quotas in the electoral law for women and minorities were removed. Few women or minorities were elected to the new parliament. Parliament was later disbanded based on a ruling from Egypt's Supreme Constitutional Court (SCC) that judged an interpretation made by Egypt's electoral commission to be unconstitutional.

Elections for a new Egyptian president were held in 2012. In response to the SCC ruling, Egypt's President Mohammed Morsi issued a constitutional declaration placing legislative powers in his hands until a new constitution was adopted and elections for a new parliament held. He also declared his decrees above judicial review.

Unlike Tunisia, Egypt's Islamist party, Freedom and Justice (FJP), won a majority of seats in parliamentary elections for the later disbanded parliament and also won elections for president and for the Shoura Council. FJP initially indicated it would not compete for a majority of seats in parliament only to later reverse this decision. FJP likewise indicated it would not field a presidential candidate but ultimately fielded two, the second after its initial candidate was deemed ineligible. In Egypt, a constituent assembly formed by the parliament was decried for being stacked with Islamists. This assembly was later deemed void as part of the disbanding of parliament but Morsi ordered the body back to work. In a second iteration of the assembly, a more balanced composition of political and societal forces was included only to be undone during the final drafting stages when secular members of the assembly walked out in protest due to what they characterized as intransigence by the FJP and Salafist majority. Morsi's response was to accelerate the timeframe for holding a referendum on the constitution, which was conducted in December 2012 amid widespread social unrest. The new constitution was passed by a popular referendum where only 32 percent of eligible Egyptians turned out to vote. This participation rate continues an alarming trend in post-Arab Spring Egypt where each successive election has produced lower voter participation.

Freedom of expression thus far presents the most striking study in contrast between the Tunisian and Egyptian political transitions. Tunisia entered its revolution as one of the most tightly controlled, and thought to be one of the most efficient, police states in the world. Despite issues, it can presently be counted as among the more free of countries in the Arab world on freedom of expression.

In contrast, a return of the types of strictures on freedom of expression witnessed under the Mubarak regime presents an alarming picture in Egypt. Beyond the high profile arrest of an Egyptian satirist for insulting Morsi, more Egyptian journalists have faced legal action during the Morsi presidency than during Mubarak's entire 28-year reign. Editors and television producers have been routinely removed from their posts and replaced with individuals more friendly to the Muslim Brotherhood.

Regarding the draft NGO law, the Morsi government is taking the same narrow, restrictive approach to civil society as the former regime. The most recent NGO law draft advocated by the Morsi government mandates that foreign funding be approved by a "Coordinating Committee" likely stacked with state security and intelligence representatives as well as representatives from the types of ministries that withheld IRI's registration and that of other international NGOs for over six years. This Committee replaces the current law's minister which was Fayza Aboul Naga during the Mubarak era. In the current draft law, international NGOs cannot conduct activities without prior approval and the Committee has broad powers to refuse a license to international NGOs. The current draft restricts the ability of Egyptian civil society organizations to receive foreign funding without prior Committee approval. Equally as troubling, the current draft also requires approval by the Coordinating Committee for Egyptian NGOs to engage in domestic fundraising activities. The combination of membership and physical presence requirements for Egyptian NGOs along with restrictions on funding and onerous reporting on internal decision-making fundamentally undermines the growth of an independent civil society in post-Mubarak Egypt.

NGO TRIAL

This brings me to our issue, the trial and guilty verdicts against the staff of the organizations represented here today. To recap briefly, the International Republican Institute (IRI), and our counterparts had our offices raided by Egyptian authorities on December 29, 2011, just days before the third phase of Egypt's parliamentary elections that both IRI and the National Democratic Institute (NDI) had been officially invited by Egypt's Ministry of Foreign Affairs to observe. The raids stemmed from a secretive "fact-finding" committee, launched with the prodding of Mubarak hold-over Minister of International Cooperation Fayza Aboul Naga sometime in 2011, to investigate the influences of "foreign funding." A long-time Mubarak appointee, Aboul Naga had pursued a strategy of demonizing our respective organizations based on her narrow parochial interest goal to control U.S. foreign assistance funding and to have it channeled through her ministry. Along with powerful interests in the Egyptian state security apparatus, she was responsible for halting IRI's registration efforts even though we submitted paperwork to operate legally in Egypt in 2006.

At the time the raids occurred, seventeen IRI expatriate and Egyptian staff had already been called into Egypt's Ministry of Justice (MOJ) for "interviews" by investigating judges (with some of those interrogations going on for four hours or more and with at least three staff called back for follow-up inquiries). In the initial aftermath of the raids and reactions by the U.S. Government, assurances from Egypt's then military rulers were provided but came to naught and instead the situation escalated on January 21, 2012 when IRI's country director Sam LaHood was prevented from exiting Egypt on a routine trip out of the country. It was only then that IRI

and other organizations learned that a number of American citizens and other international staff had been placed on a “travel ban,” effectively detaining them in Egypt pending the outcome of the MOJ investigation.

A flurry of diplomatic activity again provided assurances from Egypt’s military leadership that a resolution was at hand. But on February 6, 2012, MOJ investigating judges in a highly unusual press conference announced formal charges against 43 American, Egyptian and third-country employees of IRI, NDI, Freedom House, International Center for Journalists (ICFJ) and Germany’s Konrad Adenauer Stiftung. Specifically, the staff was charged with two primary offenses: operating without a license (a misdemeanor offense with a possible fine penalty) and receiving unauthorized foreign funds to conduct those operations (a felony offense with penalties of up to five years imprisonment). This is despite the fact that we have been seeking registration since 2006 and received approved U.S. Government funding (which incidentally the Government of Egypt has willingly accepted directly at a rate of \$1.5 billion annually).

A circus-like atmosphere followed with the first court session flooded by Egyptian media and frivolous civil suits demanding monetary damages for alleged offenses to Egyptian sovereignty. Some demanded the death penalty for the organizations’ respective employees. We and our counterparts endured a relentless flurry of attacks in the Egyptian media that sought to brand the organizations as nefarious foreign entities seeking to sow chaos in Egypt. Our Egyptian staff was named in the press as foreign spies, their families harassed.

A change of the court’s venue and judges briefly seemed to improve the atmosphere but in each session, our Egyptian employees were subjected to state prosecutors and their witnesses repeating the same unsubstantiated and politically charged attacks, suggesting that they were subversives attempting to undermine Egyptian national security. And then, on September 9, 2012, Aboul Naga testified. She repeated outlandish and offensive lies from her sworn statement to the investigating judges which suggested democracy promotion was a neo-colonial design linked to Israeli interests. This nonsense was made an integral part of the prosecution’s case and in its closing argument, Egyptian prosecutors again suggested the international NGOs were intent on undermining Egyptian national security and conducting espionage-like activities meant to foment chaos, absurd accusations that have absolutely nothing to do with the specific charges at hand.

For our part, our respective Egyptian attorneys attempted to present a defense based on the merits of the charges against us, entering into our defense evidence and witness testimony revealing the true nature of our work, which included helping Egyptian groups advocate for persons with disabilities to be part of the elections process and sharing information about constructive engagement in democratic processes like electoral campaigning. Evidence demonstrating that the Egyptian government had full knowledge of the organizations’ programs based on correspondence between the U.S. State Department and Egyptian Ministry of Foreign Affairs – along with the extensive efforts IRI had undertaken to become registered since 2006 – were likewise presented to the court, as was a report completed by Egypt’s own Shoura Council in 2012 which placed the onus of the international NGO registration process on mismanagement by the Egyptian government.

And yet, despite an abundance of objective information confirming the weakness of the charges against IRI, NDI, Freedom House, ICFJ and Konrad Adenauer – charges that were spurious and politically motivated – the trial court on June 4, in harsh and disjointed verdicts found all 43 defendants to be in violation of Egyptian law and imposed penalties ranging from one to five years in an Egyptian jail with hard labor. The verdicts obviously have a direct negative impact on our organization and the 14 IRI staff convicted. Beyond this, as we said in our statement issued June 4, the verdicts “will have a chilling effect on Egyptian civil society and, taken with other recent developments, raises serious questions about Egypt’s commitment to the democratic transition that so many people demanded when they took to the streets in early 2011.”

The work that IRI undertook in Egypt from the immediate aftermath of the January 2011 Arab Spring up until the time of the raids on our offices is no different from the efforts our organization has undertaken in numerous countries around the world and in transitions dating to the 1980s. It is not different from programs that have been accepted and appreciated by countries as diverse as Georgia, Indonesia and Poland and no different from the type of work we are doing in Tunisia now. It is the work of helping build the underpinnings of democratic institutions and practices, supporting the growth of civil society and fair elections, building consensus among political stakeholders of all types, and ensuring women, minorities and persons with disabilities have a voice in the democratic process. I am proud of IRI’s work and proud of IRI staff, especially the 14 defendants, who have worked to help Egyptians build a democracy. Along with our board of directors, I am committed to supporting our staff and keeping them out of Egyptian prison.

In fairness, this unacceptable situation began long before the current Morsi government and before Egypt’s revolution. Having said that, the direction Egypt is headed under the Morsi government cannot be isolated from the recent NGO trial ruling. Our organization along with others in this hearing have attempted to promote universal values for democratic development in the new NGO draft law and other key factors in Egypt’s political transition. But, in fact, the current verdict on our respective organizations is occurring within a broader dynamic in Egypt’s transition. The judges’ ordered closure of our respective organizations in Egypt represents a serious blow to the fundamental notion of a vibrant civil society. It is a parallel issue to the current draft NGO law, and both are milestones that will help determine whether Egypt heads in the right direction versus towards a new authoritarianism dominated by the Morsi government.

CONCLUSION

My immediate concern at this time is our 14 IRI defendant staff and keeping them out of harm’s way should Egypt attempt to issue new international arrest warrants for these individuals. Many have worked in countries around the world to help build democracies. Their freedom is my prime concern.

In my last testimony, I said that the United States and Egypt have enjoyed a longstanding strategic partnership that has benefitted both countries for more than three decades. I also said that for the U.S.-Egyptian partnership to endure, the United States must have a willing partner in Egypt. Events of the last year involving our organizations and Egypt’s transition more broadly make it difficult to tell whether or not the Egyptian government seeks the same type of partnership we do.

I also said in my last testimony that to overlook the current assault on democracy in the interest of maintaining relations with the Egyptian government would send a wrong-minded message. We are now two years into this transition. We are now a more than a year into a politically motivated NGO trial, with verdicts including prison sentences. We understand that Egypt is still in the early stages of its transition and that mistakes will be made by people attempting to steer the country from an autocratic to an open society. And yet, it is difficult at this point to see Egypt making the positive strides toward building its society that we see in Tunisia.

The United States must strongly and consistently support popular demands for transparency, accountability and freedom at this critical crossroads in the new Middle East. This means a continued commitment to civil society and speaking clearly with respect to ongoing attacks against international NGOs attempting to help Egypt become a democracy. The Administration and U.S. Congress should be steadfast in supporting an enabling environment for political parties and civil society to build a democratic Egypt.

Thank you.

Ms. ROS-LEHTINEN. Thank you very much. That is very depressing.

Mr. Dunne?

Mr. DUNNE. Thank you very much, Madam Chair. And thank you to the members of the subcommittee.

STATEMENT OF MR. CHARLES W. DUNNE, DIRECTOR, MIDDLE EAST AND NORTH AFRICA, FREEDOM HOUSE

Mr. DUNNE. It is an honor to appear before you here today. Our president, David Kramer, would be here. He expresses his regrets, but we have a board of trustees meeting at the same time and hopes you understand.

As you possibly know, I am personally affected by the NGO case in Egypt. For the last year and a half, I was defendant number 30 in the case against Egypt and U.S. NGOs. We work in the field of democracy promotion and human rights. Today, I stand convicted, sentenced to 5 years in prison and with a fine. Freedom House's office in Cairo has been shut.

This comes as a shock to me. As you noted, Madam Chair, I spent 24 years in the U.S. Foreign Service, three of them as a diplomat in Cairo, where I worked very closely with the Egyptian military. As long as this sentence stands, my ability to travel freely and work in my chosen field anywhere in the world stands in question. Six of my Freedom House colleagues have also been convicted in this case. And I stand here today in solidarity with them and hope that the views that I express will reflect their views and their situation as well.

Now, we had no doubt from the beginning that the raids and the trials were politically motivated. This was contained in the explanation from the judges in the case that was reported in the Egyptian press. In this decision, they leaned heavily on worn-out nationalist conspiracy theories with a heavy dose of anti-Israel sentiment thrown in. The explanation said,—and I quote, “Funding has become a new form of control and domination, a soft imperialism pursued by donors to destabilize beneficiary countries and to serve American and Israeli interests.”

With your permission, Madam Chair, I would like that statement entered into the record.

Ms. ROS-LEHTINEN. Without objection.

[The information referred to follows:]

Excerpt from Presiding Judge Makram Awad's Rationale for the Verdict in the NGO Case, as Reported in Shorouk Newspaper, June 5, 2013

(Translation: Rafik Hariri Center for the Middle East, Atlantic Council)

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.

The Germans, through the headquarters of Konrad Adenauer, funded its employees to manage political activity that would never be authorized to begin with, and implemented hundreds of

political training programs, workshops, and grants to persons, organizations, and entities unlicensed to operate in the civil sphere to prevent any infringement on Egypt's sovereignty.

I was reassured by testimony from Dr. Fayza Abul Naga, Minister of Planning and International Cooperation, former Ambassador Marwan Zaki Badr, supervisor of the Office of the Minister of International Cooperation, Osama Abdel Moneim Shaltout, Director of non-governmental organizations at the Ministry of Foreign Affairs, Leila Ahmed Bahaa al-Din, deputy assistant to the Foreign Minister for Human Rights, and Aziza Youssef, head of the Federation for Associations, Solidarity and Social Justice Unions, National Security Investigations, and Federal Monitoring and Public Funds, [in addition to] the report of the fact-finding committee, the statements of the defendants before the investigating judge in establishing these branch offices and receiving funding from organization headquarters in the United States, as well as Germany, and the result of the search and seizure of NGO offices that occurred with the knowledge of the public prosecutor.

Knowing that the criminal law and complimentary penal laws are applied erga omnes, pleas of ignorance cannot be used to deny criminal intent. The Law on Associations and NGOs, 84 of 2002, provides a criminal penalty, and thereby complements the Penal Code. It applies the rules of the Penal Code whereby ignorance does not absolve one of criminal intent. The fact that the accused is unaware that the organization is unlicensed by the government does not deny criminal intent. Ignorance by virtue of the criminal principle itself is not an excuse so long as this criminal principle imposes on one a commitment to vet the organization before approaching it. If one neglects his duty to abide by it, there is no one to blame but himself, as negligence and intent are considered one and the same.

Mr. DUNNE. Thank you.

As this decision makes clear, there can be no doubt that the politics and not the law was what drove and decided this case. Secretary Kerry noted in his June 4th statement on this the decision was clearly politically motivated. So it is now obvious that we cannot expect to find justice through further legal proceedings. The only viable solution in this case is a political one. And we look to President Morsi to exercise his powers to wipe clean the slate for all 43 NGO convicts in this case. On this, the U.S. Government should weigh in at the highest levels. And we certainly hope that the Members of Congress will echo and support this as well.

Now, the Egyptian Government for its part likely expects a return to business as usual once the current furor over the verdicts subsides. Just last month, Secretary Kerry quietly waived conditions on military aid, despite the fact that Egypt clearly has not met the conditionality that Congress has written into the law, requiring Egypt to "implement policies to protect freedom of expression, association, religion, and due process of law." As I understand it, the money has not yet been transferred to the Egyptians' account and should not be in our view under present circumstances. In many ways, the deteriorating human rights situation in Egypt is worse than it was at points under President Mubarak.

So the United States should take three clear steps: To persuade President Morsi to reverse course and get Egypt's democratic transition back on course. First, U.S. should reconsider delivery of aid to the Egyptian Government until all 43 NGO workers are clear and the organizations that were closed are allowed to reopen and operate freely.

Second, a top-to-bottom review of the U.S. relationship with Egypt, including the assistance and support for the IMF loan package, should be conducted by the State Department and approved by Congress before any further money is appropriated. The relationship cannot be allowed to operate on autopilot given the dramatic political changes in Egypt and the region.

Third, the U.S. 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 finds them. The U.S. should make clear that it will continue to support funding for the free operation of civil society and its international partners.

Twenty Egyptian organizations, human rights organizations, issued a statement June 6th through the Cairo Institute of Human Rights Studies sharply criticizing the verdict and expressing complete support for the defendants in this case. This characterized this as a blow against the democratization process in Egypt.

And, again, with your permission, Madam Chair, I would like to have that statement entered.

Ms. ROS-LEHTINEN. Without objection.

[The information referred to follows:]

Cairo Institute for Human Rights Studies

20 Egyptian organizations in solidarity with the NGO workers sentenced to prison: Politically motivated case a fatal blow to freedom of expression and association

June 6, 2013

<http://www.cihrs.org/?p=6759&lang=en>

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 defendants, who include nationals from Egypt, Palestine, Jordan, the US, Germany, Serbia, and Norway, received prison terms ranging from one to five years and were each fined LE1,000.

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. Inspired by the former regime, the current authorities have excluded civil society, harassed human rights defenders and democracy activists, criminalized their activities, and used the media to defame civic organizations and promote views hostile to the universal values of human rights. The current authorities have further deployed the security apparatus to block civic initiatives, denied victims of abuses of their rights and legal support, and dragged the judiciary into their deceitful battle against civil society.

Throughout the last year since coming to power the regime of President Mohamed Morsi has revealed its unrelenting political agenda to sideline civil society – and to undermine organizations which defend human rights in particular – instead of allowing civil society space to play its essential role in supporting democratization. In fact, President Morsi’s policies in many areas demonstrate that democratization is not a goal for the Muslim Brotherhood (MB) and its Freedom and Justice Party (FJP). This has been made crystal clear in the successive draft laws submitted by the MB, the FJP, and the presidency to organize the judiciary and govern civil society, as well as those hinted at by the MB which would restrict media freedoms.

The “foreign funding case” began in July 2011, when the prime minister formed a fact-finding committee to investigate what was called “the foreign funding that had entered Egypt following the January 25 Revolution.” This was accompanied by a concerted smear campaign against Egyptian and international civil society groups, accusing them of acting as agents for foreign powers, threatening national security, and implementing foreign agendas to create chaos – tactics taken directly from Mubarak-era policies. In fact, the smear campaign against civil society was

headed by officials and ministers from the Mubarak regime who had remained in their positions after the revolution, in an attempt to seek revenge against rights organizations which had played an essential role in preparing the way for the revolution.

In a move unprecedented in Egypt's recent history, police and army forces raided 17 offices of ten organizations, among them Egyptian organizations, in late 2011, after which 43 staff members were referred to the Cairo Criminal Court on charges of establishing and administering branches of foreign organizations and receiving foreign funding.

On February 15, 2012, 31 rights organizations issued a statement condemning the investigations into this case, which relied on intelligence gathered by Mubarak's State Security agency. A review of the resumes of the judges who carried out the investigations may help explain the court's verdict, which was based on the report they prepared. Both judges had served as long-time chief prosecutors in the Supreme State Security Prosecution, which was the subject of widespread criticism and whose abolition had been called for by advocates of judicial independence, advocacy groups, and various political and social forces fighting for democracy prior to the revolution. The State Security Prosecution had been involved in fabricating charges against opponents of the Mubarak regime, aided in covering up acts of torture committed by State Security Investigations against political detainees, and functioned as a tool used in collaboration with State Security by the Mubarak regime to seek revenge against its political opponents.

During the period in which investigations were being carried out, these two judges violated a number of the most essential legal principles governing the work of the judiciary – considered by the Supreme Judicial Council to be among the crimes warranting the punishment of the judge responsible – by “trying” the suspects and others who had not been charged via the media over the course of several months, setting another dangerous new precedent. However, the Supreme Judicial Council, which was headed at the time by Hossam al-Ghariani (who later became the head of the Constituent Assembly), took no measures in response to these acts by the investigating judges, even after legal complaints were filed regarding the matter.

From the very beginning (summer and fall 2011), the “foreign funding case” saw blatant interference by the executive in the court's work, beginning with the manner in which the two investigative judges were appointed and including the pressure exerted on the judiciary to lift the travel ban on foreign staff of the involved organizations. It should be noted that some of the organizations whose staff members were given severe sentences for promoting democracy had operated in Egypt since 2005, cooperating consistently and publicly with the Egyptian government and with the full knowledge of the security apparatus. These organizations had tried repeatedly to register officially and had failed due to bureaucratic security procedures – the Egyptian Foreign Ministry did not reject their applications for permits, yet it also did not grant acknowledgement of receipt of their applications, placing these organizations in a precarious position indefinitely. The Egyptian government had sent official letters to a number of these organizations – even during the period during which investigations were being carried out and the smear campaign in the media was ongoing – inviting them to monitor the parliamentary elections which were held during the last three months of 2011.

The undersigned organizations assert that this unfair ruling comes in the context of attempts by the Muslim Brotherhood-affiliated government and parliament to suppress civil society and curb its activities by judicial and legislative means. For example, the deputy justice minister for legislative matters and the head of the fact-finding committee on foreign funding stated before the Shura Council on March 24, 2013 that investigations into the “foreign funding case” had ended with the referral of 43 defendants to the criminal court. He added that investigations of Egyptian organizations were still underway, which means that we can expect a second round of attacks on civil society groups, including the summoning of their directors and staff members for questioning and possibly being referred to trial.

Moreover, on the same day that the verdict was issued by the Criminal Court in Cairo, the Committee for Human Resources Development and Local Governance in the Shura Council began debating the draft NGO law submitted by the president on Wednesday, May 29. The bill has been severely criticized by Egyptian and international organizations as well as by the UN High Commissioner for Human Rights.

The new bill, which is currently being discussed in the Shura Council, blatantly contravenes both international standards for the freedom of association and the Egyptian constitution. It would impose severe restrictions on activities of Egyptian NGOs, registration, and the operation of foreign NGOs and place civic associations under the control of various security agencies, which would be represented on the steering committee to be established by the law. This bill would make the situation of foreign NGOs even more difficult than under the Mubarak regime. This proposed bill and the recent judicial ruling are essentially two expressions of the same process of undermining civil society in Egypt.

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.

Finally, we note that the current authorities still have the opportunity to renounce their aspiration to restrict the activities of organizations advocating democracy and human rights by withdrawing its repressive NGO bill and using the powers granted to the president by Article 149 of the constitution – which have been used more than once to grant amnesties for detainees and prisoners affiliated with armed Islamist movements – to issue a pardon for the democracy advocates and human rights defenders convicted in this clearly political case.

Signatories:

- 1. Cairo Institute for human rights studies (CIHRS).**
- 2. Andalus Institute for Tolerance & Anti-violence Studies (AITAS).**
- 3. Arab Network for Human Rights Information (ANHRI).**
- 4. Arab organization for human rights.**
- 5. Arab Penal Reform Organization.**
- 6. Association for Freedom of Thought and Expression.**
- 7. Center for Appropriate Communication Techniques (ACT).**

8. Center for Egyptian Women's Legal Aid.
 9. Egyptian Center for Economic and Social Rights.
 10. Egyptian Foundation for the Advancement of Childhood Conditions.
 11. Egyptian Initiative for Personal Rights (EIPR).
 12. Egyptian women's union.
 13. Habi Center for Environmental Rights.
 14. Hisham Mubarak Law Center.
 15. Human Right association for the Assistance of Prisoners.
 16. Masriyon Against Religious Discrimination.
 17. Nazra for Feminist Studies.
 18. New Woman Foundation.
 19. The Egyptian Association For Community Participation Enhancement.
 20. The Egyptian Center for Women's Rights.
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Mr. DUNNE. So it is clear that, despite Egyptian Government propaganda, our organizations do have willing partners in Egypt, willing to do the hard work of democracy on the ground. We look forward to the day when we can cooperate with them once more.

Finally, I want to note that the NGO case has come with a steep human cost that the staffs of all of these organizations and others. The staffs of all these four organizations and others, 13 other Egyptian organizations, were rated on the same day ours were, by the way.

Lives have been disrupted, careers threatened, and deep emotional stress imposed. To the Egyptian Government, the people involved in this case are mere pawns in an internal power struggle. To me, my Egyptian staff members are dear friends and colleagues. I pay tribute to their courage and determination to build a better Egypt.

Thank you.

[The prepared statement of Mr. Dunne follows:]



Testimony of Charles W. Dunne

Director, Middle East and North Africa Programs, Freedom House

before the

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

“American NGOs Under Attack in Morsi’s Egypt”

June 12, 2013

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 for 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 FY 14, 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.

Ms. ROS-LEHTINEN. Thank you very much.
Ms. Barnathan? Thank you.

**STATEMENT OF MS. JOYCE BARNATHAN, PRESIDENT,
INTERNATIONAL CENTER FOR JOURNALISTS**

Ms. BARNATHAN. Madam Chairman and members of the committee, thank you for inviting me to testify about the terrible verdict in Egypt.

Just as background, the International Center for Journalists' work in Egypt and around the world is aimed at raising professional standards. We offer practical, hands-on programs that use the latest digital tools. And we aim to help journalists produce responsible, ethical coverage.

When we first learned of the startling charges against five ICFJ employees, we worked with our really excellent lawyers to present overwhelming evidence that the allegations were false. Up until the verdict, our lawyers were convinced of an acquittal. The decision to convict all of the NGO workers is a politically motivated move, and it does not reflect on the work of ICFJ in Egypt. But I want to highlight the human toll here. This decision is ruining lives.

What do you say to a distinguished journalist like Yehia Ghanem, who is right behind me, whom we hired to lead our new program, which hadn't even begun, and to finish the registration process? He got a 2-year sentence and cannot return home to his wife and three children and the country he loves without going to prison. What do we say to his children, who cry daily because they miss their father? One of his kids had both arms broken in school for defending his father's honor.

Our other Egyptian employee, who is also here, Islam Shafiq, is separated from his pregnant young wife. Though his 1-year term was suspended, is it really safe for him to return? The court labeled the three U.S.-based defendants, Patrick Butler, Natasha Tynes, and Michelle Betz, as fugitives, though they were not based in Egypt and they were not there when the charges were filed. They got 5-year terms.

These people's livelihoods depend on travel. Labeled as convicts, will they be arrested and sent to Cairo by a nation that has an extradition treaty with Egypt?

There is also the societal impact. Egyptian court officials say they are going to pursue anyone who provided help to NGOs, and they want to investigate other civil society groups.

As others have mentioned, the draft of a new NGO law, by many accounts, including the State Department's, is onerously restrictive. There is a chilling effect that has frozen the hopes of Arab Spring in Egypt.

For ICFJ, this politically motivated decision is particularly painful. We are not a political organization. We do not take political decisions or offer political advice. ICFJ has been working in Egypt since 2005 with the complete knowledge of the government. We applied for registration from the start, and shortly before our offices were raided, we gave the government full details about all of our programs. We have always had formal contracts with prestigious universities and news organizations, which are registered to carry out our activities.

And, in 2011, as we have noted before, our lawyer recommended that we open an office, a legal requirement for registration. We had conducted no activities in the office while we waited for approval.

At the heart of this matter is a dispute, as we all know, between the U.S. and Egyptian Governments over funding for NGO activity. As others have said, the Egyptian minister of international cooperation was angered that U.S. gave funds to NGOs, instead of to her ministry. ICFJ and its employees were not aware of this dispute.

The verdict is full of loaded language. The court claims that NGOs may appear to support human rights and democracy, but the underlying goal is to “undermine Egypt’s national security and lay out a sectarian map that serves U.S. and Israeli interests.” The judges also described NGO work as a new form of “soft imperialism practiced by donors to destabilize, weaken, and dismantle” Egypt. How on Earth do we even relate to any of these charges?

The ICFJ defendants did nothing wrong by training journalists. We are discussing with our lawyers how to appeal this verdict. But how can we be confident in the appeal process when judges simply ignore the facts? Our employees also risk getting thrown in jail if they return home for an appeal. And those tried in absentia have no legal recourse.

Egypt’s news media have made groundless attacks on our defendants. And these distortions show precisely why Egyptian media needs ICFJ’s assistance more than ever. I think the real victims are the Egyptian people, who will likely see further backsliding in democracy and freedom of expression.

Members of Congress visited Egypt during the trial and assured our staff there that they had nothing to worry about, the U.S. Government would protect those working on programs it funded, they said. We urge Congress now to hold fast to that promise. Please use all means possible to get these unjust verdicts overturned. We need a pardon so that good, decent people like Yehia Ghanem and Islam Shafiq can recapture their lives. It would be a true shame if Egyptian citizens now feared that working to build democratic institutions will only land them in jail.

Thank you.

[The prepared statement of Ms. Barnathan follows:]

TESTIMONY OF JOYCE BARNATHAN
PRESIDENT
INTERNATIONAL CENTER FOR JOURNALISTS
BEFORE THE
SUBCOMMITTEE ON MIDDLE EAST AND NORTH AFRICA
“AMERICAN NGOS UNDER ATTACK IN MORSI’S EGYPT”
JUNE 12, 2013

Chairman Ros-Lehtinen and Members of the Committee, thank you for inviting me to testify today about the terrible verdict in Egypt.

The International Center for Journalists’ work in Egypt and around the world is aimed at raising professional standards. We offer practical, hands-on programs using the latest digital tools. We provide today’s journalists—both professional and citizen—with the skills needed to provide responsible, ethical coverage so that citizens can make the best possible decisions in their lives.

When we first learned of the startling charges against five employees, we worked with a team of excellent lawyers to present overwhelming evidence that the allegations were false. Up until the verdict, our defense lawyers were convinced of an acquittal. The decision to convict all of the NGO workers is a politically motivated statement directed at the U.S. and German governments. In our view, it does not reflect on the work of ICFJ in Egypt.

But this move has far-reaching impact. First, it has ruined lives. What do you say to a distinguished journalist like Yehia Ghanem, who agreed to be our country director so that we could raise journalism skills in Egypt? We hired Yehia to lead the program, which hadn’t even begun, and to finish the registration process. He got a two-year sentence and cannot return home to his wife and three children – and the country he loves – without going to prison.

What do we say to his children, who cry daily because they miss their father? One of his kids had both arms broken in school as he defended his father’s honor. Yehia has also been vilified in the media. Our other Egyptian employee, Islam Shafiq, a newlywed, is now in the U.S., separated from his young wife. Though his one-year term was suspended, is it really safe for him to return?

The court labeled the three other U.S.-based defendants – Patrick Butler, Natasha Tynes and Michelle Betz – as fugitives, though they were not based in Egypt for ICFJ and were not there when the charges were filed. They got five-year terms. These are people whose livelihoods depend on travel. Labeled as convicts, will they be arrested and sent to Cairo by a nation that has an extradition treaty with Egypt?

The personal toll cannot be underestimated.

Then there’s the societal impact. Egyptian court officials say they will pursue anyone who provided help to NGOs—and these officials want to open investigations into other international and Egyptian civil society groups. The draft of a new NGO law, by many accounts, is onerously restrictive.

In a society where questioning authority is now at risk, I would advise any non-governmental group working in Egypt to think twice. All are vulnerable now. Yes, there is a chilling effect that has frozen the hopes of an Arab Spring.

The situation could get worse. Other countries, eager to crack down on civil society, may now follow the poor example set by Egypt.

For ICFJ, this decision is particularly painful. We are not a political organization. We do not take political decisions or offer political advice. We do not fund political activities, including protest movements, or support political parties. That's why a politically motivated verdict is so outrageous.

Our funding comes mainly from private sources, but we receive about a third of our budget from the U.S. government, including this Egypt grant from the State Department. We cherish our integrity and maintain autonomy in every program.

ICFJ has been working in Egypt since 2005, with the complete knowledge of the Egyptian government. We had formal partnerships with prestigious universities and news organizations. We are transparent in all of our work. We applied for registration from the start—and shortly before our offices in Egypt were raided, we gave the Egyptian government full details of all our work over the years.

We have cooperated with partner organizations, including the state-run Al Ahram newspaper, which were registered to carry out our projects. In 2011, our lawyer recommended that ICFJ open an office as this was legally required for the registration. Since we opened the office, we had conducted no activities while we waited for final approval.

At the heart of this matter is a dispute between the U.S. and Egyptian governments over funding for NGO activity. The Egyptian Minister of International Cooperation at that time was angered by a U.S. government decision to give funds to U.S.-based NGOs that she thought should go to her ministry. ICFJ and its employees were not aware of this dispute.

The verdict's loaded language makes it clear that this was a political dispute between countries. The judges claim that non-governmental organizations may appear to support human rights and democracy, but that the underlying goal is to "undermine Egypt's national security and lay out a sectarian map that serves U.S. and Israeli interests." The judges called the work of NGOs a new form of "control, predominance and soft imperialism practiced by donors to destabilize, weaken and dismantle" Egypt.

How do we even relate to any of these charges? The ICFJ defendants did nothing wrong in launching programs that would help Egyptian journalists do their work better. We are discussing with our lawyers how to appeal this verdict. But how can we be confident of success when judges make decisions not on the facts but on political grounds aimed at appeasing public opinion?

Today's Egypt is a complex place with a struggling economy and political infighting at home

and abroad. Despite our best intentions, we got caught in the middle.

As a journalists' organization, we don't pressure governments to do anything. But we urge Congress to use all means possible to get these unjust verdicts overturned.

Given the vitriol and distortions perpetrated in Egypt's media, our services are needed there more than ever. Newspapers have made groundless attacks, based on false and distorted information, about the case and the defendants. The real victims are the Egyptian people, who will likely see further backsliding in democracy and freedom of expression.

Again, we ask Congress to do everything in its power to get a pardon for the defendants or prevent the enforcement of this verdict so that good, decent people like Yehia Ghanem and Islam Shafiq can recapture their lives. It would be a shame if Egyptian citizens now fear that working to build democratic institutions such as a vibrant media or free elections would only land them in jail.

Ms. ROS-LEHTINEN. Thank you very much.
Mr. Wollack?

**STATEMENT OF MR. KENNETH WOLLACK, PRESIDENT,
NATIONAL DEMOCRATIC INSTITUTE**

Mr. WOLLACK. Madam Chairman 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 NDI, who, along with counterparts from the IRI, Freedom House, the ICFJ, and Konrad Adenauer Foundation, were sentenced last week to prison. I also want to thank you 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.

We were all shocked and deeply distressed by the verdict. These individuals did nothing wrong, and they should be praised, not prosecuted, for the work they did to support Egyptian democracy. In NDI's case, there are 15 individuals who have been the victims of this prosecution: 5 Americans, 4 Egyptians, 3 Serbians, 2 Lebanese, and 1 Romanian. 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 armed raids on our offices, 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.

These proceedings began under the military-led government and were instigated, as Mr. Connolly noted, 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.

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 United States 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.

NDI fulfilled all legal requirements for registration through the Ministry of Foreign Affairs in 2005, shortly after we opened an office in Cairo. 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. In fact, one government ministry involved in the registration process wrote that NDI's activities complied with Egyptian laws.

Ironically, 1 month prior to the raid on our offices, NDI and IRI were formally invited by Egyptian authorities to observe the country's parliamentary elections. NDI's nonpartisan programs in Egypt always responded to local demands and requests for technical assistance. 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. And we assisted civil society groups engaged in nonpartisan election monitoring and civic and voter education.

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 last week. As has been noted earlier, 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. This weakened Egypt's position, regionally and internationally, and bowed to the will of [the] U.S.A. in building bridges to normalize relations with Israel." The judges claimed that, "One cannot imagine . . . that the U.S.A. or other countries supporting the Zionist entity has any interest or a genuine desire for establishing a real democracy in Egypt."

Coming in tandem with last week's convictions is the referral of a new draft NGO law that is being discussed in the Shura Council. And it is far more restrictive than the one under which our employees were charged and convicted. This should be a time for active civil engagement. Last week's verdict and the proposed NGO law could create the opposite effect.

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.

We hope the international community will not give up on a Egypt's democratic transition. The issues it presents and Egypt's place in the world are too important.

Since NDI's founding in 1983, 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 worked and continue to work tirelessly to help resolve this crisis. Thank you, Madam Chairman.

[The prepared statement of Mr. Wollack follows:]

STATEMENT BY KENNETH WOLLACK
PRESIDENT, NATIONAL DEMOCRATIC INSTITUTE
BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON
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.

Ms. ROS-LEHTINEN. Thank you. And thank you to each and every one of you. Excellent testimony.

Without objection, I would also like to include for the record testimony provided to our subcommittee by Michelle Betz, former contractor for the International Center for Journalists.

[The information referred to follows:]

**Testimony provided to the House Committee on Foreign Affairs
Sub-Committee on Middle East and North Africa**

**Testimony provided by Michelle Betz, Defendant #39 and former contractor for the
International Center for Journalists (ICFJ)**

12 June 2013

Thank you for the opportunity to provide written testimony to the Committee.

As throughout the duration of the 18-month legal case in Egypt against myself and the 42 other defendants, including more than a dozen Americans, the hearing today illustrates the curious absence of some key participants -- the defendants themselves.

Egypt stonewalls, the U.S. makes tepid statements giving tacit permission to continue business as usual, NGOs focus on their internal needs, and the show goes on. All the while the defendants remain shut out and in the dark regarding their futures. The optimism about our fate from the beginning through the verdict was naïve. But it was clear from day one that this was a show trial, political through and through and that the longer it dragged on, the less likely there would be a just outcome.

I had been based in Egypt from 2008-2011 with my diplomat husband. I did not work in Egypt while I lived there and was forced to leave in February 2011 shortly after the revolution began. My life seems to have been inexorably linked to the Middle East since I was 16. I have lived, worked, studied and traveled across much of the region, speak Arabic and Hebrew and have always been fascinated with that part of the world. In Cairo, I followed the politics, then the revolution, and finally the trial. It became painfully self-evident, to me at least, that this case was not going to “go away” no matter how hard anyone wished.

While based overseas until February 2011, I travelled for my work roughly 40 per cent of the time consulting for various UN agencies and NGOs in conflict and post-conflict countries in sub-Saharan Africa. If I ever thought anything untoward was going to happen to me I thought it would happen in the Congo or Cote d'Ivoire, not in Egypt, a country I called home for three years. And I never in a million years expected my adopted country of the United States to turn a blind eye to the well-being of the Americans who face five years in prison, and their Egyptian colleagues, for promoting democracy and freedom of expression.

My inquiries over the past year most often went unanswered – I was constantly told that “this would go away”, and that “back channels” were being used and I, essentially, should keep my mouth shut. I asked as early as March 2012 for a list of countries that have bilateral extradition

treaties with Egypt. I asked more than half a dozen times. I only received a response more than one year later, in May 2013.

The situation for the Egyptians who have been convicted has been dire indeed, resulting in *de facto* exile away from their families and careers in shambles. Yes, in the political gamesmanship, we are the forgotten ones.

The list is long of those who have not risen to the occasion and instead paid only lip service to the causes and principles for which these NGOs were established and for which donors contribute. I have had no contact with anybody from State, Justice, the Administration, the Cairo Embassy, or any government official despite my inquiries over the past 18 months with such basic questions as to my status on INTERPOL wanted lists and the risk of extradition. Not one government official has met with the defendants to answer their questions, to listen to their concerns or simply to offer support.

I asked, on numerous occasions, what would trigger an airport stoppage due to a red notice or diffusion. These queries were never answered and to this day I still await an answer. My work travels and my consulting business came to a crashing halt and I have not travelled since the charges were filed.

And how have I found out about the charges against me and then finally about the conviction? Not from the NGO, State Department or other official channels. In the first instance, I saw my name on Twitter as someone tweeted all 43 names of those charged. On June 4, 2013, verdict day, I received a call at 05:20 am from one of my Egyptian colleagues who had been woken by a call from Al Jazeera in Egypt asking for comment on his conviction and his two-year jail sentence. It would be several hours later that I would get some meager information from the NGO though no one bothered to call me or reach out to me. Everything was through the sterile medium of email.

Government officials seem to be more interested in issuing statements of 'deep concern' publically than actually providing support to the defendants themselves. While the NGO leadership has had some contact, the information shared with the defendants is limited and one way. Make no mistake - the response of the all parties involved since the start of this saga has been to downplay the significance and effect on those named and prosecuted. The defendants, now convicted criminals, are real people. They have made inordinate sacrifices over the past 18 months and many of them, particularly the Egyptians, now find themselves in exile here in the United States far from their loved ones, their homeland and their careers destroyed.

I mentioned INTERPOL and wish to elaborate on the nature of their procedures in what are clearly, as both the White House and the Department of State have characterized, political charges. There is no accountability of this organization and its procedures for which the U.S. is a signatory. What the Egyptians did at the onset of this situation was to issue a 'secret'

diffusion notice which has no appeals process or oversight. Any signatory country can do this against any American any time they wish. There is no due process or challenge. Once this was issued the ability of the defendants to travel was put in jeopardy. Keep in mind that the careers of many of us absolutely require travel, often to harsh and austere parts of the world, in the conduct of our work developing civil society.

In my quest to seek answers to legal questions such as extradition, red notices and diffusion, I tried to contact INTERPOL as the U.S. Justice Department would not answer my questions. Justice said that I had to turn to my "local law enforcement agency", in this case, Metro PD. After speaking to numerous people at MPD, I finally got a very nice lady who, although sympathetic, didn't even know what INTERPOL was, let alone the INTERPOL liaison at MPD.

In the end, apparently some behind the scenes negotiations occurred resulting in a statement by INTERPOL in which they asked member countries to erase the already issued notices from their data bases. It was rather bizarre that in their press release they state individuals with questions should ask them directly but gave no mechanism to do this and their own procedures do not allow it – INTERPOL simply does not speak to individuals. Now we face this situation anew as the Egyptian prosecutor has publicly stated they will again seek extradition and put out international wanted notices through INTERPOL.

I'm sure the testimony you will receive from the NGO leadership will give you ample information on how this case damages the ability of NGOs to promote civil society and how other countries are already following Egypt's innovative approach to crushing employees' lives to nullifying the important work NGOs have done. I'm also sure they'll talk to you about how the precedents here are rapidly being adopted by repressive governments.

Perhaps you will hear that this case is not, and should not be, construed as, a spat or problem with President Morsi. This case started long before Morsi was elected. However, what cannot be ignored is that he and the Brotherhood and the holdover Mubarakites in the judiciary have the same goals – to squash civil societies and freedom of expression. And they are succeeding. This verdict will have an intense chilling effect -- not only on Egyptian NGOs but on NGOs around the world and, perhaps more importantly, the people that work for them.

What I hope you hear today is what was done to myself and my colleagues, and how the needs of the NGOs and U.S. Government have trumped ours. What happened to our values of freedom and justice? Let us remember the words of Martin Luther King, Jr: "Injustice anywhere is a threat to justice everywhere".

I would ask that the Committee consider the following actions:

- Encourage the Administration to vigorously advocate for the rights of the defendants who have now been unjustly convicted. This should include consultation with the defendants regarding safety of travel and address other questions they may have.

- Continue to show support for NGOs around the world that promote democracy and freedom of expression.
- Advocate for a review of the U.S. agreements with INTERPOL in light of this situation and make changes to ensure the protection of U.S. citizens.

Thank you for your time.

Mr. CONNOLLY. Madam Chairman?

Ms. ROS-LEHTINEN. Yes?

Mr. CONNOLLY. Can I also ask unanimous consent to insert at this point in the record a copy of the Connolly-Wolf letter to President Morsi that has been signed, including—

Ms. ROS-LEHTINEN. Without objection.

[The information referred to follows:]

Congress of the United States
Washington, DC 20515

June 14, 2013

The Honorable Mohamed Morsi
President of Egypt
C/O Ambassador Mohamed M. Tawfik
3521 International Court, N.W.
Washington, D.C. 20008

Dear President Morsi,

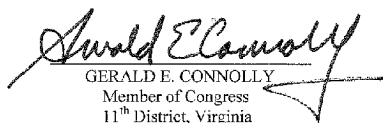
We write to express severe disappointment in the June 4th guilty verdict rendered by an Egyptian court against 43 non-governmental organizations' (NGO) workers—a diverse group that included 17 Americans. The verdict calls into serious question Egypt's progress toward an open society and raises key concerns about Egypt's commitment to democratic principles in a post-revolutionary context.

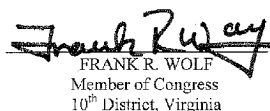
In the aftermath of the December 2011 raids against NGO offices in Egypt, friends of Egypt in the United States urged caution and patience, expressing optimism that Egyptian authorities would properly handle the matter. However, since seizing records, electronic equipment, and hard currency from the NGO offices, Egyptian authorities reneged on their word that the situation would be appropriately resolved. Despite mixed signals followed by a decision to prosecute, U.S. officials patiently waited for a fair conclusion. We do not consider the June 4th guilty verdict a fair conclusion.

We urge an immediate dismissal of charges against all 43 NGO workers. The United States supports the aspirations of the Egyptian people to become a free and fair society, in which all NGOs—regardless of their nation of origin—are allowed to operate freely, and we cannot in good conscience ignore the results of the June 4th trial. This verdict comes on the heels of a draft NGO law that further restricts NGOs, fails to meet Egypt's international commitments in terms of freedom of association, and lends credence to the opinion that there is an ongoing war against civil society in Egypt.

We urge you to immediately reconsider this matter and return confiscated property to the NGOs, dismiss charges against all NGO workers, and permit them to continue their work supporting a free, fair and open and democratic society. In order for the U.S. government and the American people to have any confidence that the Egyptian government is undertaking a genuine transition to a democratic state, under civilian control, where the freedoms of assembly, association, religion and expression are guaranteed and rule of law is upheld, we must see a swift and satisfactory resolution to this case that takes into full account the concerns expressed in this letter, including revisions to the proposed NGO law. A certification that the government of Egypt is implementing policies to guarantee these pillars of a free society, as required by law, seems impossible under the present circumstances.

Sincerely,


GERALD E. CONNOLLY
Member of Congress
11th District, Virginia


FRANK R. WOLF
Member of Congress
10th District, Virginia

Don Kim

Mike Dingley

Levi Frankel

Teel Dutch

Jim Mc Dermott

Cheri Hunter

Alan Naylor

David P. Jace

Ray C. Baker

Stanger

Robyn Diers

W

Leonard Lancer

Peter Pasaron

Ray Hully

William R. Keating

King

Joseph R. Pitts

Ann Schuch

AMMML

Al L. Lenz

Wm. Smith

H. H. Lee

Joe Kelly

Joe Wilson

Steve (Bob) Hoff

Ed S. York ^{PL #3}

Ed L. Engel

Gregory Walker

Bob B. Bickel

Bob Kim

John Vargas

Kenneth

John

Jeff Inman SC-3

Randy K. K. K. TX 14

Fred K. K. 11-10

Paul Shen

Jim Moran

Jim V. (Cotton)

Nichole Bachman

Carl C. Baum

Frontierlands

Rae E. Jara

Dr. Sander WI-05

Jr. Sen. SI-15

Tommy Duckworth

Tulsi Gabbard

David Price

Jane S. Esho

Shirley K. Lott

Brian Higgins

Jan Schatz

1. **Connolly, Gerald E. (VA-11)**
2. **Wolf, Frank R. (VA-10)**
3. Bachmann, Michelle (MN-06)
4. Bass, Karen (CA-37)
5. Bera, Ami (CA-07)
6. Bilirakis, Gus M. (FL-12)
7. Boustos, Cheri (IL-17)
8. Broun, Paul C. (GA-10)
9. Chabot, Steve (OH-01)
10. Cicilline, David N. (RI-01)
11. Davis, Rodney (IL-13)
12. Deutch, Theodore E. (FL-21)
13. Duckworth, Tammy (IL-08)
14. Duncan, Jeff (SC-03)
15. Engel, Eliot L. (NY-16)
16. Eshoo, Anna G. (CA-18)
17. Frankel, Lois (FL-22)
18. Franks, Trent (AZ-08)
19. Gabbard, Tulsi (HI-02)
20. Gutierrez, Luis V. (IL-04)
21. Higgins, Brian (NY-26)
22. Hoyer, Steny H. (MD-05)
23. Hultgren, Randy (IL-14)
24. Joyce, David P. (OH-14)
25. Keating, William R. (MA-09)
26. Kennedy, Joseph P., III (MA-04)
27. King, Peter T. (NY-02)
28. Kinzinger, Adam (IL-16)
29. Lance, Leonard (NJ-07)
30. Latta, Robert E. (OH-05)
31. Lowenthal, Alan S. (CA-47)
32. McDermott, Jim (WA-07)
33. Meadows, Mark (NC-11)
34. Meeks, Gregory W. (NY-05)
35. Moran, James P. (VA-08)
36. Nunnelee, Alan (MS-01)
37. Peters, Gary C. (MI-14)

- 38.Pitts, Joseph R. (PA-16)
 - 39.Poe, Ted (TX-02)
 - 40.Price, David E. (NC-04)
 - 41.Quigley, Mike (IL-05)
 - 42.Roskam, Peter J. (IL-06)
 - 43.Ros-Lehtinen, Ileana (FL-27)
 - 44.Schakowsky, Janice D. (IL-09)
 - 45.Schneider, Bradley S. (IL-10)
 - 46.Schock, Aaron (IL-18)
 - 47.Sensenbrenner, F. James, Jr. (WI-05)
 - 48.Sherman, Brad (CA-30)
 - 49.Shimkus, John (IL-15)
 - 50.Smith, Christopher H. (NJ-04)
 - 51.Vargas, Juan (CA-51)
 - 52.Weber, Randy K., Sr. (TX-14)
 - 53.Wilson, Frederica S. (FL-24)
 - 54.Yoho, Ted S. (FL-03)
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Mr. CONNOLLY. I thank the chair.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Connolly.

You talked about the personal toll. All of these folks have felt this impact deeply. Your organizations have felt the impact. Egyptian civil society has felt the impact. And, seeing as you have experience and firsthand knowledge of what has really happened there on the ground, can you tell us where you think in a broader picture, where you think Egypt is going under Morsi? Which direction is it headed toward? Is there a chance for democracy left? Is that window rapidly closing? What should U.S. funding priorities in Egypt with respect to supporting civil society, the rule of law, building political parties? What role do you see us having there? And do you expect the pardon to come for all of the folks who have been sentenced? Do you expect the new NGO law to be implemented, to be passed, and that will further restrict your activities? So thank you if anybody would like to take a stab at either parts of those. Mr. Dunne?

Mr. DUNNE. Thank you, Madam Chair.

As far as where Egypt is going broadly, as Lorne mentioned in his testimony, it is a very troubled democratic transition, which I personally would describe as a suspended democratic transition at the moment.

I still have a lot of hope for Egypt. A huge amount of political space has been opened up by the revolution. There are different parties contesting that space. We cannot count out the liberals and secularists, whose views, after all, underpinned the Tahrir Square revolution. It will be a long process, and it will be a messy process. But it does require support from outside, political support and perhaps some aid support, especially for civil society.

As you noted, the environment for civil society has become extremely difficult. And just how we can operate there, any of our organizations as well as Egyptian organizations, especially in light of this new NGO law, is very problematic. We are trying to think of some creative ways to engage civil society. Maybe that involves advocacy, instead of work on the ground with organizations, but we are trying to figure that out ourselves right now.

We have no expectations, our organization does not, of the legal process, including a pardon. We are hopeful that one will be granted, but that is what we are trying to think about right now.

Ms. ROS-LEHTINEN. And you are convict number 40?

Mr. DUNNE. Defendant number 30.

Ms. ROS-LEHTINEN. Defendant number 30. Yes.

Mr. DUNNE. I was a fugitive at the time. Now I am a convict. So yes.

Ms. ROS-LEHTINEN. All right. Thank you.

Lorne, would you like to take a stab at it?

Mr. CRANER. You know, I have always said these transitions in the Middle East are going to take 10, 15, 20 years. This is not a very encouraging start for Egypt.

I was just thinking while Charles was talking, if you tried to think of a central European analogy, maybe you would think of Serbia, where the revolution was hijacked early on in the post-Soviet era. That was not a very encouraging story.

I think the issue for us is 5, 7, 10 years from now, when I don't think the Egyptian economy will have taken off given how it is being run. And Egyptians are looking for new kinds of policies. Will those be available to them or will they be stuck with a government that is repressive and isn't producing anything economically? And I think it is important that the U.S. stay engaged and Europe and others to make sure that the Egyptian people do have choices if they want them, that it is a more open system.

In terms of our particular case, a court appeal is only available in Egypt to people who were present for the trial. And you will recall that the foreigners, at the behest of the State Department—and we agreed with that at the time—left Egypt and were not present for the trial. The only way a foreigner can file an appeal is to present themselves at Cairo Airport, begin serving their 5-year sentence, and then they are free to appeal, to begin an appeal. And obviously that is not something we wish upon our staffers.

Ms. ROS-LEHTINEN. Mr. Wollack, let me see if I—

Mr. CRANER. So an appeal is not a possibility.

Ms. ROS-LEHTINEN. I see that.

Mr. WOLLACK. Madam Chairman, we are all in the optimism business. And ultimately we believe that people all over the world—and that includes the people of Egypt—want the same thing. They want to put food on the table. They want to have shelter. They want to have jobs. And they want to have a political voice and a stake in their future. And every public opinion poll in Egypt and elsewhere shows that. So I believe in the long term that will, that desire, those expectations, of the Egyptian people will bear fruit.

Lorne mentioned Eastern Europe. Let's not forget that 10 years after the fall of the wall, the war in Yugoslavia was just beginning. Milosevic was still in power. But these do take a long time. Sometimes generational changes have to take place.

But there are elements, I believe, some within the new government, some within the previous government, and now we see in the judiciary, that represent a throwback to another era. And I think this represents Egypt's past isolation and insular outlook. I think that there are elements in the government, elements in other sectors of society that have a very different view, and I just think that we have to stay engaged and support those who want to build a democratic future.

Ms. ROS-LEHTINEN. Thank you very much. Thank you to all of you.

And I am sorry I am out of time. Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman.

And I am picking up on Mr. Wollack's last comment to stay engaged but, at risk of being imprisoned or tried or humiliated, I think you are going to find it difficult to recruit folks in Egypt or from outside of Egypt to want to put themselves at that kind of risk, especially so long as this is unresolved.

I will say I would like to read into the record, Madam Chairman—this is a shocking statement. I think—

Ms. ROS-LEHTINEN. Without objection.

Mr. CONNOLLY. Well, no. I am going to read it into the record.

Ms. ROS-LEHTINEN. Oh, you are going to read it?

Mr. CONNOLLY. This is from the verdict: "The United States and supporters of the Zionist entity felt fear and horror," meaning about the revolution. "The United States reacted by throwing all of its weight against this change, but its old tactics could not suppress it. The issue of U.S. 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." That is from the verdict. It is hard to read that statement and to conclude, nonetheless, we are allied powers, that we are partners in the peace process in the Middle East, that we share common values or some basis for common values about democracy and civil society.

This statement by a court that convicted 43 people, including Americans, says we were actively conspiring against their revolution, that we were using these spigots, aid spigots, to do just that and that we were foiled. And, therefore, one must at least infer that the convictions are part of their foiling us. That is chilling, and that goes far beyond some misguided instructions to a court in Cairo. I am very troubled by that. And I welcome any observation from the folks at the table. And I will ask one other question to throw it out there since all of you mentioned pardon.

I am concerned that if we go down the route of pardon—and I take Mr. Craner's point of view. There may not be any other legal options in the system of jurisprudence in Egypt at this time to vacate a guilty verdict. But if you go down the route of pardon, you are conceding the basis of the conviction. And I as a Member of Congress am not willing to do that.

I am not going to put myself in your position, but there is no basis for this conviction. And we must not concede that. I wonder what your thoughts are about that issue with respect to a pardon, those two issues. Quick. We are running out of—

Ms. BARNATHAN. On the pardon, this was a political problem started by political forces. It is going to get solved, if it gets solved, by political means. The only tool we have in our arsenal now, short of a very imperfect appeals process, is to get a pardon. I don't know of any other options. And I think that a pardon will not materialize out of thin air. As I said, it was a political decision. We need a political solution.

Mr. WOLLACK. I would just say, Mr. Connolly, that every aspect of this process—from the interrogations to the raids on the offices to the press conferences, statements by Egyptian authorities to the trial—every aspect of this process, was a political one. It had very little to do with legal issues. And the interviews that were given by the judges sort of laid bare the political nature of the entire process. And this wildly conspiratorial view of the outside world was shocking, I think, for everybody when they read the remarks of the judges, as you did.

I agree with you completely that all the people involved are totally innocent. And the question becomes what alternatives there are. And when one is looking for ways in which people are not placed in jeopardy, we are also looking for the road of least resistance, of trying to achieve something that does not put people in legal jeopardy or worse.

Mr. DUNNE. Sir, if we have time, I would like to comment on that. I mean, everybody that I know who works on and is a spe-

cialist in the Egyptian affairs was, likewise, shocked by the language of the verdict. And so it comes as a surprise to everyone and is a very troubling statement, I found.

Just the other thing I would say on the legal route, I understand, congressman, your concerns about the pardon route but, as my colleague said, that seems to be the only route available to us now. For me, I wouldn't have the right of appeal. I would have to go back, go to jail, and then I would get a retrial. The last one lasted about a year and a half. And that is not an appealing route for any of us who were out of the country when the verdicts were issued.

Mr. CONNOLLY. Thank you.

Mr. CRANER. Just one last thought on what you were addressing, which is how the judges explained themselves. It is not only the Egyptian judicial system that appears to believe this, but, again, I would encourage you to go back and read the testimony of the woman through whom hundreds of millions of dollars of American aid flowed, that the Americans were engaged in a neo-colonial plot at the behest of Israel to divide Egypt. That is literally the person directly receiving our aid.

Mr. WOLLACK. I should say also the judges claim that they accepted the validity of her testimony during the trial.

Ms. ROS-LEHTINEN. Thank you, Mr. Connolly. Excellent questions and great answers.

Dr. Yoho, my Florida colleague, is recognized.

Mr. YOHO. Thank you, Madam Chairman.

I appreciate you guys being here. You know, it is hard. I just feel so bad for the people that are in those 43 NGOs that have been convicted. With the Arab Spring and this flowering we were supposed to have democracies and all this, but obviously it is not working. In the old guard with Mubarak, when we gave aid, you could pretty much anticipate what we were going to get, you know, because we had had a working relationship with them for 30-40 years. But with the new leaders emerging with the Muslim Brotherhood, we don't know the ground rules. And so we don't know how they are going to respond to anything we do.

And one of my questions is—and I would like for you all to briefly answer this—is, what do you see happening to the 1979 Egyptian-Israeli peace treaty. If you could answer that real quickly?

And then are you recommending that the U.S. should stop pouring aid to Egypt until they release the NGOs? And if so, what effect is that going to have on the NGO members that are there? Is that going to make the situation worse?

And then you talked about the success in Tunisia. Why, in your opinion, is Tunisia proceeding favorably when Egypt is not? I would like to hear your statements on that. And if you could take 30 seconds on each one, it would be great.

Mr. DUNNE. Thank you very much for those questions, congressman. They are great ones.

With regard to the 1979 peace treaty, when I was stationed in Cairo, I had the opportunity to be in meetings with the defense minister and other senior staff members, who later became the rulers of the country. And it was very clear from all of these interactions and I think is today that they are totally uninterested in any violations of the peace treaty. They want to maintain that

peace with Israel, in part, because a war with Israel would be a disaster. And they couldn't sustain it without U.S. military assistance in such a conflict. So I think that is safe. I mean, the Morsi government has made very clear that they wanted to have some readjustments around the margins of the basics of that peace, but so far that simply hasn't happened.

In terms of our recommendations on stopping aid, Freedom House takes a position that aid should be suspended while the relationship is reconsidered with the administration and the Congress because the relationship has not changed substantially in the last 30 years, but it needs to change because of the important changes that have occurred in the region.

And as far as Tunisia, the ruling Ennahda party, there is also an Islamist party, but they have consistently taken the view that there needs to be consensus politics in Tunisia. All parties have to be included in the process of drafting a new constitution and ruling the country. That has made for some very slow executive decision-making and a delay in the constitution, but it has also helped to have other parties feel a sense of conclusion in this. The Muslim Brotherhood, on the other hand, is ruling in sort of a majoritarian way.

Mr. YOHO. Right.

Mr. DUNNE. We won the election. We make the rules. And I think that is a key difference there.

Mr. YOHO. Okay. Next?

Mr. CRANER. I think on Tunisia, that Tunisia started out with a very strong liberal base. It was a highly educated population. There is certainly, as we saw in the election, a strong Islamist base as well—

Mr. YOHO. Right.

Mr. CRANER [continuing]. From the interior. But I think there has been a willingness and an understanding that compromise is necessary, as Charles said, that it is not a winner take all system. I don't mean to say that Tunisia is a paradise right now. It is not.

Mr. YOHO. Right.

Mr. CRANER. They had a political assassination earlier this year. A government fell. But when I was there about 6 weeks ago, I got the sense that people have looked over the cliff. And what they saw at the bottom was Egypt and Syria. And Tunisians kind of looked and said, "That is not how we want our country to end up."

Mr. YOHO. Okay. And you also feel that they will honor the Israeli-Egypt peace treaty?

Mr. CRANER. I understand from news reports that that is what they are saying.

Mr. YOHO. Okay. Yes. Ma'am?

Mr. WOLLACK. I would—

Mr. YOHO. Sir?

Mr. WOLLACK. I would just make a couple of points, congressman. First, I would caution against looking back at the Mubarak regime with nostalgia. And I think there is always a temptation to do that; but I think that it was the abuses of the Mubarak regime, including some of the rhetoric, the same type of rhetoric, that we have heard today that drove the revolution.

Second, I do believe that the peace treaty will hold because I think it serves the interests of both Egypt and Israel.

Also, with regard to Tunisia, I think there are two ingredients here. One is leadership. And the second is the understanding of a coalition government, that there was a need to form coalitions with different political ideologies. And I think that has helped the trajectory in Tunisia in terms of being a more inclusive process, despite all of the current challenges that are happening in the country.

Mr. YOHO. Okay.

Ms. BARNATHAN. I was going to just add that you mentioned that we don't know the ground rules. I am not an Egypt expert, but I think it is very complicated in-fighting domestically as well. And how that decision played out domestically is something worth exploring because the judiciary seemed to take the word of a Mubarak-era holdover as the basis for this trial, which indicates a certain political bent, which may or may not be the political bent of the current government. So we don't know whether the judiciary and the government are also at odds in this thing, and it is very complicated. And it is worth exploring.

Mr. YOHO. Okay. Thank you. Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you, Dr. Yoho.

Mr. Schneider of Illinois is recognized.

Mr. SCHNEIDER. Thank you, Madam Chair. And thank you to the witnesses for your time here today but also for your work.

A little over 2 years ago, when the events started to unfold in Egypt, I think we all looked there with hope and anticipation for a prospect for a new destiny. And what we saw, the work that you were doing, other NGOs, that for there to be that new destiny, they were going to have to have space, space to engage that includes both the physical, intellectual space but also political space. And I think what we are seeing is that space closing.

Mr. Wollack, you mentioned briefly and you were saying it may take 10 years. We heard the comparison to what was happening in Syria. But my concern in Egypt is we are seeing the erosion, if not destruction, of the institutions that are going to lead to the opportunity for a sustainable Egypt.

And my question, real briefly, is, what can we do to help reinforce or make sure that those institutions are sustainable or survivable?

Mr. WOLLACK. I would say a couple of things. I believe that these issues have to be elevated on the bilateral agenda. And in every meeting, in every setting these issues have to be addressed to demonstrate our continued interest in a genuine democratic transition and working with friends and allies and intergovernmental organizations to push that agenda as well, and to support what I believe are the hopes and aspirations of the Egyptian people. And I think that is first and foremost.

Second, I think that there are many groups on the ground that deserve and need, continue to need, outside support. And we have to look for opportunities to continue to support those groups that did receive robust assistance in 2011. And there are groups now that are reaching out and want to be part of the rest of the world, and need and desperately seek that type of assistance.

Mr. SCHNEIDER. Thank you.

And I think this hearing in itself is evidence of that commitment to keep it on the agenda. I have not had the chance to be in Egypt, but my colleague from Virginia has. And I would like to defer my time to him to extend his questions he started earlier.

Mr. CONNOLLY. I thank my friend and colleague.

We have been talking about Fayza Aboul Naga. What is her position currently in the Morsi government?

Mr. CRANER. She is the wife of the Egyptian Ambassador to Japan. And I understand she currently lives in Tokyo.

Mr. CONNOLLY. Good place for her. What is that, Mr. Wollack?

Mr. WOLLACK. I think she is back in Egypt.

Mr. CONNOLLY. But she has no official role—

Mr. WOLLACK. No, no government—

Mr. CONNOLLY [continuing]. In the current government? Well, that is—

Ms. BARNATHAN. But she has clout. Look at the decision in the judiciary. And these are people with like minds from the previous regime, not the existing regime.

Mr. CONNOLLY. That is right. The U.S. law does circumscribe the \$1.3 billion of military aid to Egypt. And it says, inter alia, that “the Secretary of State has to certify to the appropriations committees in the Congress that the Government of Egypt is supporting the transition to civilian government, including holding free and fair elections, implementing policies to protect freedom of expression, association, and religion, and due process of law.”

The convictions last week would seem to nullify any compliance with that provision. There are reports that Secretary of State Kerry recently decided to avail himself of a waiver provision and waive that requirement because obviously it could not be met and proceed with U.S. military assistance. In your view, is that harmful to a resolution of the issue we are discussing here today or is it irrelevant? Mr. Dunne?

Mr. DUNNE. Yes, congressman, I think it is harmful because it does signal a return to business as usual. Last year when Secretary Clinton issued a similar waiver, there was at least a spirited public debate. And there wasn't any on this because it was done so quietly. It was issued, as you know, on May 10th. So I think that those kinds of signals to the Egyptian Government are not going to help with the resolution of this case. And we need to align policy and actual acts, such as this, with what we are saying publicly about democracy in the NGO case. And so far I don't see that as having been done.

Mr. CONNOLLY. Thank you.

Ms. ROS-LEHTINEN. Thank you very much. Thank you.

Mr. Meadows of North Carolina is recognized.

Mr. MEADOWS. Thank you, Madam Chair. And I thank each of you for being here to testify but, in addition to that, for investing in a passion and a heart for Egypt. And, truly, the message needs to be to the Egyptian Government and the Egyptian people that, really, a stable Egypt, not one that is under our control or directed by us, is something we want and, quite frankly, something that is in the best interest of the entire community, both internationally and in the Middle East.

I look forward to your comments on a couple of different issues. It seems like politically what we have done is we have gotten caught in a Catch-22, where some of us, they see us as supporting the Morsi government or they see us as not supporting the Morsi government on the ground. I was interested to find out that a lot of the citizens believe that we are very supportive of the Morsi government. And, yet, the Morsi government seems to think that we are not supportive of it. And in this Catch-22, how is that political aspect of that playing into what we have seen come out of their judiciary? Mr. Dunne?

Mr. DUNNE. Yes, congressman. I think you are absolutely right on this. I mean, the U.S. has so far given the impression that it is completely supportive of President Morsi and, in fact, the Muslim Brotherhood. Until very recently, there have been very few contacts between the U.S. Government and the people on the ground in the NGO community who are really looking for our support. I understand that that is changing significantly because of the troubles that we have had in our relationship. And there is much better contact between the NGO community and the U.S. Embassy now, which is good.

You know, as to the effects on the legal case, it is very hard to parse that out. As Joyce mentioned, the situation on the ground is extremely complicated politically. And so—

Mr. MEADOWS. I guess my point is, is this the judiciary, saying that, quite frankly, you know, “We don’t want to have anything to do with America because you are supporting Morsi” or, where are we on this? And that is what it appears to be.

Mr. DUNNE. I could only add to that that there has been a theory circulating, which is credible to me, that the judiciary issued this decision or the judges in the case issued the decision, in part, to get Morsi in hot water politically with the U.S. Government.

Mr. MEADOWS. Mr. Wollack?

Mr. WOLLACK. I have given up trying to ascribe motives to people. I think this is a place where there are a number of different power centers, perhaps each motivated by different things. And, to some degree, it is like reading tea leaves. This is a place where the past and the present have merged, where people are trying to hold on to power who no longer have it, people who still maintain power but represent the previous regime, and new actors, who have never assumed governing authority before. And so it is very, very difficult to understand the reasoning behind language that is being used, verdicts that are being made, or the motivations behind them.

Mr. MEADOWS. Do you think that the citizens and/or the government understand how difficult it will be for Congress to continue to appropriate money and continue to be involved if we are going back home and the people on Main Street are saying, “Well, why are we giving money when they are arresting people for things that they didn’t do?” It is already difficult. Do you think that they understand how much more difficult this will make it on Members of Congress?

Mr. WOLLACK. Well, I don’t know the answer to that. I don’t want to be evasive. For us, however, we don’t take positions as an institution on U.S. aid. And so, therefore—

Mr. MEADOWS. I know you don't. We have to, though. And so I am looking for where this goes.

Mr. WOLLACK. But I can't—

Mr. MEADOWS. My time is running out. Yes?

Ms. BARNATHAN. I also don't take positions, but I am not sure—somebody mentioned the current furor over this. I don't feel a current furor over this.

Mr. MEADOWS. Well, it is so new—

Ms. BARNATHAN. So if there isn't—

Mr. MEADOWS [continuing]. But it is. And I can tell you that there need to be pardons or it is going to be very difficult for us to do anything in a positive manner in terms of our U.S.-Egyptian aid and going forward. It is just very difficult.

I yield back. Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you. Very good questions.

Mr. Weber of Texas is recognized.

Mr. WEBER. Just 5 minutes, Madam Chair? Is that all I get?

Mr. Dunne, you said that every one of those who were specialists in Egyptian affairs were shocked by the verdicts. What does that say about our ability to make accurate assessments about what is going on in Egypt?

Mr. DUNNE. Well, I would say, congressman, that sometimes the analysts are right and sometimes they are wrong. And in this case, I know that we expected certainly in Freedom House some sort of a mixed verdict where some people would get off, and others would be sentenced. I think it also speaks to the opacity of the judiciary and the deep political motives behind this trial.

Mr. WEBER. Let me follow that up, then, because I am only going to have 5 minutes. So one of you said—maybe I can find it—that they were a holdover from the former regime and the verdict that came out wasn't necessarily the viewpoint of the current regime. Is it Barnathan? Is that how you—

Ms. BARNATHAN. Barnathan, yes.

Mr. WEBER. Was that you who said that?

Ms. BARNATHAN. I did say that.

Mr. WEBER. Elaborate on that.

Ms. BARNATHAN. Well, I just have to look. You know, as I said, I am not a specialist in this area, but if you look at what the decision was, the judiciary said they believed everything that this minister told them lock, stock, and barrel.

Mr. WEBER. Was that the lady that had gotten hundreds of millions of dollars?

Ms. BARNATHAN. She was the one who has got the hundreds of millions of dollars who was part of the former regime. They seem to be—

Mr. WEBER. And issued an anti-Semitic remark?

Ms. BARNATHAN. Sorry?

Mr. WEBER. And she issued an anti-Semitic remark?

Ms. BARNATHAN. Fayza? Well, yes.

Mr. WEBER. Yes.

Ms. BARNATHAN. She did. And they echoed her sentiment and basically made the case based on her specious testimony, which has no evidence and no backing behind it.

Mr. WEBER. Okay. Then you said you don't hear a furor over this in your exchange with my colleague over here on the right. Are you talking about a furor here in America—

Ms. BARNATHAN. Yes.

Mr. WEBER [continuing]. Or are you talking about over in Egypt?

Ms. BARNATHAN. I'm talking about a furor here in America.

Mr. WEBER. Okay. Go back home to Texas.

Ms. BARNATHAN. Do you hear it? Do you hear it?

Mr. WEBER. We do. We hear people saying, "Why are we giving money to Egypt as well as others?" And so I kind of echo my good friend's comments that it is hard for us to go back and do that.

Mr. Dunne, you said that the regime is going to go ahead and maintain the 1979 Egypt-Israel Peace Treaty because to do otherwise would be disastrous. Okay? Do you hold that view, remembering that our record of assessing this accurately is somewhat under suspicion? Do you hold that view if the Muslim Brotherhood gets into full power? And, going forward 2, 3, 4 years, would you still hold that view?

Mr. DUNNE. Well, I couldn't predict that far in advance, especially since the situation politically in Egypt is so fluid, but, I mean, based on my personal experience, working there for 3 years, it is my assessment that even the Muslim Brotherhood will want to maintain that treaty. They might want to make some alterations in its terms, which would have to be negotiated with Israel, but they do not need the military trouble, the political break with the United States, and the diplomatic program that would come with broaching the treaty or significantly breaking it.

Mr. WEBER. So you are not concerned in the long-term—and I hesitate to use the word "long-term" because you are afraid of predicting out 2 or 3 years—long-term implications for Egypt? You are not concerned about that?

Mr. DUNNE. I think there are plenty of implications for Israel in the current political situation in Egypt. I think my personal view is that Israel's interests lie in a stable, politically democratic Egypt in the long term. I think we should definitely keep our eye on the treaty and what the Muslim Brotherhood says and does on it. I think that is critically important. And their feet need to be held to the fire on this. But at the moment, I am not concerned that they are likely to breach the treaty.

Mr. WEBER. Okay. Last question. Very simple "Yes" or "No," I hope. There are some jets that we still—are there four jets, six jets? How many jets do we have holding out there? Madam Chair, do you know?—that are due over to Egypt?

If you had your druthers, Mr. Craner, would you hold up the issuance of those jets to the Egyptian military?

Mr. CRANER. Like NDI, we don't address questions of aid.

Mr. WEBER. We won't tell anybody.

Mr. CRANER. Charles.

Mr. WEBER. Yes?

Mr. DUNNE. Congressman, we do take a position on this. And, as I said earlier, I mean, we believe that aid to the Egyptian Government should be suspended pending resolution of this particular issue and, really, a thorough assessment from the ground up of what the bilateral relationship should be going forward.

Mr. WEBER. Okay. Ms. Barnathan?

Ms. BARNATHAN. I don't feel like I can give political advice on this.

Mr. WEBER. Okay. Just an opinion. Mr. Wollack?

Mr. WOLLACK. Again, I don't want to be evasive, but we as an organization don't take positions on—

Mr. WEBER. Okay. Madam Chair, I yield back 6 seconds.

Ms. ROS-LEHTINEN. Thank you very much. Those are valuable 6 seconds.

I want to thank the witnesses, all the members, the audience members who were here, and the press. We need to get the word out far and wide. I find that, even in my very international city, there is a lack of knowledge about what has been going on. There was an initial flurry of news stories. And now it is on to bigger issues as if there were any bigger issue than freedom, democracy, and the promotion of the rule of law. So thank you for the work that your members do. We will be working with you to do what we can, what influence we can bring to bear to make sure this issue is resolved in the favor of democracy, and because the Egyptian civil society deserves better.

And, with that, the subcommittee is adjourned.

[Whereupon, at 2:15 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on the Middle East and North Africa
Heena Ros-Lehtinen (R-FL), Chairman**

June 6, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held jointly by the Subcommittee on the Middle East and North Africa, the Subcommittee on Asia and the Pacific, and the Subcommittee on Terrorism, Nonproliferation, and Trade in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Wednesday, June 12, 2013

TIME: 1:00 p.m.

SUBJECT: American NGOs Under Threat in Morsi's Egypt

WITNESSES: Mr. Lorne W. Craner
President
International Republican Institute
(Former Assistant Secretary for Democracy, Human Rights and Labor)

Mr. David Kramer
President
Freedom House
(Former Assistant Secretary for Democracy, Human Rights and Labor)

Mr. Kenneth Wollack
President
National Democratic Institute

Ms. Joyce Bamathan
President
International Center for Journalists

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/223-3021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Middle East and North Africa HEARING

Day Wednesday Date 06/12/2013 Room 2172

Starting Time 1:04 p.m. Ending Time 2:14 p.m.

Recesses (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Ros-Lehtinen

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

American NGOs Under Attack in Morsi's Egypt

SUBCOMMITTEE MEMBERS PRESENT:

(See attendance sheet)

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

SFRs - Mr. Dunne

SFRs - Rep. Connolly

SFR - Ms. Michelle Betz

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 2:14 p.m.


Subcommittee Staff Director

Hearing Attendance

Hearing Title: American NGOs Under Attack in Morsi's Egypt**Date:** 06/12/13*Noncommittee Members*

Member	Present
Ros-Lehtinen, Ileana (FL)	X
Chabot, Steve (OH)	
Wilson, Joe (SC)	
Kinzinger, Adam (IL)	
Cotton, Tom (AR)	
Weber, Randy (TX)	X
Desantis, Ron (FL)	
Radel, Trey (FL)	
Collins, Doug (GA)	X
Meadows, Mark (NC)	X
Yoho, Ted (FL)	X
Messer, Luke (IN)	

Member	Present
Deutch, Ted (FL)	
Connolly, Gerald (VA)	X
Higgins, Brian (NY)	
Cicilline, David (RI)	
Grayson, Alan (FL)	
Vargas, Juan (CA)	
Schneider, Bradley (IL)	X
Kennedy, Joseph (MA)	X
Meng, Grace (NY)	
Frankel, Lois (FL)	

The Honorable Gerald E. Connolly (VA-11)
MENA Subcommittee Hearing: American NGOs Under Attack in Morsi's Egypt
Wednesday June 12, 2013
1pm

The June 4th guilty verdict against 43 non-governmental organizations' (NGO) staffers—including 17 Americans—raises key concerns about Egypt's commitment to democratic principles. The ordeal began one and a half years ago, when Egyptian forces carried out raids against American and non-American NGOs. During the raids Egyptian forces seized records, electronic equipment, and hard currency from NGO offices. Egyptian authorities, after every event and escalation, repeatedly assured the NGOs and U.S. authorities that the situation would be appropriately resolved, only to renege on their word. For example, three days after the raids, U.S. NGOs were waiting for the return of their confiscated property as promised by Field Marshal Tantawi. Simultaneously, another Egyptian official—Fayza Abou Naga—was holding a press conference saying the property would not be returned. She also accused the NGOs of illicitly funneling money to the April 6th Youth Movement. The last straw in this ordeal was the guilty verdict handed down last week against the 43 individuals.

Egyptian authorities ought to immediately return confiscated property to the NGOs; dismiss charges against all NGO workers; and permit them to continue their work supporting a free, fair, and open and democratic society. This applies to all NGOs and their staffers, not just the American ones. In order for the U.S. government and the American people to have any confidence that the Egyptian government is undertaking a genuine transition to a democratic state under civilian control where the freedoms of assembly, association, religion and expression are guaranteed and rule of law is upheld, there ought to be a swift and satisfactory resolution to this case that takes into full account the concerns expressed by Members of Congress. This includes reconsidering the new NGO law Egyptian authorities have proposed, which would be even more restrictive than the NGO law under which the 43 individuals and their organizations were targeted in December of 2011.

Whatever the motivations for the raids, U.S. law with regard to this issue is clear. Regarding the \$1.3 billion in military aid for Egypt, U.S. law states:

Prior to the obligation of funds appropriated by this Act under the heading 'Foreign Military Financing Program,' the Secretary of State shall certify to the Committees on Appropriations that the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law.

The Honorable Gerald E. Connolly (VA-11)

With the current state of affairs in Egypt, any certification that Egypt is implementing policies to guarantee the pillars of a free society would be met with skepticism. It is in the United States' interest for Egypt to be a free and fair society where all NGOs—regardless of their nation of origin—are allowed to operate freely. Absent such an atmosphere, the U.S. cannot in good conscience release \$1.3 billion in military aid. I hope that Egyptian officials will come to this same realization and return confiscated property to the NGOs, remove their staff from the no-fly list, and permit them to continue their work supporting a fair and open election process.

I encourage my colleagues (if they haven't already) to sign the Connolly-Wolf letter that expresses the sentiment outlined in my statement. Moreover, I encourage Members to vote for the Connolly/Wolf/Schneider amendment to the NDAA on this issue (assuming it is ruled in order). Though the State Department quietly exercised its waiver authority in May, as reported by *The Daily Beast* last week, it is not too late to include the NGO issue in a larger discussion about releasing (or withholding) various tranches of money to Egypt.

Thank you, Madam Chairman.

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