AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

THE STRUGGLE FOR CIVIL SOCIETY IN EGYPT

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE MIDDLE EAST AND NORTH AFRICA

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

JULY 24, 2014

Serial No. 113–207

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or
http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

88–832PDF WASHINGTON : 2014

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
DANA ROHRABACHER, California
STEVE CHABOT, Ohio
JOE WILSON, South Carolina
MICHAEL T. McCAUL, Texas
TED POE, Texas
MATT SALMON, Arizona
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
ADAM KINZINGER, Illinois
MO BROOKS, Alabama
TOM COTTON, Arkansas
PAUL COOK, California
GEORGE HOLDING, North Carolina
RANDY K. WEBER SR., Texas
SCOTT PERRY, Pennsylvania
STEVE STOCKMAN, Texas
RON DeSANTIS, Florida
DOUG COLLINS, Georgia
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
SEAN DUFFY, Wisconsin
CURT CLAWSON, Florida

ELIOT L. ENGEL, New York
ENI F.H. FALEOMAVAEGA, American Samoa
BRAD SHERMAN, California
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
THEODORE E. DEUTCH, Florida
BRIAN HIGGINS, New York
KAREN BASS, California
WILLIAM KEATING, Massachusetts
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
JUAN VARGAS, California
BRADLEY S. SCHNEIDER, Illinois
JOSEPH P. KENNEDY III, Massachusetts
AMI BERA, California
ALAN S. LOWENTHAL, California
GRACE MENG, New York
LOIS FRANKEL, Florida
TULSI GABBARD, Hawaii
JOAQUIN CASTRO, Texas

AMY PORTER, *Chief of Staff* THOMAS SHEEHY, *Staff Director*
JASON STEINBAUM, *Democratic Staff Director*

SUBCOMMITTEE ON THE MIDDLE EAST AND NORTH AFRICA

ILEANA ROS-LEHTINEN, Florida, *Chairman*

STEVE CHABOT, Ohio
JOE WILSON, South Carolina
ADAM KINZINGER, Illinois
TOM COTTON, Arkansas
RANDY K. WEBER SR., Texas
RON DeSANTIS, Florida
DOUG COLLINS, Georgia
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
SEAN DUFFY, Wisconsin
CURT CLAWSON, Florida

THEODORE E. DEUTCH, Florida
GERALD E. CONNOLLY, Virginia
BRIAN HIGGINS, New York
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
JUAN VARGAS, California
BRADLEY S. SCHNEIDER, Illinois
JOSEPH P. KENNEDY III, Massachusetts
GRACE MENG, New York
LOIS FRANKEL, Florida

CONTENTS

Page

WITNESSES

Mr. Charles Michael Johnson, Jr., director, International Security and Counterterrorism Issues, International Affairs & Trade Team, U.S. Government Accountability Office 8
Mr. Charles Dunne, director, Middle East and North Africa Programs, Freedom House 32
Mr. Sam LaHood (former Egypt Country director, International Republican Institute) 41
Mr. Patrick Butler, vice president, Programs, International Center for Journalists 53
Ms. Lila Jaafar, senior program manager, National Democratic Institute 58

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Mr. Charles Michael Johnson, Jr.: Prepared statement 10
Mr. Charles Dunne: Prepared statement 35
Mr. Sam LaHood: Prepared statement 43
Mr. Patrick Butler: Prepared statement 56
Ms. Lila Jaafar: Prepared statement 60

APPENDIX

Hearing notice 84
Hearing minutes 85
Written response from Mr. Charles Michael Johnson, Jr., to question submitted for the record by the Honorable Doug Collins, a Representative in Congress from the State of Georgia 86

THE STRUGGLE FOR CIVIL SOCIETY IN EGYPT

THURSDAY, JULY 24, 2014

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

The committee met, pursuant to notice, at 10 o'clock a.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.

I know that many of our members are in other committees so they will be scooting back and forth during our hearing. So please excuse our absence at any time during your testimony and don't think it has anything to do with you.

It might have to do with you but not the others. But after recognizing myself and Ranking Member Deutch or Mr. Connolly, if Mr. Deutch is not here promptly, for 5 minutes each for our opening statements, I will then recognize other members seeking recognition for 1 minute.

We will then hear from our first witnesses and without objection the witnesses' prepared statements will be made a part of the record and members may have 5 days to insert statements and questions for the record subject to the length limitation in the rules.

Following the completion of our first panel, I will then introduce our second panel of witnesses and their prepared statements will also be made a part of the record. The chair now recognizes herself for 5 minutes.

Egypt has long been considered a key state for U.S. national security objectives in the Middle East and North Africa and for over 30 years our two nations have shared strategic military and political cooperation.

For its part, Egypt reached a peace agreement with Israel in 1979 and since then the United States has provided Egypt with billions of dollars in military and economic assistance.

In return, Egypt keeps the peace with its neighbor and our strategic ally, the democratic Jewish state of Israel, and it also provides us with access to the Suez Canal that gives us a critical route for transit between the Mediterranean and the Persian Gulf or the Indian Ocean.

But today's Egypt isn't the Egypt of '79 or even 2009. When the Arab Spring began, few thought Mubarak would fall. Mubarak was

forced to step down and Egypt was finally able to begin the transition toward freedom and democracy.

But Egypt was a society that never had any experience with democracy. There was no foundation for democracy and governance, civil society, rule of law. They were just millions of Egyptians who knew that they wanted something better and they just didn't know how to achieve it.

Perhaps sensing that the time to open Egyptian society was near, the United States Government began to fund democracy and governance programs in Egypt a little over a decade ago.

What started out as a relatively modest program with lofty goals and objectives, the Arab Spring of 2011 and the Egyptian street's response proved that there was indeed the need and the desire for such programs in Egypt.

That year, the U.S. Government increased our funding for democracy and governance from $13 million in Fiscal Year 2010 to $72 million in Fiscal Year 2011. Due to the ongoing unrest that later became the Egyptian Revolution, the Egyptian Government began to strongly object to some of the U.S. Government's planned democracy and governance programs and the Ministry of Justice began targeting or implementing partners in Egypt.

Then in December 2011, Egyptian authorities raided the office of 17 local and foreign NGOs including four American NGOs who were implementing U.S.-funded programs—Freedom House, National Democratic Institute, NDI, the International Republican Institute, IRI, and the International Center for Journalists, ICFJ.

Forty-three of the employees of these NGOs were arrested and they were charged with operating offices in Egypt without being registered and receiving foreign funds without the approval of the Egyptian Government.

Despite the ever-changing fragile state of Egypt's transition to democracy, from the time of the arrests until the time they were convicted in June of last year, the one constant that remained was that these 43 individuals were pawns in a politically-motivated dispute between the Egyptian and the U.S. Government.

The NGOs were merely doing their job and operating how they believed to be in accordance with Egyptian law yet they were arrested, they were tried, they were convicted in a politically motivated operation and many people may think that because we got the Americans out of the country and back to the United States that their struggles are over.

But that is not remotely the case. This conviction has loomed over the heads like the sword of Damocles, as they have to live their lives in constant worry of the repercussions.

That is why in June 2013, my colleague, Gerry Connolly, and I requested that GAO conduct a review of U.S. economic and security assistance to Egypt. GAO will present today their findings of the first phase of the report that deals with the NGO and civil society issues.

Today's hearing is important to tell their stories and let us know how this has impacted the lives of these 43 and their families and how it has impacted U.S. democracy and governance programs in Egypt and elsewhere.

Our witnesses deserve to be heard. We need to hear their story because the fight for civil society, the fight for democracy, for governance, for rule of law and human rights in Egypt is nowhere near over.

The transition to democracy is still fragile and al-Sisi has a long hard row ahead. One of the easiest ways that he can prove to Egyptians and the U.S. that he is serious about this task is to immediately and unconditionally pardon the 43 NGO workers.

We have seen mass arrests and we have already seen journalists from Al Jazeera arrested and sentenced to 7 to 10 years in jail. These are not signs of a open inclusive society that respects human rights.

Just because Egypt lives up to its obligations under the peace treaty with Israel doesn't mean that the United States will continue to provide assistance unconditionally and disregard human rights conditions because we will not do that.

While we recognize Egypt's commitment to the Sinai and security threats, there must be an improvement in Egypt's human rights record and it must take steps to advance the aspiration of the people of Egypt toward democracy.

And with that, I would like to yield 5 minutes for an opening statement from Mr. Connolly.

Mr. CONNOLLY. Thank you, Madam Chairman, and I certainly associate myself with everything you have just said. It has been a privilege to work with you on this matter and am requesting the GAO study in question after the conviction of 41 employees of four non-governmental organizations in June 2013.

The NGOs, which included the National Democratic Institute, the International Republican Institute, the Freedom House and International Center for Journalists were operating in Egypt with direct U.S. funding. We have provided over $140 million for democracy assistance in Egypt since 2009.

The Egyptian Government had previously objected to NGOs receiving this direct funding. In what is perceived as retaliation for the U.S. continuance the NGO offices were raided in December 2011 and an investigation ensued.

U.S. State Department put together a concerted effort to provide the NGOs with diplomatic, legal and financial assistance for their defense. In an unfortunate miscarriage of justice, the 41 charged employees were convicted and sentenced to 1 to 5 years in prison.

These wrongfully convicted NGO employees have since had to live with the burden and stigma of a court conviction in their records. Given this episode and for several other reasons, count me a skeptic on Egypt's commitment to promoting civil society.

The military coup in July 2013 and the subsequent brutal crackdown against dissidents was a clear message to the United States that the democratic transition in Egypt was all but over.

Since the coup, 16,000 people have been jailed and 2,500 Egyptian citizens have been slaughtered in the streets in confrontation with government forces. Congress, fortunately, issued a response to the violence when it included in the Fiscal Year 2014 omnibus appropriations bill a requirement that the Secretary of State must certify that Egypt is meeting its commitment to democratic transi-

tion and taking steps to govern democratically prior to the release of certain military assistance.

While the Secretary has certified Egypt is upholding its peace treaty with Israel and its strategic commitments to the United States, he has yet to certify Egypt's commitment to democracy, understandably.

It is not difficult to see why. The same military that executed the violent suppression of dissent was afforded further power and autonomy under the constitution adopted just this past January.

Since the election of Abdel Fatah al-Sisi, the former commander in chief of the Egyptian armed forces, government actions have provided further cause for concern. In response to the conviction of three journalists in June, Secretary Kerry responded, "Today's verdicts fly in the face of the essential role of civil society, a free press and a real rule of law."

"I call," the Secretary said, "on the President to make clear publicly his government's intention to observe Egypt's commitment to the essential role of civil society, a free press and the rule of law." That is our Secretary of State.

I welcome statements from the administration that call out this regression in Egypt. I hope our witnesses today from the four prosecuted NGOs can provide guidance on how we return to a path toward democracy in Egypt.

The draft law and associations released on June 26th by Egypt's Ministry of Social Solidarity does not engender such confidence and its commitment to civil society by the Egyptian Government.

The law would allow the government to dissolve NGOs that "threaten national unity," and inspect their office spaces. Sound familiar?

Human Rights Watch has deemed the measure the death knell of NGO independence in Egypt. The organizations represented by our witnesses have institutional knowledge about operating in that country and I would like to know how this new Egyptian legislation would further hinder NGOs that have taken up the cause simply of trying to promote democratic civil society in Egypt.

I fear that answer will not be a helpful one. Congress must consider this and other developments as we weigh requests for continued financial and military assistance as part of an important bilateral relationship.

Thank you, Madam Chairman.

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

I would like to tell Mr. LaHood that this is a baby friendly committee so you should get that little one back. We like those sounds.

So pleased to yield 1 minute to Mr. Wilson of South Carolina.

Mr. WILSON. Thank you, Madam Chairman, and thank you for your strong support in promoting democracy in Egypt. Egypt is a very important and appreciated friend of the United States. I know first hand of the extraordinary people of Egypt.

My dad passed through the Suez Canal in 1944, as he was a Flying Tiger on the way to serve in India and China, and recently my son, Julian, served with the South Carolina Army National Guard in Operation Bright Star in Egypt and he was very, very impressed by the positive people of Egypt.

We have high hopes for the people of Egypt, one of the world's great civilizations and I want to again thank you for having this hearing today.

Ms. ROS-LEHTINEN. Thank you to your family for their service. Thank you, Mr. Wilson. And now I would like to allow Mr. Deutch for his opening statement 5 minutes.

Mr. DEUTCH. Thank you very much, Madam Chair, and I would like to particularly thank you and Congressman Connolly for your leadership on this issue over the past year, in particular.

Thank you to our witnesses for appearing today and I welcome back Mr. Johnson. Thanks to you and your colleagues at GAO for the great and important oversight work that your agency provides.

It has been a little over a year since the convictions against four American NGOs were handed down by the Egyptian court. Employees of these organizations were accused of political subversion, engaging in political activity and receiving unauthorized funds from a foreign source.

These are still dubious accusations at best and the convictions deeply trouble me. Many of us are still hopeful that the election of President Sisi can set the country back on a democratic path but it is difficult to see a way forward if these convictions are allowed to stand.

The United States has spent tens of millions of dollars annually on democracy and governance programs in Egypt and from 2009 until March 2014 funding for these programs totaled $140 million and our spending on these projects jumped from $13 million in Fiscal Year 2010 to about $72 million the following year, reflecting the hope that the people's revolution could lead to important democratic changes in the country.

Instead, we saw the election of Morsi's Muslim Brotherhood government which led to a brutal crackdown on civil society and a severe restriction of human rights. Ultimately, the raid on the four U.S.-based NGO offices in December 2011 led to the conviction of 43 NGO employees, Americans and Egyptians, in June 2013.

These NGO programs were intended to increase space for and widespread participation in civil society organizations. Instead, that space is dramatically constricted as U.S.-linked organizations were accused of foreign interference.

The persecution and the prosecution of NGO workers is unacceptable. It was unacceptable under Morsi and it is unacceptable under President Sisi.

The United States must send a clear and consistent signal to the Egyptian Government and whoever is in power to the Egyptian people and to the world that fundamental democratic principles such as the rights of assembly and association must be upheld.

Many of us were troubled in November 2013 when the government passed the protest law which banned public gatherings that were over 10 people without a permit.

Egyptians are now facing a draft law on associations that would impose severe restrictions on civil society organizations and subject to undue oversight and interference by the government. Let me be clear. I fully support our relationship with Egypt.

It is a critical strategic relationship. But I urge the government to avoid any actions that will stifle civil society or restrict basic

democratic freedoms for its people. The country has undergone many changes in the past 3 years and I am hopeful for a brighter and more prosperous Egypt.

The government has maintained its promises to move quickly toward elections, but as we all said 2 and 3 years ago an election doesn't make a democracy. This government must be responsive and it must be inclusive.

At the same time, U.S. Government policies must reflect the shifting environment. Our policies have to be able to predict and effectively respond to the actions of Egyptian Government.

Mr. Johnson, in your testimony you refer to the GAO recommendation that State Department and USAID should determine lessons learned from the NGO incident and incorporate them into future policy.

I look forward to hearing how we can ensure that the kind of work that we want to do with civil society can continue while ensuring that those on the ground have the necessary protections that they need.

Now, I know that there are those who believe that the U.S. should disengage from countries when there seem to be discrepancies between their approach to democracy on a daily basis and our own, particularly if those countries are far away.

But I firmly believe that our partnership with Egypt is vital to ensuring the security of this country. Cooperation with the United States and our regional partners like Israel and Jordan on security issues is just one piece of that puzzle.

A strong, stable and prosperous Egypt can serve as an anchor in a volatile region and we have to seek a balance in our relationship accordingly.

To our witnesses and the organizations you represent, thank you for the work you are doing around the world to build civil society, to strengthen the rule of law and governance and to promote human rights.

The prosecution and conviction of these 43 men and women should remind us that the work that you do is not easy and we are grateful for your efforts, and I yield back.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Deutch.

Mr. Rohrabacher is recognized for 1 minute.

Mr. ROHRABACHER. Thank you very much.

We should note that many of the things that we will be judging Egypt on are not going to be based on what has happened during a time of turmoil where you have a change of authority in government.

Egypt came this close to being dominated by a radical Islamic philosophy that would have destroyed the chances for peace and stability anywhere in the Middle East, especially in dealing with the Israeli conflict that is going on right now between the Israelis and the Palestinians.

And the people of Egypt went into the streets by the hundreds of thousands and, joined by the military, decided they were not going to have a radical Islamic caliphate controlling their country.

During that time, when that was being prevented, yes, there were people—many people who were arrested who would not be arrested under normal circumstances and it is time now, however, for

those of us who support a democratic and stable and positive Egypt to join with others in the demand—not the demand but the request of the current government to start going back toward real democratic principles and they could start, for example, by releasing these 43 NGO workers that were arrested and by releasing the six journalists that are now being held in Egypt that President al-Sisi now says was a mistake to have them arrested in the first place.

So let us hope—let us not judge Egypt on what happened during this time of turmoil as they were changing and trying to get away from a radical Islamic caliphate and toward a more democratic society. Let us now judge them as they build their democratic society and judge them based on how they do with this things like this.

Thank you very much for your leadership, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you, Mr. Rohrabacher.

Mr. Cicilline is recognized for 1 minute.

Mr. CICILLINE. Thank you, Madam Chairman, and I want to thank you and Ranking Member Deutch for calling this very important and timely hearing on the state of civil society in Egypt and I particular want to thank you, Chairman and Congressman Connolly for your early leadership and requesting the review and report, which we will hear about today.

Egypt has been an important and long-time ally of the United States and receives $1.3 billion in military aid each year. Yet despite public statements supporting democratic changes, the military-led government has failed to carry out many basic reforms that would signal its commitment to rule of law, human rights and media freedom.

The egregious case of the four organizations before us today is just one example. Though this case began under a different government also led by the military, the current leadership has done nothing to rectify it.

Meanwhile, the staff involved have had their lives threatened, their families harassed, their reputations questioned and some have had to flee the country to avoid prison.

Since the al-Sisi government took over, civil societies have faced harassment, journalists have been imprisoned and more than 16,000 political prisoners have been detained. Political reform takes time, to be sure, but Egypt is not on a good trajectory at this point in time, and I look forward to hearing the testimony presented today, particularly the panelists' views on how the United States can productively support reforms that protect fundamental human rights in Egypt, and I yield back.

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

Seeing no further requests for time, our subcommittee is delighted to welcome back Mr. Michael Johnson, who is the senior executive and director of international affairs and trade at the U.S. Government Accountability Office.

In this role, he assesses U.S. counterterrorism and security efforts focusing on Afghanistan, Pakistan and other terrorist state safe havens.

Prior to this position, Mr. Johnson was an assistant director in GAO's homeland security and justice team, and he also spent a year detailed to the House of Representatives Homeland Security Committee, you poor thing.

Was that under Peter King? Oh, that has got to hurt. Thank you so much——

Mr. CONNOLLY. He used to have hair then, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you, Mr. Johnson. You are recognized and your prepared statement will be made a part of the record.

STATEMENT OF MR. CHARLES MICHAEL JOHNSON, JR., DIRECTOR, INTERNATIONAL SECURITY AND COUNTERTERRORISM ISSUES, INTERNATIONAL AFFAIRS & TRADE TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. JOHNSON. Thank you, Madam Chair. Madam Chairwoman Ros-Lehtinen, Ranking Member Deutch and members of the subcommittee, I am pleased to be here today to return before the subcommittee to discuss the results of our report being released today on U.S. democracy assistance efforts in Egypt.

This report focuses on three issues—first, the extent to which the U.S. Government can identify and manage the risks of providing direct assistance through the Democracy Assistance Program in Egypt; second, the types of support that the U.S. Government provided to the nongovernmental organizations; the extent to which the U.S. Government Democracy Assistance Program was affected by the prosecution of NGOs. But before I get into the specific findings of that report I would like to provide a little context.

For over 30 years, as you have noted, the Egyptian Government has been a key U.S. partner, receiving billions of dollars in U.S. economic and military assistance. For over a decade, the U.S. Government has funded democracy assistance in Egypt at the tune of approximately $140 million since Fiscal Year 2009.

This included direct funding to NGOs totaling about $65 million after the January 2011 revolution which ended, as you know, the Mubarak presidency. The Egyptian Government, however, objected to how the U.S. was providing this assistance to NGOs, asserting that the U.S. was violating the terms of an agreement of process that the two governments had outlined.

The Egyptian Government raided, as you noted, the offices of several NGOs including four U.S. NGOs, and charged and convicted employees of these four organizations with, among other things, operating an unauthorized organization in Egypt.

The U.S. Government noted its disagreement with the actions and the efforts and views of the Egyptian Government. With respect to the findings outlined in the report being released today, first, I would like to note regarding the efforts to identify the managed risks we did find consistent with State Department and USAID and Federal internal control standards that the U.S. Government had identified and took some steps to manage the risk of funding democracy assistance in Egypt. Some of that effort goes back to 2005.

This included awareness of the Egyptian Government's likely objection to the U.S. plans to directly fund NGOs after the 2011 revolution. We do note, however, in our report that State and USAID had not done enough to document and incorporate the lessons learned from the experience in Egypt. Applying lessons learned, as we previously reported, can among other things inform future deci-

sions helped to inform future work processes and activities and provide a way forward.

Second, and related to NGO support, a report that the U.S. Government had provided the four prosecuted NGOs with diplomatic, legal, financial and grant flexibility support. With respect to diplomatic support, this included holding multiple meetings with Egyptian officials to try to defend or prevent the prosecution of NGO employees.

Legal support included working with NGO lawyers to develop legal strategies. Financial support allowed the four NGOs to use about $4.9 million in grant funding to pay for various legal costs. NGOs were also allowed to modify their grants, to adjust their planned activities and time lines.

Third, we report that the prosecution of NGOs did in fact affect U.S. democracy assistance in Egypt. More specifically, the four prosecuted U.S. NGOs currently cannot operate and conduct activities inside Egypt and these NGOs had to cancel some activities such as election observations, voter education and political party training.

As the figure you will see that is being projected shows, since the start of the NGO trials in 2012 the amount of U.S. funding for democracy in governance projects in Egypt has decreased, going from a high of about $72 million in Fiscal Year 2011, as some of the members noted, to about $6 million in Fiscal Year 2013, its lowest level during the 2009–2013 time frame.

The number of awards, as the figure also shows, also declined during the same period, from a high of about 100, as the figures shows, in Fiscal Year 2011, to a low of about 15 is Fiscal Year 2013.

In closing, we recommend in our report that the Secretary of State and the USAID administrator take steps to incorporate lessons learned from the U.S. experience in Egypt into plans for managing aggressive future democracy assistance efforts. The State Department and USAID both concur with our recommendation.

I thank the subcommittee for the opportunity to testify today and also would like to personally thank the GAO staff who traveled with me in Egypt—Ryan Vaughn, Drew Lindsey, and Rachel Dunsmoorfor their efforts on this particular engagement. This concludes my prepared statement. I would be happy to answer any questions you may have.

[The prepared statement of Mr. Johnson follows:]

United States Government Accountability Office

Testimony

Before the Subcommittee on the Middle East and North Africa, Committee on Foreign Affairs, House of Representatives

For Release on Delivery
Expected at 10:00 a.m. ET
Thursday, July 24, 2014

DEMOCRACY ASSISTANCE

Lessons Learned from Egypt Should Inform Future U.S. Plans

Statement of Charles Michael Johnson, Jr., Director, International Affairs and Trade

GAO-14-793T

Madam Chair Ros-Lehtinen, Ranking Member Deutch, and Members of the Subcommittee:

I am pleased to be here today to discuss U.S. democracy assistance efforts in Egypt and the effect of the prosecutions of U.S.-funded nongovernmental organizations (NGOs) on these efforts.

For over 30 years, Egypt has been a key strategic partner of the United States and the recipient of billions of dollars in U.S. economic and military assistance. Since 2011, Egypt has undergone a series of political transitions, beginning with the January 2011 revolution that ended the nearly 30-year presidency of Hosni Mubarak. The U.S. government has funded democracy and governance activities in Egypt for over 10 years and awarded approximately $140 million in total for this assistance from fiscal year 2009 to March 31, 2014. The principal U.S. agencies engaged in these efforts, the Department of State (State) and the U.S. Agency for International Development (USAID), have funded a variety of activities—including political party strengthening, election monitoring, and independent media development—to be implemented by a range of U.S. and Egyptian organizations. The U.S. government increased the amount of funding it awarded in Egypt for democracy and governance assistance from approximately $13 million in fiscal year 2010 to approximately $72 million in fiscal year 2011. This funding included an increase in direct funding to NGOs totaling about $65 million after the 2011 revolution.

The Egyptian government, however, objected to the United States providing this assistance directly to NGOs, noting its view that USAID was violating the terms of a process that the two governments had outlined in 2004. In 2005, Congress approved an amendment to the Consolidated Appropriations Act of 2005 (the "Brownback Amendment"), which stated that for U.S. assistance for democracy and governance activities in Egypt, the organizations implementing such assistance and the specific nature of the assistance shall not be subject to prior approval of the Government of Egypt.[1] U.S. government officials responded to Egyptian government concerns about funding democracy and governance programs by saying that they were interpreting their commitments based on the conditions

[1]Similar language has been included in subsequent appropriations bills. Starting with the Consolidated Appropriations Act of 2008, the Brownback Amendment requirements have applied globally. The most recent version of the amendment was contained in the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014).

applied by the Brownback Amendment and agreement in diplomatic discussions on direct funding to NGOs.

In December 2011, the Egyptian government raided the offices of four U.S.-based nongovernmental organizations (NGO) that were implementing U.S.-funded democracy and governance activities. In February 2012, the Egyptian government charged these four organizations—Freedom House, the International Center for Journalists (ICFJ), the International Republican Institute (IRI), and the National Democratic Institute (NDI)—and a German organization, the Konrad Adenauer Foundation, with establishing and operating unauthorized international organizations, according to U.S. agency documents. In June 2013, an Egyptian court convicted a total of 43 employees from the four U.S. organizations and the Konrad Adenauer Foundation of the charges, and the NGOs had to close their operations in Egypt. After a series of negotiations between the U.S. and Egyptian governments, all the American staff from the NGOs were allowed to leave Egypt before the convictions.

This statement summarizes the findings of our report[2]—released at this hearing—examining (1) the extent to which the U.S. government identified and managed potential risks of providing U.S. democracy and governance assistance in Egypt, including assistance to unregistered NGOs;[3] (2) what support, if any, the U.S. government provided to the NGOs prosecuted by the Egyptian government; and (3) the extent to which U.S. democracy and governance assistance in Egypt has been affected, if at all, by the prosecution of NGO workers. We conducted work

[2]GAO, *Democracy Assistance: Lessons Learned from Egypt Should Inform Future U.S. Plans*, GAO-14-799 (Washington, D.C.: Jul. 24, 2014).

[3]For the purposes of this report, we are defining unregistered NGOs as those organizations considered by the Egyptian government to be NGOs that have either (1) not attempted to register with the Ministry of Social Solidarity (local NGOs) or to obtain a standing agreement with the Ministry of Foreign Affairs (foreign NGOs), or (2) attempted to register through one of these means, but did not receive an explicit confirmation of their approved registration from the Egyptian government. For the purposes of this report, we are defining registered NGOs as those organizations considered by the Egyptian government to have a standing agreement with the Ministry of Foreign Affairs or that have been registered with the Ministry of Social Solidarity. This definition of unregistered is used solely for the purpose of this report and does not imply or indicate any U.S. government position on the compliance or noncompliance of any organization with Egyptian law.

on this report as part of a broader review of U.S. economic and security assistance to Egypt, which we plan to complete later in 2014.

Our work for the report on which this statement is based was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audits to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In this report, we found that, while the U.S. government identified potential risks in providing democracy and governance assistance in Egypt, State and USAID have not documented lessons learned from the U.S. experience in Egypt and have not incorporated these lessons into their future plans for democracy and governance assistance. Both State's *Foreign Affairs Manual* and USAID's *Automated Directives System* emphasize the need for the agencies to identify and assess potential risks to their programs. State and USAID guidance also calls for the development of risk management plans for their programs. Consistent with State and USAID policies and internal control standards,[4] the U.S. government identified potential risks in providing democracy and governance assistance in Egypt dating back to 2005—including the awareness of the Egyptian government's likely objection to the U.S. plan to use $65 million to directly fund NGOs shortly after the revolution in 2011. We also found that, consistent with their policies, State and USAID have taken some steps to manage the risks of providing democracy and governance assistance in Egypt, including issuing an April 2013 cable with guidance on how to counter increasing risks to NGOs globally. However, we found that State and USAID have not documented lessons learned from the U.S. experience in Egypt and incorporated these lessons into their risk management plans for future democracy and governance assistance. In previous work, we reported that lessons learned are important in planning agencies' activities. Specifically, the use of lessons learned is a principal component of an organizational culture committed to a continuous improvement, which could help ensure that beneficial information is factored into planning, work processes, and

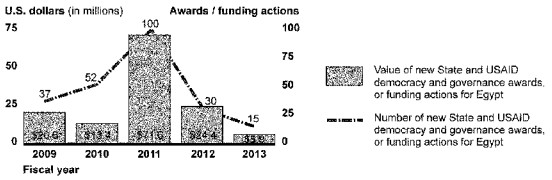
[4]State, *Foreign Affairs Manual*, 2 FAM 020 and USAID, *Automated Directives System*, ADS Chapter 201. GAO, *The Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

activities. Lessons learned provide a powerful method of sharing good ideas for improving work processes, quality, and cost-effectiveness.

We also reported that the U.S. government provided the four prosecuted U.S. NGOs with diplomatic, legal, financial, and grant flexibility support. The U.S. government's diplomatic efforts included holding multiple meetings with Egyptian officials to try to defend the NGO employees. U.S. legal support to the NGOs included working with the NGOs' lawyers to develop legal strategies for the case. U.S. financial support allowed the four U.S. NGOs to use a total of $4.9 million in funding from their grants to pay for various legal costs related to the trial. Finally, State and USAID also approved other grant modifications to allow the organizations to modify their programming when various planned activities became unfeasible because of the trials.

In addition, we reported that the Egyptian government's prosecution of the four U.S. NGOs affected U.S. democracy and governance assistance in Egypt in 2012. Currently, the four prosecuted U.S. NGOs are no longer conducting activities inside Egypt and have modified or stopped a number of their programs. Other NGOs implementing U.S. democracy and governance programs reported experiencing delays in obtaining Egyptian government approval to receive U.S. funds, and some withdrew from their grants, as a result. Since the start of the trial in 2012, the amount of funding and number of grants awarded for democracy and governance projects in Egypt has also decreased, going from a high of about $72 million in fiscal year 2011 to its lowest level during the 2009–2013 time frame of about $6 million in fiscal year 2013 (see fig. 1). Also, the number of awards for new activities has declined during this time period, from a high of 100 in fiscal year 2011 to a low of 15 in fiscal year 2013.

Figure 1: New **U.S. Agency for International Development (USAID) and Department of State (State) Democracy and Governance Awards or Funding Actions in Egypt, Fiscal Years 2009-2013**



Source: GAO analysis of State and USAID data. | GAO-14-793T

Note: Fiscal year breakdowns are based on the fiscal year in which the award/program started. Awards may draw upon funding appropriated in multiple fiscal years.

In our report, to help ensure that State and USAID are better positioned to respond to unintended or adverse consequences related to their future democracy and governance assistance in Egypt and other countries, we recommend that the Secretary of State and the Administrator of USAID take steps to identify lessons learned from their experiences in Egypt and work to incorporate these lessons into plans for managing risks to their future democracy and governance assistance efforts. State and USAID concurred with our recommendation.

In closing, the United States and Egypt have been longstanding military and political allies over the past 30 years, with the United States providing billions of dollars in military and economic assistance to Egypt and partnering with Egypt on a range of security efforts in the region. The U.S. government has stated its intent to continue to support Egypt's and other countries' progress toward democracy but may likely continue to face risks in implementing such assistance in Egypt and other parts of the world. While the U.S. government cannot ensure that there will be no unintended or adverse consequences in providing democracy and governance assistance, it can take steps, as it has done in Egypt consistent with agency policies, to identify and manage potential risks. As such, it is vital that the U.S. government take steps to apply lessons learned from past experiences in Egypt as it moves forward with funding future democracy and governance assistance efforts.

Madam Chair Ros-Lehtinen, Ranking Member Deutch, and Members of the Subcommittee, this concludes my prepared statement. I would be pleased to answer any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact me at (202) 512-7331 or johnsoncm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. In addition to the contact named above, Jeff Phillips (Assistant Director), Ryan Vaughan (Analyst-In-Charge), Drew Lindsey, Rachel Dunsmoor, Ashley Alley, Jeff Isaacs, Debbie Chung, Justin Fisher, Oziel Trevino, and Kaitlan Doying made major contributions to this report.

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

GAO's Mission	The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.
Obtaining Copies of GAO Reports and Testimony	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (http://www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to http://www.gao.gov and select "E-mail Updates."
Order by Phone	The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, http://www.gao.gov/ordering.htm. Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537. Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.
Connect with GAO	Connect with GAO on Facebook, Flickr, Twitter, and YouTube. Subscribe to our RSS Feeds or E-mail Updates. Listen to our Podcasts. Visit GAO on the web at www.gao.gov.
To Report Fraud, Waste, and Abuse in Federal Programs	Contact: Website: http://www.gao.gov/fraudnet/fraudnet.htm E-mail: fraudnet@gao.gov Automated answering system: (800) 424-5454 or (202) 512-7470
Congressional Relations	Katherine Siggerud, Managing Director, siggerudk@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548
Public Affairs	Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

Please Print on Recycled Paper.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Charles Michael Johnson. Thank you.

We just had the pleasure of receiving your testimony last month on our reconstruction efforts in Afghanistan—we thank you for that—and your GAO team's assessment of our oversight and accountability of U.S. assistance there in Afghanistan, and while this report is focused on our democracy and governance programs in Egypt, your report has a certain similarity to the previous one.

You reported that even though State and USAID have been receptive to your recommendations—and from looking at the report you paint both agencies in a good light in terms of how they reacted to the NGO trial in Egypt and how they supported the four NGOs and their employees—but there is still a lingering problem with the access that you were given.

You told us at the last hearing that it would be helpful if State and USAID granted your team more timely access to the documents that you had requested and I am seeing that same theme in this report.

Could you comment on how this issue—timely access to documents—impacts your work?

Mr. JOHNSON. Yes. I would like to note that we continue to experience some challenges in getting timely access. The process in particular for getting access from both USAID and State in particular on this Egypt engagement was quite burdensome and difficult. They were—you know, both agencies required, as I noted in my last testimony, our employees to go to a reading room to look at materials.

They limited our ability to take notes and also to make copies of the documents as well. This is definitely an unnecessary and burdensome type of approach for us to do our work and provide you guys information in a timely manner.

So we continue to experience some challenges with both agencies. In particular, Egypt is one of the case studies that we worked out an agreement with USAID to see how things can be improved and I would have to say that this case study is not going well at all.

Ms. ROS-LEHTINEN. Well, following up on what you just said, you say that lessons learned from Egypt should inform future U.S. plans and that Egypt is a model case. But, clearly, this all happened or the process began several years ago.

Is there any indication that State and USAID identified these problems in Egypt and began implementing corrective measures across the board to avoid a future scenario like the one we saw in Egypt early on in the process and has there been this—or has there been this slow learning curve?

Mr. JOHNSON. Well, one thing I want to note is it has been made clear to us that we have seen this in the work we have done. It is definitely a challenging situation that the U.S. Government finds itself in, both State and USAID.

With respect to lessons learned, as I note in my opening statement, they were aware of the risks back in 2005, as early as that point in time. There have been some actions that have been taken that they highlight in terms of establishing working groups and country groups that will look into this issue.

As part of our recommendation we also follow up to see to what extent is that going to specifically address what we have asked for and that is to document the lessons learned and to apply those to future plans going forward.

So we will be monitoring that. I think they have up to 60 days to respond to their authorizing committees to their specific actions but they did concur.

Ms. ROS-LEHTINEN. Thank you. Your report and testimony discusses the U.S. Government's work with these NGOs and our democracy in governance programs. During the course of your fieldwork, though, you interviewed local Egyptian NGO workers and government officials.

Who did you meet with in Egypt and what did you take away from that meeting? Do they feel like civil society remains under attack? How does the Egyptian Government describe the case of these NGOs and their employees?

I remain concerned that they aren't really sure yet which direction al-Sisi will take Egypt and the new constitution certainly included some good revisions but also some troubling ones. The new NGO draft law is very troubling and the mass arrests and the trials aren't in line with democratic ideals.

One of the most important things that al-Sisi can do to prove to the international community that he is serious about leading Egypt into this new era of democracy is to pardon these 43 NGOs and the U.S. must continue to press this as a top priority.

Al-Sisi says it is not within his power, that he cannot do that. Can you tell me about who you met with and what is al-Sisi—should we push him to pardon them or will he not go that way?

Mr. JOHNSON. We actually had a lot of success in country meetings with various officials, the U.S. Government officials as well as some of these civil society groups, and in addition we met with some members of the Egyptian ministries, in particular Dr. Bakr, who at the time was the deputy minister of international cooperation.

Different viewpoints and different perspectives, obviously, as I noted earlier there is some disagreement between the two parties. Let me first comment with respect to the meetings we have had with the U.S. State Department and the USAID representatives.

They made clear to us some of the positions they were taking in terms of not agreeing completely with the positions that the Egyptian Government was taking and what they were doing to support the NGOs and in particular to find some relief for those who were prosecuted. With respect to the Egyptian Government, basically their position was that the NGOs were in violation of their Egyptian laws in particular and that——

Ms. ROS-LEHTINEN. They were not given a chance to register.

Mr. JOHNSON. Exactly. That came out of a lot of the focus group meetings we had. We met with about 17 civil society organizations in country, had various round tables.

The views were a variety of views but in particular we did hear quite a bit that the registration process was extremely burdensome and some had registered as far back as 2006 and were still waiting on registration.

Ms. ROS-LEHTINEN. Thank you very much, Mr, Johnson. Very pleased to yield to the ranking member, my good friend, Mr. Deutch of Florida.

Mr. DEUTCH. Thank you very much, Madam Chairman.

Mr. Johnson, do State and USAID have the authority to respond to the kind of risks that they face? Are they—are there regulations, are there laws that make it more difficult for them to be able to tackle the challenges that they face—the risks that they face?

Mr. JOHNSON. In terms of—obviously, foreign policy issues and how we deal with challenges overseas is the purview of the State Department as well. That is their role.

In terms of risk mitigation, we have long reported, whether it is this type of situation or even working in a dangerous environment that a risk mitigation strategy needs to be in place and taking that, obviously, the practice that we see many of our agencies undertake and as we reported is that you need to apply lessons learned and build on your previous experience in the way forward in terms of how you proceed.

So in terms of the ability to do it, we definitely believe and we think that they do have that ability to mitigate risk and to plan for that risk in advance as they move forward.

Mr. DEUTCH. And so building on lessons learned in what way and are there other countries where lessons have been learned that can be applied here as well?

Mr. JOHNSON. Yes. I mean, just a month ago I talked about the lessons learned that the U.S. Government can take from the experience in Iraq and apply those to Afghanistan. That has been a long-standing thing that has been mentioned and as we talked about in that hearing, you know, the shift from the military-led to civilian-led presence there are lessons learned there.

Similarly, here if we see a situation where the partner country is not as receptive to democracy, obviously, we have an experience here as the U.S. is going to face—is likely to face this challenge in other environments. They need to apply those lessons to those experiences going forward. And even as we go back in and there—if there is any effort to have conversations and discuss this with the Egyptian Government, these lessons that we have gone through need to be a part of that process.

Mr. DEUTCH. What does that mean? There is a part of the country that is not as responsive to democracy—what does that mean?

Mr. JOHNSON. Obviously, we are well aware that some of the ministries and some of the members of the Egyptian Government were not as receptive to the types of civil societies that the U.S. and its NGOs were promoting or even NGOs—even Egyptian NGOs were promoting and looking forward to. So that needs to be taken into consideration as we move forward in developing new policies.

Mr. DEUTCH. What would those policies be and what message would be helpful coming from here to support those policies?

Mr. JOHNSON. Well, GAO is not in a position to comment on policy. That is the purview of the Congress, the administration and the various agencies. What we would say is that the lessons learned from Egypt and other experiences need to be applied to that decision as we move forward.

Mr. DEUTCH. All right. So then go back to what you can actually comment on, which is what to learn from those lessons. I appreciate that. We will worry about the policies.

So you make the suggestions, though, on what would actually matter on the ground for these NGOs and for people who are trying to build democracy.

Mr. JOHNSON. Right. I mean, obviously, we have gone through an experience here and obviously there are different approaches that we have taken in terms of the types of assistance that is provided. Those are things that we have an experience in that we can learn from those lessons going forward.

There are, you know, different types of organizations that we fund and actually the U.S. has had some success working with the Egyptian society and actually moving forward on some democracy assistance efforts. So there are ways that this has worked.

Mr. DEUTCH. Right. So let us try that again. Give me an example of something that works that could be used as a model, that could be replicated elsewhere and——

Mr. JOHNSON. Well, again, just to emphasize, we don't do policy but we are aware that there were some organizations that were not subject to the NGO registration requirement that can also carry out similar activities. So that is an alternative approach. Obviously, when we are working in environments that are not conducive or that are challenging we need to find a way to mitigate and, obviously, that needs to be in the form of these focus groups that they are talking about pulling together, working groups, can study the different things that actually may be acceptable, reach some compromise agreement on those and try to work through the other means by which we can move forward on other initiatives.

Mr. DEUTCH. I am uncomfortable, though, with the suggestion that the way to move forward is to find the groups that have not been singled out and have not been prosecuted. I would rather figure out how to avoid having groups who are there to promote democracy.

Mr. JOHNSON. And I 100 percent agree with that. What we don't want to do is find ourselves in a situation again where we are doing things ad hoc or we are doing them on the fly as things are evolving.

Egypt gives us an opportunity to take these lessons, to document those lessons when you find yourself in a similar situation in any other environment to know what actually was effective in terms of what worked.

Mr. DEUTCH. That is great. I appreciate that. Thank you, Madam Chairman.

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

Mr. WEBER. Thank you, Mr. Johnson. In reading your remarks, you said the U.S. Government increased the amount of funding it awarded to Egypt for democracy and governance assistance from approximately $13 million in 2010 to approximately $72 million in 2011. This funding included an increase in direct funding to NGOs totaling about $65 million.

Mr. JOHNSON. That is correct.

Mr. WEBER. I am doing the math and the increase from $13 million to $72 million is not $65 million. Did I miss something?

Mr. JOHNSON. The increase from $13 million.

Mr. WEBER. To $72 million.

Mr. JOHNSON. Okay.

Mr. WEBER. And it says this funding included an increase in direct funding to NGOs totaling about $65 million after the 2011 revolution.

Mr. JOHNSON. Right.

Mr. WEBER. Okay.

Mr. JOHNSON. The figure—the combined figure that talks about it—is approximately $71.6 million in terms of democracy assistance in 2011. Not all of that would have been direct funding.

The portion we are highlighting in 2011—the surge, as we would call it, or the increase—was $65 million in direct funding to the nongovernmental organizations.

Mr. WEBER. Okay. So in December 2011, according to your testimony, the Egyptian Government raided the offices and, of course, as we have noted, they arrested and charged. And so now we are saying that the U.S. organizations and the Konrad Adenauer Foundation and NGOs had to close their operations in Egypt. Is there a vacuum?

Mr. JOHNSON. As I also noted there are some groups and some societies that are or have, you know, undertaken some of the civil society initiatives. There were some efforts that they are currently no longer able to undertake.

I think the political party strengthening was one of the areas probably that was impacted that these groups were involved in. Again, there is a variety of different civil society groups that the U.S. has funded that are operating there.

Mr. WEBER. Okay. And what happens to the $65 million?

Mr. JOHNSON. The $65 million has been awarded. As I mentioned earlier, there was some grant flexibility allowed where some of the organizations were able to do alternative things.

One example is where instead of—I got to be careful how I present it—some of the information is sensitive and classified—there were some efforts to do some of the things online as an alternative approach to continue to move forward some of the initiatives.

In addition, some of the time frames were pushed out to allow the organizations to fulfill their agreement with the grants, in particular. Some of the financing, as noted earlier, was used to provide legal assistance or support for legal costs to some of the NGOs.

Mr. WEBER. Okay. When you say online that was one of my questions from later on and that is does Egypt have a robust open Internet?

Mr. JOHNSON. I am not sure if I can comment on whether the Internet is robust and open. From my own personal experience there didn't seem to be a problem in accessing some things through wireless. But then again, I was in a decent hotel.

Mr. WEBER. Sure, the NSA is not reading those emails too. Did I say that out loud?

Mr. JOHNSON. I have no comment on that particular issue. I am not aware of that.

Mr. WEBER. Okay. And some say that the United States should no longer provide aid. Some say we should provide more aid and

they argue that the United States must increase funding for democracy and human rights, especially at a time when Egypt needs more funds.

In your view, how could the U.S. Government best promote the advancement of human rights including religious freedom in Egypt and how would you break that spending down?

Mr. JOHNSON. Okay. The specific human rights issue as a part of our broader engagement and review that we are going to be undertaking in response to a request from this subcommittee. We will be reporting hopefully on that issue later. We have a much broader review. This democracy and governance issue is a smaller subset so at this time we are not prepared to comment on the human rights issue.

Mr. WEBER. Okay. The head of Egypt's National Council for Human Rights called for a delay in passing the law until a new Parliament is elected. What is that date? Do you know? When is the new Parliament election?

Mr. JOHNSON. I believe it is in the fall. In the fall is the time frame we were given.

Mr. WEBER. Do you know the date or the month in the fall?

Mr. JOHNSON. Let me consult with my staff. Around October of this year is what we were told. We don't have a specific date but October was the month we have been made aware of.

Mr. WEBER. Sounds like my grandfather when he was about 90. I asked him when he was born and he said, "In the spring, I think." So all right. Thank you. I yield back.

Ms. ROS-LEHTINEN. Thank you very much. Mr. Connolly of Virginia is recognized.

Mr. CONNOLLY. Thank you. My friend, that reminds me of a story about a man in his 90s, an Irishman, and was asked, you know, when his birthday was and he said, "You know, March 18th," and somebody said, "What year?" And he went, "Every year."

Okay. Mr. Johnson, thank you for being here and thank you for responding to the chairman's request and mine. Did you interview the NGO personnel who were charged and convicted?

Mr. JOHNSON. Yes, we did.

Mr. CONNOLLY. And what was it they were charged with?

Mr. JOHNSON. Specifically, I guess, our reading is that they were charged with operating an unauthorized organization in Egypt. That was one of the charges. There is some additional insight in our more sensitive report that you are receiving later today.

Mr. CONNOLLY. Was there not also if not an explicit charge certainly an implicit charge they were working for a foreign agent, namely, the United States Government and that that was contradictory to the interest of the Egyptian Government?

Mr. JOHNSON. We did not specifically see that but I have been made aware that that has been some of the allegations.

Mr. CONNOLLY. Yes. In fact, I think it was an explicit allegation made by the minister at the time during the previous administration. And is it not true that when somebody is tried in an Egyptian court they are put in a cage? Is that correct?

Mr. JOHNSON. I don't have the details of how they are detained.

Mr. CONNOLLY. Take it from me. And it is a very humiliating experience for a young person. Their families see this. They are ashamed to go back into their communities and trying to explain this is a huge burden.

So there is a lot of shame, in addition to the fact you have got a conviction on your record. The whole process is a degrading and demeaning process and deliberately so. Is that your understanding?

Mr. JOHNSON. Some of the views—as I mentioned, we have met with the four prosecuted NGOs and those in country. Obviously, they feel as if the situation they were put in was a challenging one.

Mr. CONNOLLY. Did you see any difference between the Morsi government and the al-Sisi government with respect to this issue?

Mr. JOHNSON. At the time of our review and in-country visit there was—Sisi was not in power as the President. We did not see much of a difference between the Mubarak period and the Morsi period.

Mr. CONNOLLY. Well, we are now in the al-Sisi period and the military government has been in power for a year. Are you aware of any difference? Getting any hints, some emails, some notes, someone whispering in your ear that maybe this government's got a different attitude from the previous two governments with respect to these innocent NGO personnel who have been arrested?

Mr. JOHNSON. We definitely look forward in the ongoing work we have underway for you, Congressman, to continue to pursue that and follow up and update the report based on this time frame we have here.

Mr. CONNOLLY. Yes. I do think this subcommittee is going to be very interested in the answer to that question because one sense is there is no difference. You talked about lessons learned and risk mitigation strategies with respect to State Department and AID. How did you feel their response was to those two things that you think are very important as part of your recommendations?

Mr. JOHNSON. I think they were open to our recommendations so that is a good sign. I would say, during the course of our work, that obviously this is a very sensitive topic.

You know, noting—we didn't go as far as to say there were specific detail risk mitigation plans but we did give the agencies credit for identifying risk and taking some steps to manage the risk so we use the word manage the risk.

Obviously, this goes back, as I said, to 2005. In 2011 or '13 actually there was a cable that we referred to in the report that they—a global cable that was done that began to raise awareness on challenges to democracy and its assistance globally.

Mr. CONNOLLY. You visited Egypt yourself?

Mr. JOHNSON. Yes, in March.

Mr. CONNOLLY. In March. And when you visited the Embassy and our AID mission did you have a strong sense that this was a high priority issue for them in the great panoply of issues?

Mr. JOHNSON. I had a strong sense that the entire U.S. Egyptian relationship was a high priority for the folks there and I got that viewpoint from our State Department as well as some of the Egyptian Government officials on the defense side.

Mr. CONNOLLY. I am sorry. I didn't understand your answer. I am asking about the fate of these 43 individuals——

Mr. JOHNSON. Forty-three.

Mr. CONNOLLY. Is that—did you get the sense when you were there——

Mr. JOHNSON. Yes.

Mr. CONNOLLY [continuing]. This is a high priority in the constellation of the relationship?

Mr. JOHNSON. Yes. I would—I would say we would take that away as——

Mr. CONNOLLY. Good, because I think that is really important that the Egyptian Government understand that we are not letting up on this and we do care about these individuals a lot irrespective of nationality. Thank you very much. Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you, Mr. Connolly, and Mr. Chabot of Ohio is recognized for 5 minutes.

Mr. CHABOT. Thank you very much, Madam Chair, and I apologize for having to come and go. I have got actually three hearings going on at the same time and I appreciate your patience here.

Mr. Johnson, thank you for your—and I will read your testimony. I just had a couple of questions here. First of all, I am pleased to hear that efforts were made to amend the controversial 2012 constitution by referendum in January. However, I, and I know others, had some concern about the new constitution granting greater power to the military including military trials of civilians, and if you have already addressed this issue I apologize. But could you comment on that issue?

Mr. JOHNSON. We really didn't look in detail at that issue in terms of greater power. That is something—we are going to look—we have a broader review, as I noted earlier, that we have underway for the subcommittee and we are going to look at the entire U.S. assistance and our relationship on the defense as well as civilian side.

So at some point we are going to look at—specifically we are focused on how the U.S. may have adjusted its strategic objectives in Egypt over time. So we may touch on that issue in our additional work down the road.

Mr. CHABOT. Okay. Thank you. And another issue I wanted to touch on and I know we have—I heard Mr. Connolly talk about the NGOs and how the government has been pursuing them and how that has made their lives in many ways literally hell, even if they are outside the country and it makes traveling and a whole range of other things more difficult.

And I had the Egyptian Ambassador in my office recently and we discussed this and a lot of issues at length, and we obviously give Egypt a significant amount of aid and it is one of the highest countries that we do provide that aid, and I have supported that in general over the years because they have been a very important ally and their relationship with Israel and their leadership in normalizing relations with Israel has been significant not just to the region but to the whole world and so I commend them for that.

All that being said, that clearly is one leverage point that we have with them on this whole NGO issue and resolving it in a manner that we think would be just and acceptable to all involved.

And, of course, he indicated that it could be—I won't go into all the reasons that he gave me in a public forum here but they would prefer that we not stop the aid until this issue is resolved. Could you comment on that to the extent that you can in a public forum like this?

Mr. JOHNSON. Well, the decision to stop or to fund or not fund is a policy decision that the agency and the administration and the Congress would have to make.

I guess our primary purpose on this review was to look at what the U.S. has done to provide some sort of a way forward and our takeaway on this particular job is to definitely apply these lessons learned from Egypt from this experience as we decide then whatever strategies we use, even if that includes, you know, certification requirements, withholding funds or conditioning funds, that is a policy decision.

That is something that we think needs to be considered as we do this again in other countries or even continue this in Egypt. Again, that is up to the Congress and the administration to make that determination.

Mr. CHABOT. Okay. Thank you. Let me just conclude with more a statement than a question but it seems that a lot of the NGO personnel who have been prosecuted both Americans and otherwise that the charges on failing to register or not registering appropriately or operating without the proper documentation and those types of things that it wasn't at all unusual for this practice to go on and I don't think anybody was trying to do anything illicit here or to break laws intentionally or anything else. They were just trying to provide a service to Egypt that Egypt should be grateful for rather than coming down so hard.

And this is certainly one of the things that I am going to measure this new government by—how they deal with this—because I wasn't a big fan of the Morsi government and as a Member of Congress and as a former chair of this committee in the last Congress I was, quite frankly, pleased to see Morsi, who I thought was a real danger to the country, removed and I don't necessarily like seeing a government displaced in extralegal ways.

But in measuring this government, the way they deal with this is going to be one of the things that I am going to consider very much on whether—how much my support will be. So thank you very much and my time has expired.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Chabot. You and many others as well. Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Ms. Chairman.

Thank you, Mr. Johnson. I would like to first focus on your testimony relative to State and USAID's development of risk management plans, and did you find that those assessments that are done to both develop a risk management plan and to develop, obviously, plans to mitigate risk are done are country specific and how often are they updated and do you have a recommendation as to a change in that policy?

Mr. JOHNSON. We don't have a—we did not make a recommendation to change the policy because the policy actually exists in terms of them developing country-specific plans.

The issue here for Egypt is that that has not been completed and I would say that is an issue beyond Egypt and other priority countries that the U.S. has on its radar as part of our priority.

Several country plans have not been completed despite the fact that some of the countries may be priorities in terms of U.S. national security or U.S. foreign relations issues. So that is a challenge and we have heard that, you know, some of the country teams and country folks in country actually would welcome such plans being completed. The lessons learned piece would be a part of that—should be a part of that. Part of these plans should include risk management strategies.

Mr. CICILLINE. I am going to get to lessons learned in a moment but what I am asking is very specific. Is it the current practice of USAID and the State Department to have country-specific plans that assess the risk to NGOs and suggest—make recommendations to mitigate that risk?

Mr. JOHNSON. If it is a best practice in internal control standards there should be risk mitigation plans. Our programs——

Mr. CICILLINE. I am asking do they currently—is that protocol currently in place at USAID and State?

Mr. JOHNSON. There is a requirement to have the country plans and as I was noting the country plans should and are required to have some sort of risk mitigation as part of those.

Mr. CICILLINE. Okay. And are they required to be updated regularly, annually or less than that?

Mr. JOHNSON. It is my thought that those country plans are done within a range of time of 3 to 5 years.

Mr. CICILLINE. Yes. The reason I am raising this it seems to me that in the world in which we currently live the notion of, A, not having a plan or not having a plan that is not updated regularly is useless. I mean, we are talking about environments that are changing very quickly and it seems to me and I am asking whether you agree that it would be helpful to obligate USAID and the State Department to develop risk management plans and to give specific guidance to NGOs about the work that they might do on the ground that are country specific and very current.

Mr. JOHNSON. Again, we didn't make a recommendation on that but given they have an existing requirement or policy for the development of country plans we would support the notion of those plans should be routinely updated as a best practice for strategic planning and risk mitigation planning. So absolutely those things should be in place and should be routinely updated.

Mr. CICILLINE. Okay. Thank you. And Mr. Johnson, you just mentioned that the conclusion both in your written testimony and in your testimony today is that there are lessons to be learned and that both USAID and State should be sure to integrate and share those lessons within the internal workings of the agency.

But while I recognize we ultimately may get to weigh in on the public policy surrounding the lessons, presumably you drew some conclusions about facts on the ground and what in fact those lessons are.

So what lessons—what lessons are there to be learned, recognizing we will decide what the response is in terms of policy but you, clearly, made some conclusions about what the lessons are?

Mr. JOHNSON. Well, obviously, there was a lesson learned in terms of being prepared to provide support to the nongovernmental organizations and having that strategy planned out in advance.

If you know you are going to a situation where there may be a challenge to any of the implementing partners or U.S. personnel you should in advance be planning for how you are going to mitigate and counter those challenges or adverse consequences, as we often say. You just have to do that in advance.

That is the way of further protecting or deciding how you adjust and make sure you support the U.S. taxpayers' dollars that they are not subject to any misuse or indirect use or unintended use. So absolutely document those things.

Mr. CICILLINE. There are other lessons—are there other lessons that you think are to be learned from what you reviewed in Egypt?

Mr. JOHNSON. I think there is the discussion that you have with your partner nation that you are engaging with. Those are things that we have seen happen, documenting across as we have seen.

As I mentioned, there is this April 2013 cable that lays out some of the things that they have—were warning others to pay attention to in the global setting. But we do think State and USAID need to document all those lessons and what they took away from this experience.

Mr. CICILLINE. Well, I would think—just ask if you would give that some thought and if there are additional lessons to be learned, recognizing we have an opportunity to respond to it in terms of policy but having the benefit of what you have identified as important lessons would be helpful.

Mr. JOHNSON. Well, I guess just to quickly comment, the activities that they can—they know they can do can be documented that are less subject to being criticized or challenged.

Also, alternative ways to deal with some of the challenges should be documented, knowing that where there are more challenging efforts in certain types of activities should be laid out, those are less challenging.

Mr. CICILLINE. Madam Chairman, I just want to say—and thank you again because I think this hearing gives us an opportunity to, again, reaffirm the ongoing commitment of the United States Congress to press the Egyptian Government to address this issue not only for the Americans and the American NGOs but for all the individuals and organizations that are engaged in democracy building and strengthening of civil society.

And I think that Congressman Connolly's point that this is something that we intend to stay on and is important to the American people, to our country and to our standing in the world.

And I thank you, Madam Chairman and Ranking Member Deutch, for giving us the opportunity to make that point very clearly, and with that I yield back.

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

Dr. Yoho.

Mr. YOHO. Thank you, Madam Chair. Mr. Johnson, appreciate you being here.

Mr. JOHNSON. Thank you, sir.

Mr. YOHO. I have met with several people from Egypt, you know, in the roles of Ambassador and associated with the Government of

Egypt and I asked them the sentiment of what they see—their outlook when they look at America—what do they see, what do they don't like of your neighbors in the Middle East. And I was not—I guess I was a little bit surprised.

He said the sentiment is that America has lost their credibility. They have lost their way. We don't know where you stand and the good will that you had has disappeared and that you meddle too much.

And then I am reading here the GAO recommendations that the State and USAID incorporate lessons learned from the experience in Egypt into risk management plans for future democracies and government assistance office—or efforts. What have we learned that we can do differently so that we don't make the mistakes of the past, in your opinion?

Mr. JOHNSON. Again, I would go back and say policy decisions we leave those up to the agencies, the administration and the Congress. Obviously, being aware, as I mentioned, that State and USAID were and the U.S. Government was of the views of our partners are important.

That is something that needs to be documented, and going back to comments on the country plans our lessons learned is to—in your priority country area is having those country plans that are required include risk mitigation plans or documenting some of the challenges to some of the priorities that we have is important.

I think that is something that we have heard that the country teams and the folks in the mission would welcome and encourage.

I mean, that is a huge lesson learned that needs to be acted on, that sometimes you need to prioritize which country plans you do first and get those done.

Mr. YOHO. But from your experience what do you find? Are you getting resentment or blowback and the people saying, you know, you guys just need to back off—let us figure out some of these problems?

I have got something here that says when did the U.S. Government first identify the possibility that the Egyptian Government might oppose U.S. direct funding for democracy assistance?

What that means to me is they don't want the democracy assistance—we will work these things out—you are meddling too much. Are you seeing that?

Mr. JOHNSON. I think we have seen that mentioned by a few individual government officials who were running some of the ministries in Egypt.

In terms of some of the civil society groups we met with in Egypt who were actually Egyptian NGOs or Egyptian civil society groups they actually welcome the U.S. assistance and the U.S. efforts in support in terms of promoting democracy.

Mr. YOHO. Okay. That assistance, is it going—is it effective as far as are we getting the results that we as a nation that is helping them out—are we getting the results we want?

Mr. JOHNSON. Again, looking at—as part of a broader engagement one of our objectives is to look at the results of that and we haven't at this stage reported on that in this preliminary work we have done.

But we have seen that there have been several activities that have been undertaken by the U.S. and some of our foreign NGOs in terms of political party strengthening, election watching, voter education—things of that nature.

Mr. YOHO. Okay. With the al-Sisi government are you seeing an increase in their economic engine? Is it becoming more productive?

Mr. JOHNSON. We will be looking into that issue as a part of the broader——

Mr. YOHO. But right now have you seen any change?

Mr. JOHNSON. Our work basically was done prior to his election.

Mr. YOHO. Okay. But has there been a change in the last, say, 2 years?

Mr. JOHNSON. There has been——

Mr. YOHO. As far as—unemployment, has that gotten better?

Mr. JOHNSON. All indication from the previous information I have seen is that it has not gotten as far as we would hope for it to get as well as the Egyptian people. But, again, they welcome the U.S. support in helping it to move forward.

Mr. YOHO. All right. How much foreign aid does China give to Egypt?

Mr. JOHNSON. I am not aware of that.

Mr. YOHO. Do you see a presence of them over there?

Mr. JOHNSON. We did not run into any Chinese Government officials while we were there.

Mr. YOHO. Okay. I know they—China is going around and they are investing in infrastructures in countries and then they become great trading partners. I would like to see us do more of that instead of trying to tell them how to run their country.

I know there is a tradeoff there that we are giving foreign aid that they should follow some guidelines but I think we need to kind of refocus and do a paradigm shift on how we handle our foreign aid and I would like to focus on trade and not aid so that we build an economic engine that we become good trading partners and in doing so the Egyptian people will have an economy that is growing and they will have jobs and they will handle a lot of their own problems on their own. Would you think that is a great way to go?

Mr. JOHNSON. Once again, the policy decisions we leave up to the policy makers. But if that is something you would wish for GAO to look into down the road, have our trade folks——

Mr. YOHO. Absolutely. I sure would. I appreciate your time. Madam Chair, I yield back. Thank you.

Ms. ROS-LEHTINEN. Thank you very much, Dr. Yoho. Thank you, Mr. Johnson. I enjoyed having you appear before our subcommittee again and I know that it won't be the last time. Thank you very much for being with us.

Mr. JOHNSON. I appreciate that. Thank you.

Ms. ROS-LEHTINEN. And I will give time for the second panel to set up. That will be Mr. Dunne, Mr. LaHood, Mr. Butler and Ms. Jaafar.

Thank you very much for being with us. For our second panel, we welcome back Mr. Charles Dunne, who is the director of Middle East and North Africa programs at Freedom House. Prior to joining Freedom House, he spent 24 years in the Foreign Service serving throughout the world including 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 advisor at the Joint Staff in the Pentagon and as a member of the Secretary of State's policy planning staff. Thank you, Mr. Dunne.

And then we welcome Mr. Sam LaHood, who joined the International Republican Institute, IRI, in August 2010 and relocated to Cairo, Egypt to be the country director for the IRI Egypt program.

While there, Mr. LaHood witnessed the January 25, 2011 revolution and helped build the IRI Egypt program into one of the institute's largest programs. Mr. LaHood departed Cairo in March 2012, taking an assignment with the IRI Asia division and he currently serves as program office for Cambodia and Indonesia. It is a pleasure to see you, Mr. LaHood.

Next, we have Mr. Patrick Butler, who is the vice president for programs at the International Center for Journalists where he oversees the development and execution of ICFJ programs and supervises program personnel in addition to conducting training himself.

He was previously the program director and director of training at the International Center for Journalists. We welcome you, Mr. Butler.

And our last presenter will be Ms. Lila Jaafar, who is the senior program manager with the National Democratic Institute, focusing on the Middle East and North Africa region.

She has more than 10 years of experience developing and implementing programs to strengthen political parties, civil society, electoral processes and the political participation of women and youth throughout the Arab world. Ms. Jaafar lived in the Middle East for the past 20 years and from 2007 to 2011 throughout the January 25 revolution she served as NDI's resident representative in Cairo.

We are so pleased to have a star group of panelists today and we look forward to your testimony. Thank you for everything that you do to promote democracy and freedom worldwide, and we will begin with you, Mr. Dunne, and your written statements will be made a part of the record. Feel free to summarize. Thank you.

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

Mr. DUNNE. Thank you very much, Madam Chairwoman, and Ranking Member Deutch and other members of the committee. It is an honor to appear before you once again to discuss the human rights situation in Egypt and the cost to human rights worker of the so-called NGO foreign funding case.

And I really want to thank you for your continued interest in this issue. Given the chaos and tragedy that is going on elsewhere in the world today, your attention is particularly welcome and very much appreciated. And you are right—this issue, the issue of the NGO case—is very important in Egypt.

Why? Should Egypt succeed as a democracy this will bolster hopes for a stable Middle East. Such a success by example and in fact would advance the interests of the United States and many others in peaceful and effective government in a very rough part of the world.

Now, NGOs play an important role in this. They are vital monitors of politics, enablers of social reform and watchdogs against the scourges of torture, corruption and other assorted handmaidens of repression.

The case against them in Egypt has wreaked havoc on their ability to do this and to promote human rights and the rule of law in Egypt—many of these efforts generously funded by the United States Government.

Remains of the former regime in Egypt never really went away and they worked from the first months of the 2011 revolution against Hosni Mubarak to stage a comeback. In my view, there is no democratic transition in Egypt today.

On the contrary, it is the reverse. It is a transition back to an autocracy that would make the Mubarak government look liberal by comparison. Now, the NGO case was a tactical maneuver in the grand scheme of Egyptian politics.

I believe it was intended to do a few things—first of all, to put a scare into the United States about supporting civil society and the mission of civil society.

It was intended to frighten domestic Egyptian NGOs, which number in the tens of thousands, from doing work anything remotely related to politics, democracy promotion, human rights and the whole family of issues that we think of as promoting freedom.

Freedom House was subjected to this push back precisely because our programs were effective. They engaged and empowered private citizens who worked for and felt they deserved better government and basic civic rights. Now, this case has hurt families and it has hurt many friends of ours.

Freedom House was forced to cancel grants to several Egyptian NGOs after our work was banned in the country about a year ago. Four of our employees were forced to flee for fear of lengthy jail sentences.

One has received political asylum in America. Another is in the process of applying for political asylum, and among them they have five young children from whom they are effectively exiled.

I am lucky. I was not at the trial. I was not in the cage during this spurious proceeding. But I do have to travel wherever I go with a letter from Interpol attesting to the political nature of the charges and a letter which effectively denies Egypt's request for an international arrest warrant—a red notice—for us.

On two separate occasions I have been detained and then once deported from an Arab country because of these charges. Both of those visits, by the way, were on work funded by the U.S. Government.

I have to check with the U.S. Embassy wherever I go in the region before I travel to ensure that I won't be arrested at the airport. Now, Freedom House's Egyptian democracy compass has tracked political developments in the country for the last year.

On practically every front Egypt has regressed. Some members of the committee mentioned the more than 16,000 people arrested. There are estimates that have appeared in the Egyptian press of as many as 41,000 people who have been arrested since the coup and that says nothing of the many who have been killed—at least 2,500 in protests against the government.

Now, if the United States is serious about supporting civil society human rights, the rule of law and a real democratic transition in Egypt, in my view it should do the following things.

First, the United States should insist on pardons for all those convicted in the NGO case. U.S. taxpayer money should not be used to subsidize a government that has destroyed American democracy promotion programs and sentenced U.S. citizens to jail terms for trying to carry them out.

U.S. should insist on its right guaranteed under international compacts to freely associate with and fund NGOs.

Second, I believe the United States should reevaluate its basic relationship with Egypt including military aid and consider shifting most if not all of that to educational and economic support programs.

And third, the U.S. must publically call out human rights abuses so as to encourage our friends in civil society and it must tell the Egyptian Government that we are not willing to continue business as usual without fundamentally relooking at what our relationship is.

With that, I thank you and I am happy to take any of your questions.

[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

"The Struggle for Civil Society in Egypt"

July 24, 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. ROS-LEHTINEN. Very eloquent. Thank you very much. We appreciate all the work that Freedom House does.

Mr. LaHood.

STATEMENT OF MR. SAM LAHOOD (FORMER EGYPT COUNTRY DIRECTOR, INTERNATIONAL REPUBLICAN INSTITUTE)

Mr. LAHOOD. Thank you, ma'am. Chairman Ros-Lehtinen, Ranking Member Deutch, members of the committee, thank you and thanks to all the Members of Congress who have supported the nongovernmental organizations and our staff who have been caught up in Egypt's crackdown on civil society.

Chairman Ros-Lehtinen, I want to thank you personally for the unwavering interest and support you have shown to myself and my colleagues at this table. You have appropriately focused this hearing on the struggles for civil society in Egypt and what a struggle it is.

We are living proof of that struggle. On June 4th of last year, I was convicted by an Egyptian court to 5 years in prison in Egypt with hard labor for working to advance democracy as part of a U.S. Government sponsored policy and program.

We here were found guilty in a trial that was very obviously politically motivated and the result was preordained in a bogus trial. It was part of a broader attempt to stifle and intimidate Egyptian civil society emboldened by events that began on January 25th of 2011.

We, the convicted NGO staff, were entangled in an intergovernmental dispute between the United States and Egypt. We were carrying out U.S. policy and look at the price we paid. This has affected our personal and professional lives profoundly. Since our conviction last June, the full implications of how the verdicts affect us are still emerging.

Under Egyptian law, I am a felon. It is unclear how that applies in the United States so I need to read the fine print when applying for a loan or sign a rental agreement, visa or job application.

In applying for life insurance, my broker believed he was obligated to include my conviction in his application but he was concerned about the ramifications of providing detailed information about my verdict to the company for fear that it might enter into my permanent record.

I am still waiting for the Virginia Board of Elections to tell me whether I am eligible to vote. For a lawyer to be admitted to the Bar, to be a stockbroker, real estate agent, teacher or sell insurance you need to have a clean record, as you know.

Every time I fill out an application or a questionnaire I will be on the lookout for the question, "Have you ever been convicted of a crime?" And I will need to think very carefully about my answer.

As Charles mentioned, our ability to travel internationally is another question mark that hangs over our heads. Clearly, I cannot travel to Egypt but numerous other places around the world how confident can I be that I will not run into legal trouble and be put into proceedings for possible extradition to Egypt and how do I assess that risk? But I know that my personal hardship pales in comparison to the hardship of others.

I never faced the full humiliation of standing in a cage in an Egyptian courtroom nor did I spend even 1 day in an overcrowded Egyptian jail cell. Some of my convicted Egyptian colleagues have no option to return home without facing jail time.

They are now refugees. Others have lost personal relationships and work opportunities. All of us have been impacted and had the course of our careers and lives altered.

It seems crazy to think that for working to advance democracy in Egypt I would be rewarded with a jail term. But look no further than the three journalists from Al Jazeera who are currently serving 7- and 10-year jail terms.

Though I don't know Peter Greste, Mohamad Fahmy or Baher Mohamed well, I know that they were equally innocent of the ludicrous charges that they were put on trial for as those of us here today were.

A revolution began in 2001 which broke the barrier of fear among civil society activists in Egypt but their activities are now being increasingly stifled by a regime that is attempting to put the genie back in the bottle. Change is not always linear but it is always hard and it is always a struggle, as you know. IRI continues to partner with those Egyptians who want to build a more democratic and open society. We hope that the Egyptian Government will soon make that possible.

The same court that made a mockery of justice unfortunately not only has the power to punish Americans in their country but unless action is taken in our country too we—do we really want to tell authoritarian governments that they have the power to affect the lives and prospects of innocent Americans?

The U.S. Congress can statutorily affirm that the convictions of the 43 NGO staff are not recognized under U.S. law and were politically motivated. This would remove the legal question mark over our heads and the frustration of trying to determine under 50 separate state jurisdictions whether the convictions affect our ability to conduct routine everyday business.

U.S. Government should not downgrade support for Egyptian or international civil society organizations like those here today. To do so would abandon our partners in Egypt as well as the values for which the United States stands.

There are many Egyptians who continue to be arrested and thrown in jail on trumped up charges. I would urge the United States continues to support those committed to advocating for freedom and democracy.

Thank you very much.

[The prepared statement of Mr. LaHood follows:]

Congressional Testimony

The Struggle for Civil Society in Egypt

Testimony of Sam LaHood, Former Egypt Country Director
International Republican Institute

U.S. House Committee on Foreign Affairs
Subcommittee on the Middle East and North Africa

July 24, 2014

Chairman Ros-Lehtinen, Ranking Member Deutch and Members of the Committee, thank you and all the Members of Congress who have supported the nongovernmental organizations (NGO) and our staff who have been caught up in Egypt's crackdown on civil society. Chairman Ros-Lehtinen, I want to thank you personally for the unwavering interest and support you have shown to myself and my colleagues at this table. You have appropriately focused this hearing on the struggles for civil society in Egypt and what a struggle it is today – we here are living proof of some of that struggle.

On June 4, 2013, I was convicted by an Egyptian court to five years prison in Egypt with hard labor – for working to advance democracy as part of a U.S. Government-supported policy and program. Along with 42 of my colleagues from five international organizations, I was found guilty in a trial that was very obviously politically motivated and the result was pre-ordained in a bogus trial. Ultimately, it was part of a broader attempt to stifle and intimidate an Egyptian civil society emboldened by events that began on January 25, 2011. We, the convicted NGO staff, were entangled in an intergovernmental dispute between the United States and Egypt.

We were carrying out U.S. policy and look at the price we paid. This has affected our personal and professional lives.

I am here to present an account of my personal travails in Egypt as a result of actions taken by the Egyptian government against my organization and others seeking to advance basic freedoms. I would like to ask that Congress and more broadly the U.S. Government consider actions that will improve my situation and that of my convicted colleagues residing here in the United States. I ask that the convictions of the 43 NGO staff remain part of the conversations between U.S. and Egyptian governments, with the goal of achieving presidential pardons by Egyptian President Al Sisi. In the wake of events since the removal of former President Morsi, the U.S. Government should remain vigilant in its continued support for NGOs committed to a democratic Egypt.

For those of you who don't know the background, let me tell you the events that unfolded.

Background

The International Republican Institute (IRI) is a nonprofit, nonpartisan organization, and one of the four core institutes of the National Endowment for Democracy. Our mission is to encourage democracy in places where it is absent, help democracy become more effective where it is in danger, and share best practices where democracy is flourishing.

In 2005, IRI opened its office in Cairo, Egypt. IRI applied for official registration in 2006 with the Ministry of Foreign Affairs. IRI was not asked to close its offices and Egyptian authorities were thoroughly briefed on IRI's work. Between the time of the original submission and the raids on our offices in 2011, IRI received no official response or action to advance or reject our application. In August 2010, I joined IRI to lead our program in Egypt. I personally met with officials from the Ministry of Foreign Affairs on six occasions and regularly shared information about my status in Egypt and IRI activities. At the

request of Egyptian authorities, IRI resubmitted registration paperwork in 2012. Nothing that I or IRI did was secretive and we welcomed interaction from the Egyptian government.

As IRI has repeatedly shown the Egyptian government, our program provides technical skills trainings, based on a wide range of international experiences, on the long-term development of political parties and civil society. IRI's work with Egyptian civil society supports nonpartisan voter education and civic engagement with the goal of enhancing democratic participation and does not interfere with or influence the outcome of elections.

At training seminars before the revolution, Egyptians would commonly note that some of the subject matter or lessons that we shared did not apply in Egypt as it was not an open or free competitive political system, or that the political space was too narrow to implement due to the authoritarian nature of the Mubarak government. The essence of democracy and governance work is the belief that people want to be free to determine their future. IRI believed that Egyptians would someday have an opportunity for the politics of that country to be played in a new and open environment, and that there would be a need for people and organizations to have the skills to operate within this new space. IRI was there to help them prepare for the future when that opening occurred – a future that Egyptians would decide and direct.

January 25, 2011 Revolution

In early January 2011, I was made aware of a Facebook page for a protest being planned for January 25. This social media effort was an Egyptian initiative. By January 23, there were over 80,000 fans of the page – a number that was unheard of prior to that period. Egypt – and Cairo in particular – during the January 25, 2011 revolution was a time and place that I will always remember. Watching those momentous events of a revolution unfolding and watching Egyptian friends demonstrate enormous courage was awe-inspiring. The electricity and euphoria of that moment is what Cairo felt like for weeks after January 25. The energy, hope and idea that anything was possible, everything was going to be different, and that life in Egypt was going to improve seemed to be everywhere and inside everyone.

In the months after President Mubarak stepped down, there was an enormous surge in positive interest by Egyptians in the programs that IRI provides to civil society and political parties. Friends and alumni came knocking on our door. They came looking for more information and assistance on the types of training programs we provide. Activists were eager to learn best practices on election campaigning, organization, advocacy, and voter education. This type of work is no different from the efforts our organization has undertaken in countries around the world and in transitions dating back to 1980s.

During this time, IRI expanded its program in response to this local surge in demand. We opened offices in Alexandria and Luxor to provide better regional support for our seminars. The demand was overwhelming throughout 2011 as new actors moved into the political space that was newly opened. In 2011, IRI trained more than 24,000 individuals under programs funded by U.S. Agency for International Development and U.S. Department of State.

Early Investigation

It was in the summer of 2011 when the first vague sign of a problem appeared in the form of news reports in the Egyptian media of a "secret" cabinet investigation into foreign funding that was reportedly coming into Egypt. These reports named many domestic and international organizations, as well as foreign governments. Elements of the Egyptian media are known to be unreliable and sensational; other elements take direction from state security. The Minister of International Cooperation and Planning at the time, Fayza Aboul Naga, was the leading voice of the allegations and was the public face that drove the actions that led to our trial and convictions. Near the end of the summer, more reports appeared that the cabinet investigation was completed and the file was submitted to the Ministry of Justice. The report, which would become known as the "Fact-Finding Report," cited a number of organizations including those represented here today. This so-called "Fact Finding Report" was based on innuendo and rumor... everything but facts. In it, Minister Aboul Naga stated that "the American administration has been using the program of U.S. aid to penetrate Egypt and jeopardize its security under the cover of the program of U.S. aid to NGO's."

In the midst of this negative press reporting, IRI continued to conduct our program throughout Egypt as the country eagerly prepared for multi-stage parliamentary elections scheduled to begin in November 2011 and conclude in January 2012. IRI, along with the National Democratic Institute (NDI), applied to the Egyptian government to conduct official international election observations. On November 19, 2011, the Egyptian government authorized IRI to be official international election observers and later issued credentials to IRI to observe all three phases of the parliamentary elections. Our accreditation was the first formal written response IRI had ever received from the Egyptian government. At the time, I wrongly interpreted this as a positive sign for IRI's ability to work in Egypt and the trajectory of our relationship with the Egyptian government.

Raids on NGO Offices

On the bright morning of December 29, our office in Cairo was busy preparing to receive and host our final election observation delegation for the January 3-4, 2012 elections. I received a frantic call from my colleague to say that the police were at our office. By the time I reached the office door, officials from the state prosecutors' office were walking in, along with more than a dozen heavily armed police and military wearing helmets and carrying AK-47s. For more than seven hours, the authorities questioned everyone present and rifled through our office from top to bottom. They demanded passwords to computers, confiscated boxes of files and documents (including bank statements, financial information, and accounting documents), computers and servers, and all the cash in our office that was to be used for the monthly staff payroll as well as to finance our pending election observation mission. After a very tense and nervous day, they sealed our office with all of its contents, including personal effects, locked inside like a crime scene. Highlights of the confiscated items include more than $150,000 in cash, numerous computers, files and documents. The raid that occurred on the Cairo office also occurred at IRI offices in

Alexandria and Luxor, as well as on the offices of NDI, Freedom House, International Center for Journalists and Germany's Konrad Adenauer Stiftung. These raids were well-planned and occurred concurrently across the country. Despite all this, IRI and NDI still managed to conduct international election observations for the final round of parliamentary elections.

In the weeks following the raids, there was a flurry of activity by Members of this Committee and many other Members of the U.S. Congress advocating assistance for our organizations. I have especially high praise for members of the executive branch and U.S. Embassy who worked to find a solution. I know that assurances were given by the highest levels of the Egyptian government that this issue would be resolved and that IRI equipment and resources seized in the raids would be returned, our offices would be unsealed and allowed to reopen. Those assurances have not been kept. In fact, from that point on, we descended even deeper into peril. The Egyptian bureaucracy – what is known by average Egyptians as the "deep state" – proceeded at full speed as Egyptian state investigators continued calling our staff in for interrogation. I, personally, spent an entire day at the Ministry of Justice and was questioned for four hours about my work and legal status in Egypt. In all, IRI had 16 employees from Egypt, United States and Europe called in for questioning.

Legal Actions

On January 21, 2012, I was scheduled to leave Egypt on a planned personal trip. It was also hoped that a diminished staff and activity level would help encourage a more constructive atmosphere and help get our organizations and personnel past the dispute with the Egyptian government. Upon swiping my passport when passing through Egyptian passport control, the customs agent paused for a full minute, then confirmed my name and information, and asked me to wait. The agent returned with another customs official who took me out of line and informed me that I could not leave. Needless to say, it is an incredibly unsettling feeling when you are in a foreign country and attempting to depart on an international trip only to be told you cannot leave. I asked the officer what the issue was and she told me she did not know. I asked her why I could not leave and she did not know. I asked if there was anyone who could give me more information and she said no. I asked who I should talk to and she said she did not know. All she could tell me was that I was not allowed to leave Egypt despite having a valid visa that was in good standing. It is a surreal experience to be told you are not allowed to travel, something that happens in authoritarian countries around the world as a tool to intimidate and control people. Neither I nor our local attorney had been informed that the investigative authorities had placed travel restrictions on me and other NGO staff.

In the context of an on-going legal action and prohibition on departing the country, along with an Egyptian government-sponsored media campaign against NGOs that played to the worst xenophobic fears of Egyptians, concerns about the safety of the international NGO staff became justified. No one knew what could happen next. As a consequence, on January 28, 2012, IRI staff were invited by the U.S. Ambassador and other Ambassadors to stay at their respective embassies. Further, the public attacks against IRI and other NGOs, including the release of the names of IRI staff in print, broadcast and online media, had

consequences for IRI's Egyptian staff, who were ostracized and became the target of harassment within their respective communities. In the ensuing weeks when I, along with my colleagues, stayed in our respective embassies, there was pressure on the Egyptian government from the Obama Administration and Members of Congress to find a resolution.

Following referral of the Egyptian investigating judges' report to judicial authorities, an initial, procedural hearing was held on February 26, 2012 that officially started our trial. The hearing was marred by chaos and courtroom insecurity due to protests in and around the Cairo criminal courthouse. Shortly after the hearing and an agreement to post bail for non-Egyptian staff at a cost of nearly $331,208 per person, the head of the Appeals Court authorized the lifting of travel restrictions. With assistance from the U.S. Embassy, myself and the other remaining international staff were flown out of Egypt on March 2, 2012. Even though I stood safely on U.S. soil, all 43 of us waited nearly one and a half years for a resolution to the trial as 11 additional painstaking courtroom hearings proceeded – hearings that our Egyptian staff attended where they were put into a courtroom cage and covered by media for national television news stories.

Throughout the investigation and trial, Egyptian authorities used benign technicalities to bring legal endorsement to outrageous allegations. In my case, it was that my organization did not have official registration, never mind that we had properly applied and worked with Egyptian authorities on our registration, and were given accreditation to be international election observers in the 2011 parliamentary elections. These technical charges were accompanied by a smear campaign in Egypt's yellow press intended to stir suspicion and tarnish the reputations of the organizations and individuals charged. In her official testimony to investigators about our organizations, Minister Aboul Naga used similar arguments that we saw in the media when she stated that "the January 25 Revolution took America by surprise...thus, the USA employed all its capacities to contain the developments and steer them towards serving US and Israeli interests. Evidence indicates an unequivocal desire and persistence to thwart any attempt at Egypt's progress as a modern democratic country with a strong economy since that will pose a threat to Israel and American interests," and, "There were American articles and footage of American shows proving that these organizations worked in coordination with the CIA." That a minister in the Egyptian government – and the one who is tasked with coordinating American economic aid – said this under oath in an official legal setting against us is as astounding as it is outrageous.

I would like to additionally note a few key points that emanated from the 12 proceedings over the course of nearly a year and a half that ended in the convictions of 43 innocent persons. The first is that the Egyptian government does not respect the rule of law. IRI's lawyers made a clear case that the Institute acted within the parameters of Egypt's standing NGO law, otherwise known as Law 84, the Law of Associations. Law 84 provides that foreign organizations need to request permission to conduct activities that would normally be conducted by Egyptian associations or civil institutions. It further provides, in Article 6, that requests to obtain permission are legally effective if 60 days have passed without any expressed objection to the request. The law makes no reference to a "license." IRI submitted its request to establish operations in 2006 with all necessary documents for

registration. The attorneys noted this legal point to the court and presented evidence that registration paperwork had been submitted without any response. Due to the Egyptian government's inaction, and consistent with Law 84, IRI had obtained permission to conduct activities. In addition, the High Elections Commission (which supervised the 2011 parliamentary elections) authorized IRI employees to serve in an official capacity as election monitors in Egypt, affirming the position that legally IRI had been permitted to work in Egypt.

In its June 4, 2013, verdict, the Cairo Criminal Court acknowledged that the law does have a stipulation that, if 60 days pass without government permission, an organization had de facto permission. But the court ignored its own recognition of this and concluded that IRI staff had been working illegally nonetheless.

Furthermore, our lawyers offered clear evidence that this case was originally brought about because of a dispute between the governments of Egypt and the United States related to democracy assistance funding in the wake of January 2011 revolution. In short, a political conflict had emerged over the use of American economic assistance to Egypt, with Egypt insisting that the funding not be directed to organizations working on democracy.

There was overwhelming evidence presented by the IRI legal defense and the other defense teams showing the political, rather than criminal, nature of the dispute. In April 2012, INTERPOL denied Egypt's request to issue Red Notices (international wanted persons alerts) for 15 individuals connected to the case. The INTERPOL statement specifically noted Article 3 of its [INTERPOL'S] Constitution as the basis for rejecting the Government of Egypt's request: "it is strictly forbidden for the organization to undertake any intervention or activities of a political, military, religious or racial character." Additionally, a prosecution witness – when asked in court why previous action had not been taken against foreign organizations such as IRI – stated "for political considerations and the impact on the economic and military assistance programs." Numerous U.S. Government officials, including Secretary of State John Kerry and the White House National Security Council spokesman, made public statements attesting to the political nature of the trial. In short, my life and the lives of 42 colleagues were turned upside down over a political dispute, one in which Egypt objected to the U.S. values of freedom and democracy.

Impact of the Convictions

Since our convictions in a Cairo court last June, the full implications of the guilty verdicts are still emerging. Under Egyptian law, I am a felon; it is unclear whether that applies in the United States, so I need to read the fine print when I apply for a loan or sign a rental agreement, visa or job application. In applying for life insurance, my broker believed he was obligated to include my conviction in my application and that we could explain the unique circumstances and find an equitable solution. My broker contacted 13 of the top companies in the United States and only one indicated they wanted more information about my case. My broker was encouraged that we got a positive response, but was concerned about the ramification of providing detailed information about my verdict to the company for fear that it might enter into my permanent record. I am still waiting for the

Virginia State Board of Elections to tell me whether I am eligible to vote. In Virginia, the law is vague and says that convicted felons can only vote once they have completed their sentence. Fortunately, I am about to officially relocate my residence to Maryland where the state law is more explicit to stipulate that felons who were convicted in a municipal, state or federal court are ineligible to vote, so it is not an issue for me there. For a lawyer to be admitted to the bar, to be a stock broker, real estate agent, a teacher, or sell insurance, you need to have a clean record. Every time I fill out an application or questionnaire, I will be on the lookout for the question "Have you ever been convicted of a crime?" and will need to think carefully about my answer.

My ability to travel internationally is another question mark that hangs over my head. Clearly, I cannot travel to Egypt, but there are at least another dozen countries nearby that have close ties to Egypt. Canada and a number of European countries have said they do not recognize the verdict and have condemned it, but others are less clear. If I were to travel to places in Africa or Asia, how confident can I be that I will not run into legal trouble and be put into proceedings for possible extradition to Egypt, and how do I assess that risk?

But I know that my personal hardship *pales* in comparison to the hardship of others. Before I was put on trial in Egypt, I was fortunate to be offered temporary residence in the U.S. Embassy with the other accused Americans. I slept on an air mattress for a couple weeks in an auditorium on the Embassy grounds. I never faced the full humiliation of standing in a cage as is the custom for defendants in an Egyptian courtroom, nor did I spend even one day in an overcrowded Egyptian jail cell. Some of my convicted Egyptian colleagues have no option to return home without facing jail time. They are now refugees. They must choose prison or life in exile with the prospect of never seeing their home, family and friends again. Others have lost personal relationships and work opportunities. All of us have been impacted and had the course of our careers and lives altered.

It seems ludicrous to think that for working to advance democracy in Egypt, I would be rewarded with a jail term, but look no further than the three journalists from Al Jazeera who are currently serving seven and ten year jail terms for doing their jobs as journalists. Although I do not know Peter Greste, Mohamad Fahmy or Baher Mohamed well, I know that they were equally innocent of the ludicrous charges that they were put on trial for as those of us here today. If not for the enormous amount of attention focused on our plight that secured my ability to leave Egypt, I am sure I would be serving a five year jail sentence in Egypt right now. I am eternally grateful to the efforts that Members of Congress, U.S. Embassy staff and Obama Administration officials exerted to enable me to depart Egypt.

Egypt Today

I believe that the case against me and my colleagues here was part of a first step of the Mubarak-era old guard and security services to reassert control in Egypt and shrink the space available for political and civil society actors. Mubarak regime appointees who targeted our groups for democracy assistance in Egypt manipulated the bureaucratic machinery for their own ends. Many of these same persons, who constitute Egypt's deep state, have returned fully empowered. Whether rounding up political prisoners or putting

journalists on trial, Egypt's deep state – led by individuals in the Ministry of Interior, state security and other bureaucratic entities – is intent on controlling opposition in political groups, civil society and media through intimidation and repression.

We can see parallels between the rhetoric used against the 43 of us convicted in the NGO trial and that being utilized currently in Egypt. I had been smeared in public for the most ludicrous accusations of advancing Israeli interests, seeking to break up Egypt as a country, and working against the aims of the Egyptian revolution. In an equally absurd parallel, the Al Jazeera journalists recently convicted are accused of being terrorists and writing false stories. Egypt's draconian protest law has been used to justify the arrest and convictions of key revolutionary personalities like Ahmed Maher, Mohamed Adel and Ahmed Douma. Recently, the judiciary issued mass convictions and death penalties against hundreds of people – a process that certainly does not appear to reflect a rule-of-law based judicial system. It would be comical except this is real life, and the accusations and convictions have real consequences for the individuals involved.

The outlook for democratic space is not encouraging as evidenced by the latest draft of the NGO law. In June, the Ministry of Social Solidarity presented a draft law replacing the 2002 code regulating the activities of NGOs. The latest in a series of government attempts to reform the country's current NGO law, the proposed Law on Associations and Civil Institutions represents a return to the Mubarak-era policy of stifling activities of organizations engaged in social and political activism, and is clearly an attempt to restrain activities aimed at advancing democratic reforms in the country. If approved, the draft law will deal a serious blow to the independence of Egypt's NGO community and public sphere, and subordinate such organizations to the country's security establishment.

In its current form, the draft law recycles much of the same language as the 2002 law. It allows for the dissolution of NGOs on vague premises, including if their "real purposes" are directed toward "any activity that calls for racism or hate or discrimination between citizens on the basis of gender, origin, color, language, religion or creed, disability, or other basis in violation of the Constitution and the law." Similarly, the draft appears to limit associations' activities to only social welfare and development, and prohibits establishing organizations that "threaten national unity, public order, public morals, or call for discrimination between citizens based on sex, origin, color, religion, language or belief." With respect to foreign NGOs, the draft law provides for broad authority to reject or revoke the registration of such organizations, including on the nebulous basis that "the activities of the foreign CSOs do not meet the needs of Egyptian Community."

Though a revolution began in 2011 which broke the barrier of fear among civic activists, their activities are now being increasingly stifled by a regime that is attempting to put the genie back in the bottle. Since the January 25 revolution, Egyptian attitudes of what they want and expect from their lives and their government have been reset. I still think that if nothing else has changed in Egypt, the revolution changed attitudes and expectations. Since the revolution began, Egypt has been a wellspring of promise and disappointment to Egyptians, as well as to friends of Egypt around the world. Change is not always linear, but it is always hard and always a struggle.

IRI continues to partner with those Egyptians who want to build a more democratic and open society. We hope that the Egyptian government will soon make that possible.

Looking Forward

The same court that made a mockery of justice unfortunately not only has the power to punish Americans in their country but – unless action is taken – in our country, too. Do we really want to tell authoritarian governments that they have the power to affect the lives and prospects of innocent Americans?

Going forward, there are a number of things that the U.S. Government should consider to remedy the issues I have discussed and redirect efforts to move Egypt toward a more democratic path.

The U.S. Congress can statutorily affirm that the convictions of the 43 NGO staff are not recognized under U.S. law and were politically motivated. This would remove the legal question mark over our heads and the frustration of trying to determine, under 50 separate State jurisdictions, whether the convictions affect our ability to conduct routine everyday business.

The U.S. Government should continue to advocate for presidential pardons by the Egyptian President for the 43 NGO staff. Pardons would substantially alleviate the issues we face as individuals in our ability to travel, work and live full lives.

Within the U.S. Government, there should be a single point of contact in the interagency process who is tasked to find a solution to our case, meeting regularly with the individuals affected, keeping us informed about the advocacy taking place and sharing information.

The U.S. Government should assess its policy towards Egypt given the changing landscape. The U.S. Government should remain focused on the long-term goals and values that lead us to support people around the world who bravely stand up to advance freedom and human rights. The U.S. Government should not downgrade support for Egyptian or international civil society organizations like the ones here today – to do so would abandon our partners in Egypt as well as the values for which the United States stands.

There are many Egyptians who continue to be arrested and thrown in jail on trumped up charges who are guilty of nothing more than wanting a democratic future for their country. I would urge that the United States continues to support those committed to advocating for freedom and democracy.

Thank you.

Ms. ROS-LEHTINEN. Thank you very much. Powerful testimony. We thank you very much for sharing it with us.

Mr. Butler.

STATEMENT OF MR. PATRICK BUTLER, VICE PRESIDENT, PROGRAMS, INTERNATIONAL CENTER FOR JOURNALISTS

Mr. BUTLER. Chairman Ros-Lehtinen, Ranking Member Deutch and other distinguished members of the committee, thank you for allowing me and my colleagues the opportunity to testify before you today.

As you know, more than a year ago I and 42 other NGO workers were convicted in an Egyptian court for working on programs designed to build democracy, monitor elections and train political parties and journalists. We were given sentences ranging from 1 to 5 years in prison.

After an initial stir and expressions of outrage from the State Department and Members of Congress, the case has largely faded away. Most people who knew about the case probably think it was resolved long ago.

That is why we are especially grateful to you for having us here today. More than a year later, nothing has changed except the lives of the convicts, mostly for the worse. Most Egyptians convicted in the case are in exile, often separated from their families, their immigration status in limbo, unable to earn a living.

For Americans and other non-Egyptians, the convictions have prevented international travel or thrown up obstacles in everything from applying for jobs or loans or getting a security clearance. The case was an early indication of changes to come in Egypt.

We were the canaries in the coal mine. In the past year, Egypt has seen a brutal crackdown on opposition groups, civil society workers and journalists including the conviction last month of three Al Jazeera journalists who dared to interview members of banned opposition.

Everything the Egyptian leadership is now doing to intimidate the country into acquiescence could have been foretold by the verdicts last year against us. I was one of five people working for the International Center for Journalists who were convicted in the case.

The others were Americans Michelle Betz and Natasha Tynes and our Egyptian colleagues, Yehia Ghanem and Islam Shafiq. Michelle, Natasha and I were not in Egypt when the charges were filed but we were immediately labeled fugitives from justice.

Yehia, who is with me today, and Islam were in Egypt and they attended every hearing in the stifling hot cage, sometimes sharing the cramped space with murderers and rapists. Like other NGOs, we brought the Egyptians out of Egypt before the verdict was announced and they have not returned home since.

For me the conviction has been an inconvenience. I probably will never go back to Egypt and I may not be able to travel elsewhere in the region either for fear of being extradited.

I know I will still have a job even if I can't travel to the Middle East but Michelle and Natasha are freelance media development contractors and when they can't travel to the region they lose work. The convictions have seriously affected their livelihoods.

For our Egyptian colleagues and friends, though, the convictions are nothing short of catastrophic. Yehia Ghanem, an esteemed Egyptian foreign correspondent and editor with nearly 30 years of experience, is in perhaps the worst situation of any of the convicts.

Because of his seniority, his 2-year sentence was not suspended as it was for many other Egyptians. That means he will go to jail if he returns to Egypt. Yehia has not seen his wife and three children or his ailing mother in more than a year.

His distinguished career in Egypt is over, his pension lost. ICFJ helped him get a fellowship as a journalist in residence at the City University of New York for the last academic year but the fellowship was not enough to permit him to support his family in New York.

While he has been here, his family members have continued to suffer harassment in Cairo including three raids on their home by security officials seeking Yehia even though they knew he is in the United States.

The most recent raid happened Sunday night. The raids against—these raids and one against the family members of Nancy Okail, another Egyptian defendant, proved that while the U.S. Government seems to have forgotten the case the Egyptian Government certainly has not.

Yehia is now looking for a job and hoping to bring his family to the United States. His greatest hope is to receive a green card so that he has the security to work either in the United States or in a Middle Eastern country that will not extradite him to Egypt.

So far, we have not been able to get him a green card. Islam Shafiq has brought his wife to the United States and they now have a young son. They are applying for asylum with Islam's family continuing to receive threats against him on a regular basis.

Islam's father died while he was exile. He was not able to return home for the funeral. Every one of the convicted NGO workers—Americans, Egyptians and citizens of other countries—has a story like this to tell. The case has ruined many people's lives and for what?

In our case for trying to help Egyptian journalists do a better job of reporting on issues that matter to their audiences. The verdict, as we all know, was a sham based entirely on political calculations and not at all on the evidence presented in the case.

But the greatest tragedy of this case is not its effect on individuals like Yehai Ghanem or any of the four of us before you today. The greatest tragedy is what this case has meant for the people of Egypt.

The country's authoritarian government learned the consequences of its prosecution of Americans and Egyptians working together to improve their society. Nothing. There were no consequences.

Now, with political opponents, human rights workers and journalists regularly jailed and most of Egyptian society scared into silence, we are seeing how Egypt is putting into practice what it learned from our case.

In closing, I urge you to do all you can for our Egyptian colleagues especially. They are suffering the most from this case. When the charges were filed, U.S. Government officials and Mem-

bers of Congress visited them and promised to do all they could for them.

Many feel that those promises have been forgotten. Help us get them green cards so that they can have a stable life and support their families in the U.S. They paid a price for working on U.S. Government-funded programs and they deserve our thanks.

Again, my sincere thanks to this committee for having us here today and keeping this case alive.

[The prepared statement of Mr. Butler follows:]

Patrick Butler
Vice President-Programs, International Center for Journalists
U.S. House of Representatives Subcommittee on the Middle East and North Africa
Date of Hearing: July 24, 2014
Title of Hearing: The Struggle for Civil Society in Egypt

Chairman Ros-Lehtinen and distinguished members of the Committee: Thank you for allowing me and my colleagues the opportunity to testify before you today. As you know, more than a year ago, I and 42 other NGO workers were convicted in an Egyptian court for working on programs designed to build democracy, monitor elections and train political parties and journalists. We were given sentences ranging from one to five years in prison. After an initial stir and expressions of outrage from the State Department and members of Congress, the case has largely faded away. Most people who knew about the case probably think it was resolved long ago.

But more than a year later, nothing has changed except the lives of the convicts – mostly for the worse. Most Egyptians convicted in the case are in exile, often separated from their families, their immigration status in limbo, unable to earn a living. For Americans and other non-Egyptians, the convictions have prevented international travel or thrown up obstacles in everything from applying for jobs or loans to getting a security clearance.

The case was an early indication of changes to come in Egypt – we were the canaries in the coal mine. Those changes culminated with the landslide election to president of former military leader Abdel Fattah el-Sisi in June just before the one-year anniversary of the convictions. In that year, Egypt has seen a brutal crackdown on opposition groups, civil society workers and journalists, including the conviction last month of three Al Jazeera journalists who dared to interview members of the banned opposition. Everything the Egyptian leadership is now doing to intimidate the country into acquiescence could have been foretold by the verdicts last year against the NGO workers.

I was one of five people working for the International Center for Journalists who were convicted in the case. The others were Americans Michelle Betz and Natasha Tynes and our Egyptian colleagues Yehia Ghanem and Islam Shafiq. Michelle, Natasha and I were not in Egypt when the charges were filed, but we were immediately labeled fugitives from justice. Yehia and Islam were in Egypt and attended every hearing in the stifling hot "cage," sometimes sharing the cramped space with murderers and rapists. Like the other NGOs, we brought the Egyptians out of Egypt before the verdict was announced, and they have not returned home since.

For me, the conviction has been an inconvenience. I probably will never be able to go back to Egypt, and I may not be able to travel elsewhere in the region either, for fear of being extradited to Egypt. I know I will still have a job even if I can't travel to the Middle East, but Michelle and

Natasha are free-lance media development contractors, and when they can't travel to the region, they lose work. The convictions have seriously affected their livelihoods.
For our Egyptian colleagues and friends, though, the convictions are nothing short of catastrophic. Yehia Ghanem, an esteemed Egyptian foreign correspondent and editor with nearly 30 years of experience, is in perhaps the worst situation of any of the convicts. Because of his seniority, his two-year sentence was not suspended, as it was for many of the other Egyptians. That means that he will go to jail if he returns to Egypt.

Yehia has not seen his wife and three children or his ailing mother in more than a year. His distinguished career in Egypt is over, his pension lost. ICFJ helped him get a fellowship as a Journalist in Residence at the City University of New York for the 2013-14 academic year, but the fellowship was not enough to permit him to support his family in New York. While he has been here, his family members have continued to suffer harassment in Cairo, including three raids on their home by security officials seeking Yehia, even though they knew he was in the U.S. The most recent raid happened last Sunday night. Those raids and one against family members of Nancy Okail, another Egyptian defendant, prove that while the U.S. government seems to have forgotten the case, the Egyptian government certainly has not.

Yehia is now looking for a job and hoping to bring his family to the United States. His greatest hope is to receive a green card so that he has the security to work either in the United States or in a Middle Eastern country that will not extradite him to Egypt. So far, we have not been able to get him a green card.

Islam Shafiq has brought his wife to the United States, and they now have a young son. They are applying for asylum, with Islam's family continuing to receive threats against him on a regular basis. Islam's father died while he was in exile, and he was not able to return for the funeral.

Every one of the convicted NGO workers – Americans, Egyptians and citizens of other countries – has a story like this to tell. This case has ruined many people's lives, and for what? In our case, for trying to help Egyptian journalists do a better job of reporting on issues that matter to their audiences. The verdict, as we all know, was a sham, based entirely on political calculations and not at all on the evidence presented in the case.

But the greatest tragedy of this case is not its effect on individuals like Yehia Ghanem or any of the four of us before you today. The greatest tragedy is what this case has meant to the people of Egypt. The country's authoritarian government learned the consequences of its prosecution of Americans and Egyptians working together to improve their society: Nothing. There were no consequences.

Now, with political opponents, human rights workers and journalists regularly jailed and most of Egyptian society scared into silence, we are seeing how Egypt is putting into practice what it learned from our case.

Again, thank you to this committee for keeping our case alive.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Butler, and thank you for always pointing out the other folks who are suffering so much. Thank you. That says a lot about each and every one of you.

Ms. Jaafar, we look forward to your testimony.

STATEMENT OF MS. LILA JAAFAR, SENIOR PROGRAM MANAGER, NATIONAL DEMOCRATIC INSTITUTE

Ms. JAAFAR. Madam Chairwoman, Ranking Member Deutch, thank you for this opportunity to testify today about the criminal convictions handed down to me and 14 other employees of the National Democratic Institute who were put on trial in Egypt.

I also wanted to thank you, Madam Chairwoman, and many of your colleagues for the continued statements of support that you have issued for those of us who must now carry the burden of these unjust convictions and I also wish to thank the many Egyptian civic organizations and political leaders who have voiced their statements of support, especially those for whom public statements resulted in charges of their own.

On June 4th, 2013, I woke to find that I had been found guilty in absentia by an Egyptian court. The inflammatory rhetoric in that verdict contradicts the reality of our programs which included election observation approved by the Government of Egypt as well as nonpartisan voter education, civil society development, women's candidate training and long-term political party strengthening for more than 50 registered political parties.

There can be little doubt that the goal of this verdict was to reduce or eliminate international support for independent civil society in Egypt.

This unjust verdict has been incredibly disruptive. Some colleagues have lost jobs because the country in which they were assigned to work denied them entry or their potential employer feared that the verdict would impact their ability to do the job.

Others have been detained by police in foreign countries while traveling due to outdated red notices issued by Egypt through Interpol. My initial feelings of shock and dismay quickly gave rise to concerns about my career and family. Although I grew up in California, the daughter of Middle Eastern and European immigrants, I went to a university in Lebanon and worked in the Middle East for the past 10 years, 7 of them in Egypt. I built a life there.

When charges were filed against us and we were told to leave the country there was no time to bid goodbye to that life, the Egyptians I worked with and the many participants I had come to count as friends. Now knowing I may never return still creates a deep ache in my heart.

This verdict separates me from my family as well. As you see, my parents retired in the Middle East where several family members remain. Others convicted in the same NGO trial are separated from children, parents and immediate family, and we are only 43 stories.

International human rights groups estimate that somewhere between 16,000 and 41,000 individuals have been imprisoned in Egypt since June 2013 when our verdicts were handed down. Thousands more have lost their lives. Countless families are affected.

When our offices were raided, I remember NDI's president, Ken Pollack, saying it was possible we were like canaries in a coal mine—a warning of even worse things to come.

Now the Government of Egypt is reportedly considering a new draft NGO law that is even more restrictive than the one under which we were convicted. While not yet final, it contains language that requires Egyptian civil society groups to receive prior approval from the government before conducting domestic fund-raising efforts or accepting funding from international donors.

The draft law also prohibits any public opinion research and cooperation with a foreign organization without prior notification of the Ministry of Social Solidarity. Those who are deemed to have violated this provision risk 1 year imprisonment and a fine of 100,000 Egyptian pounds.

International NGOs like ours would still be subject to the prior approval of multiple government ministries and constant monitoring. That registration could be terminated at any time for any activity that the government deemed to threaten national unity.

Our verdict, the raids on the NGOs, the trials of journalists, the protest law and the proposed NGO law contradict the promises of freedom of expression and association and a free press, which are guaranteed under the 2014 Egyptian constitution.

There is still a great hunger for democracy in Egypt, especially among youth who now recognize it will take more than street demonstrations to create a more pluralistic and democratic system.

Although we have not had a presence in Egypt for more than 2 years, we continue to review emails almost daily with request for assistance. More than 48,000 copies of NDI's publications have been downloaded in Egypt since we left the country and more than 120,000 unique visitors have used NDI's Arabic Web site.

Democratic activists in Egypt do exist and they are working for genuine political reform. They deserve international support. With all its human faults and failings, the democratic process is an ideal worth upholding and very much in U.S. strategic interests.

The fact that this committee is having this hearing and that I was invited to share my story speaks volumes about how our system values individual citizens. It is my hope that one day every Egyptian knows what this feels like and that I will be able to return to Egypt and share in their joy.

[The prepared statement of Ms. Jaafar follows:]

STATEMENT BY LILA JAAFAR

SENIOR PROGRAM MANAGER, NATIONAL DEMOCRATIC INSTITUTE

BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON

THE MIDDLE EAST AND NORTH AFRICA

"THE STRUGGLE FOR CIVIL SOCIETY IN EGYPT"

JULY 24, 2014

Madam Chairwoman and members of the Subcommittee, thank you for this opportunity to testify today about the criminal convictions handed down to me and other employees 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 Egypt for working for NGOs and were sentenced to prison terms ranging from one to five years.

I also want to thank you, Madam Chairwoman, Mr. Connolly, and many of your colleagues for the continued statements of support that you have issued for those of us who must now carry the burden of these unjust convictions. And I also wish to thank the many Egyptian civic organizations and political leaders who have voiced their support –

especially those for whom public statements resulted in charges of their own.

On June 4, 2013, I awoke to find that I had been found guilty in absentia by an Egyptian court for exerting – and I quote – "a new form of control and domination." 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."

This inflammatory rhetoric contradicts the budgetary realities of Egypt, which currently receives billions of dollars in foreign assistance each year. It also contradicts the reality of our programs, which included election observation approved by the Government of Egypt as well as nonpartisan voter education, civil society development, women's candidate training and long-term political party strengthening for more than 50 registered political parties. Thousands of Egyptians from every region of the country participated in our programs. We have been completely open and transparent, having provided written and verbal reports of our activities to the Egyptian authorities, as well as taking

every measure to fulfill all of the registration requirements with the Egyptian Ministry of Foreign Affairs upon opening our Cairo office in 2005. 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.

My "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).

This unjust verdict has been incredibly disruptive for individuals convicted. Some colleagues have lost jobs because the country in which they were assigned to work denied them entry or their prospective employer feared that the verdict would impact their ability to work. Some have been detained by police in foreign countries while traveling due to outdated red notices issued by Egypt through INTERPOL.

The initial feelings of shock and dismay quickly gave rise to concerns about my career and family. Although I grew up in Los Angeles, California, the daughter of Middle Eastern and European immigrants, I went to university in Lebanon and worked in the Middle East for the past 10 years – seven of them in Egypt. I built a life there. When charges were filed against us and we were told to leave Egypt, there was no time to bid goodbye to that life, the Egyptians I worked with and the many participants I had come to count as friends. Now, knowing I may never return still creates a deep ache in my heart.

This verdict separates me from my family as well – you see my parents retired in the Middle East where several family members remain. Others convicted in the same NGO trial are separated from children, parents and immediate family. And we are only 43 stories – international human rights groups estimate that somewhere between 16,000 and 41,000 individuals have been imprisoned in Egypt since June of 2013 when our verdicts were handed down. Thousands more have lost their lives. Countless families are affected.

When our offices were raided in December of 2011, I remember NDI's President Kenneth Wollack saying that it was possible we were, in effect, canaries in a coal mine – a warning of even worse things to come. The trials against secular civic activists, detentions of former members of parliament and political party leaders, and the recent conviction of the journalists in Egypt serve as near constant reminders of the most stressful aspects of our prosecution. These include the trauma of the armed raids, the abrupt work stoppage, an intense government-led media campaign accusing us of being spies and suggesting that our Egyptian colleagues should be put to death, the hours of interrogation by Egyptian judges, and an 18-month trial resulting in felony convictions without a shred of evidence. Now we have a jail sentence and travel restrictions that could follow us for the rest of our lives.

The Government of Egypt is reportedly considering a new draft NGO law that is far more restrictive than the one under which we were charged and convicted. While not yet final, it contains language that requires Egyptian civil society groups to receive prior approval from the government before conducting domestic fundraising efforts or accepting funding from international donors. The draft law also prohibits any

public opinion research and cooperation with a foreign association, organization or agency without prior notification of the Ministry of Social Solidarity. Those who are deemed to have violated this provision risk one year imprisonment and a fine of 100,000EGP, or approximately $14,000.

International NGOs like ours would still be subject to the prior approval of multiple government ministries, including the state security apparatus, before registration is granted, and even afterward be subject to constant monitoring and 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 "threaten national unity."

Democratic transitions follow no set pattern, and no transition looks the same as another. However, every society that transitions to a more pluralistic, participatory political system has active public discourse and debate and vibrant political activity that directly engages a diverse cross-section of citizens in shaping policies of the country.

Our verdict, the raids on NGOs, the trials of journalists, the protest law and the proposed NGO law create an opposite effect and directly contradict the promises of freedom of expression and association, and a

free press guaranteed in the 2014 Egyptian Constitution as well as numerous conventions and treaties to which Egypt is a signatory.

I am proud to work for an organization that supports democratic development and democratic institutions in nearly 70 countries around the world. I have seen first-hand the difference it makes in a society – especially in the area of long-term economic and social advancement that improves the quality of life for the majority of citizens and contributes to a more peaceful existence.

The nature of our work often requires us to travel to far-flung corners of the Earth to work with activists and governments that aspire to the same rights-based, inclusive political system that we enjoy, as do millions of others in every region of the world. This work also requires one to be an optimist and I believe that there is still room for optimism where Egypt is concerned. There is still a great hunger for democracy in Egypt – especially among the youth who now recognize that it will take more than street demonstrations to create a more pluralistic and democratic system. Although we have not had a presence in Egypt for more than two years, we continue to receive e-mails almost daily requesting assistance.

More than 48,000 copies of NDI's Arabic language publications have been downloaded in Egypt since we left the country, and more than 120,000 unique visitors have used the Institute's Arabic website – 85 percent of them from Egypt. Democratic activists in Egypt do exist and they have every intention of working for genuine political reform. They deserve international support.

I believe strongly in this work and in the democratic process. And despite the added risk that this verdict brings -- it is still work worth doing. With all its human faults and failings, the democratic process is an ideal worth upholding and very much in U.S. strategic interests.

The fact that this committee is having this hearing and that I was invited to share my story speaks volumes about how our system values individual citizens. It is my hope that one day, every Egyptian knows what this feels like and that I will be able to return to Egypt and share in their joy.

Thank you, Madam Chairwoman and members of the Subcommittee.

Ms. ROS-LEHTINEN. Thank you so very much. Thank you to each and every one of you for the work that you do, the work that your institutions do and it is very uplifting to hear these shocking stories.

And one of the main reasons that we are holding this hearing is to hear about your experiences and what it has been like to those—for those affected by last year's trial. People just assume that everything is fine and that isn't the case. But we move on.

The story is the headline of the day and until the next paper comes and it is just yesterday's news. We have heard about the human toll that you so dramatically presented to us that it has taken both on your work and on your personal lives and it is very heartening to hear how concerned you are about your Egyptian colleagues.

And we will continue to push for your pardon, and some of you had said in their testimony about this canary in the coal mine. You and the other 42 NGO workers at your trial was a sign of worse things to come and earlier this month we saw al-Sisi say that he regretted the conviction of the Al Jazeera journalists but he said that only after a significant expression of international outrage.

Yet in your testimony, Mr. Dunne, you worry that in Egypt today there is a transition back to an autocratic form of government that would make Mubarak seem liberal in comparison. Do you believe that under al-Sisi there is a chance that civil society conditions will improve or do you think that it could be even worse than under Mubarak?

Mr. DUNNE. Madam Chairwoman, I do believe that it could be significantly worse under President al-Sisi. What we have heard from Egyptian interlocutors, diplomats and so on for months now is just wait until General al-Sisi is elected as President and then you will see a liberalization in the human rights situation.

Not only has that not happened, it has gone backwards. Some of us have talked about the numbers of people who have been imprisoned since the coup last year and some of us has talked about the issues with the NGO law including an exception for shutting people down and prohibiting activities for public morals charges, which can be interpreted any way you like, and I think it will be.

I mean, clearly, it is moving in a more restrictive direction for the kind of work that we do. The other thing that this new law would do in fact is limit organizations to doing social welfare and development work. In other words, if you are baking bread or, you know, helping village enterprises, which is all good, you are fine. But if you are doing the kind of work that all of our organizations are doing you are not fine.

So I don't see a glimmer of home in the political direction, certainly in the direction of NGOs right now.

Ms. ROS-LEHTINEN. Thank you. Now, Egypt, obviously, is a strategic country for U.S. assets militarily and politically but we have seen so much turmoil and so many changes in Egypt that I think we need to reexamine our relationship with Egypt. I know that you had talked about conditioning the aid, move it from the military to education.

What are your thoughts for the other three folks? Do you think that the United States should condition our military aid to Egypt

until we get pardons for you or that we see greater respect for human rights or civil society and the rule of law?

And also, is there anything that you believe that our Government can or should do to improve this draconian new NGO law that many fear will be the death knell for independent organizations in Egypt?

What should we be doing to help foster civil society in Egypt and continue the work of political reform?

And lastly, the administration—you know, when we were lining up witnesses we wanted to find out who in the administration is in charge of your cases. We couldn't find a name. We do not know that there is a person tasked with your case and I worry about that.

Please describe your experiences with the administration. What more do they need to do to step up?

Mr. LAHOOD. If I could just start. The first thing I would say is from my standpoint when I was in Egypt I am very appreciative of everything the Obama administration did to secure Lila and I's release when we were actually in Egypt when we were in the Embassy.

And so from my standpoint if that pressure hadn't been put on them by the administration I think I would be in jail right now, and it is an odd thing to say but I believe it is true and I look at the Al Jazeera journalists and I know it is true. So I am very complimentary of everything the Obama administration did, certainly, you know, at that time.

But, you know, from my standpoint I would look at, you know, I think the U.S. Government should assess its policy toward Egypt, given all the changing landscape, as you noted, and I think the government should remain focused on the long-term—on our long-term goals and values that led us to support people around the world who bravely stand up to advance freedom and human rights.

I don't think the United States Government should downgrade support for Egyptian or international civil society organizations because of what has happened in Egypt. I think to do so abandons our values. And I very much appreciate your point about who is in charge of our case within the U.S. Government.

I go to events once in a while in Egypt just for fun to harass Egyptian officials who come here and I run into U.S. officials and I ask them all the time, you know, who is in charge of our case and the answer is well, there is a lot of people working on it, and I would say but if there was one person who would it be or what office would it be, and the answer is a lot of people are working on it.

We don't need somebody working on it. We need somebody working to find a solution for it, not just following it, not just tracking it. And so that is one thing that I would advocate that I would love to know who is in charge of it.

And the other point I would just make that I have complained about to anybody who will listen is the U.S. Government has been very good at keeping the institutes informed of what is going on as it relates to our case.

But these are individual charges that we carry forward. I leave IRI, I am still a convicted felon. It doesn't matter that I work or

don't work for IRI. And so that has been one of my gripes that the U.S. Government has done, in my opinion, a poor job of keeping us as individuals informed, and as Patrick sort of alluded to, you know, for some of their employees who were contractors who weren't strongly affiliated with their institute they have tried to move on with their lives and they have this cloud that still hangs over their head as individuals.

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Butler, Ms. Jaafar.

Mr. BUTLER. Yes. You know, in response to your first question, ICFJ is a nonpartisan organization that is strictly devoted to improving journalism around the world and we try to remain independent of advising the U.S. Government on what it should do.

So I can't really respond in terms of what I think the U.S. Government should do in terms of cutting off aid or not cutting off aid. But I will say as I said in my remarks that I don't think the response should be nothing and it feels like that has been the response.

In terms of the point that you made again I will back up what Sam said. You are absolutely right in terms of having a point person at the State Department. We don't have that.

I think sometimes that if we don't as the four organizations communicate among ourselves I find out much more from these guys sometimes than I do from, you know, people at State because—in part because we don't have that one person to go to.

I will say that they have been very helpful in a number of things such as working with, you know, to get Interpol to give us the letters that we take whenever we travel. That was definitely the State Department pushing for us to get those letters that say that these are not valid charges.

It took a while but we got them. We also have a letter from the State Department that says that it does not consider these charges to be valid and in response to some of the things that Sam talked about in terms of applying for jobs, loans, security clearances and things like that, this letter should be, as we understand it, reason to be able to say no, we were not convicted of a felony.

But, as Sam said, we never really know whether somebody is going to then Google us and find out that we were. So I think you are absolutely right, we would like to have more, you know, one focused person at State that we can go to when we have requests like how are we going to help our Egyptian colleagues with their immigration status, you know, things like that—to have one person to go to.

I think right now, because we have different parts of State funding our different projects, we go to the people who funded us and that may be very different people. So it would be very, very helpful to have that.

Ms. JAAFAR. Madam Chairwoman, I would like to, you know, just agree with Sam and what he said. I don't think I would be here today before you if the administration did not help us and support us during the most difficult times of this journey.

I also wanted to say that NDI doesn't take a position on military assistance. However, I think that it is really important that assistance for democracy in governance continue.

But at the same time it is important that the civil society organizations have this space to operate and that is what is so concerning about the draft NGO law. If it is passed in its form—in its current form it will be among the most restrictive in the world.

So I would just ask that we keep sight—keep our eye on that law.

Ms. ROS-LEHTINEN. Well, thank you very much. You are an inspiration to us all and I apologize the lack of attendance. It is because we have so many—so many subcommittees and but you—we will make sure that we broadcast your words far and wide. Thank you so much. It is a pleasure to be with you.

Mr. Deutch is recognized.

Mr. DEUTCH. Thank you, Madam Chairman, and thanks to all of you for being here and sharing your very personal and very powerful stories. I am—look, the point that a number of you raised, I am supremely confident that after this hearing it will be easier for you to identify someone at the State Department to talk to about the cases.

I trust that will be a positive and hopefully simple result to come from this hearing. I would actually like to broaden the discussion a bit beyond your personal situations to the work that you advocate for and talk about not just what the government—administration and Congress—have done with respect to your convictions but where the issues that you care about—where you think these issues that you care about place on our agenda, on both ends of Pennsylvania Avenue.

Human rights, free expression, women's rights, building of civil society—do you feel the support for—not just for you but for the work that you do and if not what more can be done?

What more would you like to hear and how do we ensure—I guess where I am—the point of my question is how do we ensure that these issues remain of vital importance to all of us as we tackle the myriad of challenges around the world?

Mr. Dunne.

Mr. DUNNE. Thank you very much. I will be happy to take the first crack at this. I think there has been the start of a pull back from supporting many of these issues not only by the United States but by European Governments as well who see at least in the Middle East that this is getting really hard to do.

I think all of the issues that you described, Congressman, are vitally important as a complex of things that we need to support as a country along with the Europeans as not just a nice thing to do if we have the time and the money to do it but as a vital component of our security interests in Egypt and other countries, especially in the Middle East but also elsewhere.

But you are also seeing a lot of authoritarian push back. We have seen that in Russia with the AID mission having to leave.

We are seeing, you know, a Gulf Arab-led push back against democracy and human rights in Egypt and I don't see kind of an integrate policy that supports both security interests which are vital including the military relationship with Egypt but that also include all of these other issues which lead to better governance and social stability over the long term.

I think that more funding needs to be devoted to this but most importantly a comprehensive strategy has to be devised by our Government in concert with the Europeans and other like-minded governments to advance this.

Mr. DEUTCH. I appreciate that. Mr. LaHood, why do—why should human rights matter in our approach to the world?

Mr. LAHOOD. Well, you ask a great question. I am going to just try and take a small bite at it and just—from my standpoint, we have a strong focus on security and stability and I think—I think that is valid.

I think that makes great sense. But I think you look at the Middle East today, you look at what has happened in Egypt and I think you see that that stability was a veneer, and it was great while it lasted until it completely falls apart. Doesn't seem to me that it is sustainable.

I just look at Egypt—you know, I was in Egypt on January 25th during the revolution and I just always look back and think whatever the plan was on January 24th of 2011 with U.S. and Egypt it wasn't a great plan.

You look at Egypt the way it was, what the great percentage of people who were illiterate, the great percentage of people who lived on less than $2 a day—whatever the old plan was that wasn't a very good one.

And I think the veneer of stability has blown up in our faces and I just don't see the path that Egypt's on now as one that is going to lead to long-term stability and that is the one point I would make.

Mr. DEUTCH. Thanks. Mr. Butler.

Mr. BUTLER. Yes. Well, obviously, the area that most concerns us at the International Center for Journalists is freedom of expression, the rights of journalists to report freely about what is going on and that has gotten a lot of attention in Egypt lately with the convictions of the Al Jazeera journalists.

But I wanted to point out that while that case has gotten a lot of attention not as much attention is paid to all the other journalists who are in jail in Egypt. There are, according to the Committee to Protect Journalists, 14 journalists in prison in Egypt.

It is one of the highest rates in the world and those are not necessarily high profile international journalists working for major international networks. Most of them are local journalists who are, you know, paying the price for trying to report independently.

We often say that there—and I guess getting to your question, you know, one point would be why should we pay attention to this anymore. You know, have we—have we gotten to a point where it is not going to matter anyway, given what has happened in Egypt.

And I think we often say that there is no difference now between, you know, what we are seeing now under Sisi and what we saw under Mubarak and that is true to an extent.

But there is one important difference, which is that the whole media landscape has changed and, you know, back in Mubarak's day there was only the official media and now there—we have, you know, cable networks like Al Jazeera but we also have social networks and people are—you know, the genie is out of the bottle and so people have gotten used to being able to express themselves to

do that kind of thing and you can't completely shut that off the way Mubarak could shut off all independent or, really, any kind of independent reporting.

So what we do is try to focus often in very repressive societies on other ways of getting information to the public and that can still happen in Egypt. And, you know, obviously, we can't work in Egypt but until this case is resolved but very, you know, strongly echoing what Charles and Sam have said about the need to continue this kind of work, especially in our area of freedom of expression and journalism.

Mr. DEUTCH. Thanks. Madam Chairman, do we have time for Ms. Jaafar to answer?

Ms. JAAFAR. Mr. Deutch, I think it is extremely important to continue to work on human rights and democracy in governance because we are looking at long-term stability. I don't think there can be any long-term stability without the space for people to express themselves, for them to participate in the political process.

I think even for economic development as well this is directly linked. How can there be foreign direct investment and progress in the economy of Egypt when there is a crackdown on civil society and human rights violations?

So I think it is something that absolutely in our strategic interest to continue to keep an eye on.

Mr. DEUTCH. I agree with you completely and I applaud the four of you for your dedication in this issue and the immense difficulty that you find yourselves in still as a result of it, and we are really grateful for your appearance here today. Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you, Mr. Deutch.

Dr. Yoho.

Mr. YOHO. Thank you, Madam Chair. Appreciate you all being here. Correct me if I am wrong but I think I have heard you all say that you feel the Egyptian Government is moving away from a democracy type to a authoritarian type. Is that pretty much the consensus of all four of you? Ms. Jaafar.

Mr. DUNNE. Yes, sir. It certainly is mine.

Mr. YOHO. Okay. Why is that? Mr. Dunne, go ahead.

Mr. DUNNE. Okay. Thank you very much, sir. Look, even if you look at the circumstances surrounding the elections in which the state media were all bent toward General al-Sisi's election complaint by his chief opponent were dismissed out of hand by the electoral commission including charges of intimidation at the polling places.

That is an indication that the election while, you know, had the form of a free and fair election wasn't really free and fair. It was a tightly restricted political space. But we see the restrictions on journalists.

I mean, Patrick is absolutely right that people—there are more outlets now but we have many journalists in prison, others who are being intimidated and others who are self-censoring because of, you know, hints from the government. We have had political violence at a level that we haven't seen in Egypt.

Mr. YOHO. But why do you think it is moving more toward authoritarian? Because I agree with Mr. LaHood and Ms. Jaafar in

that for the last 30 years we have seen a veneer that is washing away.

It is eroding away, and I think we are seeing maybe the true nature of what the people in charge actually believe. They don't believe in a democracy. They believe that people need to ruled through the authoritarian model. Is that what you see?

Mr. DUNNE. That is what I see and while there are, for example, some new ostensibly more liberal elements in the new constitution the rights guaranteed in that constitution have not been followed in practice over the course of the last year and it has carved out a space for the military to be absolutely unaccountable to civilian authority.

Mr. YOHO. And I saw that the military has been given more authority, and that brings me to a point that I want to bring up.

Do the Egyptian people—number one, what do they want and do the Egyptian people know, understand or comprehend the meaning or know the depth of what we deem as human rights as we understand them as delineated in our Declaration of Independence which we hold these truths to be self-evident, that all men are created equal and they are endowed by their creator with certain unalienable rights, among these life, liberty and the pursuit of happiness.

Our country was founded on these principles. What I see over and over again, especially in the Middle East, is we are trying to introduce these to a government, not to the people, and bring it in from the bottom up instead of the top down because what I am seeing is after 30 years or 40 years of the veneer saying you have to follow these and they are saying, with one hand, okay, we will do that but with the other hand it is the repression that we have seen over and over again because they don't believe in this. What do the Egyptian people believe in?

Mr. DUNNE. I will take a first brief shot at this and then turn it over to others. Polling data that I have seen over the last 10 years consistently shows that the Egyptians, as well as majorities of populations in other Arab countries, believe that democracy is the best form of government for them. They have a different view of what that might mean.

Mr. YOHO. I need to stop you there because I often say this—a democracy, as Ben Franklin pointed out, is two wolves and a sheep deciding what to have for lunch. The sheep always loses.

We are a republic, which protects the rights of the minority, and I think we should promote that more instead of democracy—this word democracy is, and I know what we are all trying to say with that but it is a misnomer because democracies don't work real well. Republics work pretty good, though.

Mr. DUNNE. Yes. Marwan Muasher, who is the current vice president of the Carnegie Endowment, is going back home to Jordan to lead a new civil society organization. He just wrote a book on pluralism in the Arab world and perhaps that is a better way to describe it.

In other words, exactly what you are saying—the rights of minorities whether they are religious minorities, women or others need to be protected and respected and that is maybe more of what

I am trying to say, and I think the population in Egypt really more or less agrees with that.

Right now, undoubtedly, their focus is on security and economic success. But the revolution of 2011 was about that as well as about better governance and the right of the people to be respected in their opinions.

Mr. YOHO. And I admire them for standing up and doing that. Madam Chair, my time is out. I appreciate it. Thank you all very much. Good luck to you.

Ms. ROS-LEHTINEN. You are the host of our Florida GOP luncheon so you better make that good—some good barbecue.

Mr. YOHO. You don't want to miss it.

Ms. ROS-LEHTINEN. Get over there and start cooking it.

Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Madam Chairman. Welcome to our panel. Just by way of preface, I want to say that I have heard some rationalization and equivocation among some here in Congress. I believe that we undermine your cause when we rationalize a military coup with a military dictatorship as ruthless as this one.

Mr. Dunne, I think you were making the point to Mr. Yoho that this is a whole different magnitude—a whole different level of oppression. It is not just another authoritarian regime in Egypt and, you know, the crackdown and the slaughter of citizens on the streets is a whole new dimension.

And if we say here well, we didn't like the Muslim Brotherhood—I didn't either, but our State Department actually said they were elected in a free and fair election. It was overthrown by a military junta and if American Congressmen think that is okay because of ideological preference then I think we undermine everything you all stand for and have worked for. And I also think, frankly, without intending to we undermine the cause of the NGO personnel we are trying to champion.

We cannot have it both ways. Either we are for democracy or we are not, and we need to have clarity about that in this body. Otherwise, we put you at risk.

Having said that, by the way, Mr. LaHood, did I understand you to say you were concerned about your voting status in Virginia because of a conviction?

Mr. LAHOOD. Yes, sir. I moved—I was a resident in Virginia before I moved abroad and that is where my voting status is, in Arlington, Virginia, and when I moved back to the States last year they were getting ready for the primary—for the governor primary and I actually looked up.

The state law in Virginia is a little bit vague. It basically says if you are a convicted felon and you have completed your sentence you are eligible for reapply to have your voting rights.

I never completed my sentence and the law is a little bit vague in that it doesn't delineate where they mean by that. And so I actually called the state board of——

Mr. CONNOLLY. Elections.

Mr. LAHOOD [continuing]. Of elections and asked some questions. They called me back with some follow-up questions. But I never got a clear answer. I am actually——

Mr. CONNOLLY. Okay.

Mr. LAHOOD [continuing]. On the cusp of relocating to Maryland where the law is very specific and says if you have been convicted in a municipal, state or Federal court, which I wasn't, then——

Mr. CONNOLLY. I was going to offer to help you but if you have got the bad taste of moving to Maryland there is no helping you.

Mr. LAHOOD. Well, my wife is from Baltimore so I don't have much choice.

Mr. CONNOLLY. All right. You are forgiven.

Mr. LAHOOD. If I am going to stay in the area it has got to be Maryland. So I argued for Virginia.

Mr. CONNOLLY. Well, if you come to your senses and move back to Virginia let me know and I will help.

Mr. LAHOOD. I will. But my point is, sir, though that for us we face these issues in trying to figure out how this works.

Mr. CONNOLLY. Yes. Yes. Exactly. Mr.—well, do I understand from your testimony that the State Department has not given you a point of contact—who do we go to on our cases with respect to organizations, Mr.—no?

Mr. DUNNE. Yes, sir. That would certainly seem to be the case at present. It used to be that the legal advisor's office was highly involved in this and, again, I have to give them credit for doing what they did in concert with the Justice Department for getting Interpol to vacate their—you know, the red——

Mr. CONNOLLY. Right.

Mr. DUNNE [continuing]. Notice request, which I understand if those had been issued and they are routinely issued we would have been in serious trouble about our ability to travel anywhere outside the United States.

Having said that, we have not heard from the State Department on this case for probably close to a year since the convictions and I do think State has moved on from it. And I grant that they have quite a few things on their plate right now, but it is important to us still.

Mr. CONNOLLY. Well, it is important to us up here, too. So let us work with you and I am appalled to hear that and shame on the State Department for not staying on top of this and making sure you all have a very clear point of contact who has got some authority to try to answer questions and take actions when necessary.

Mr. Dunne, you also talked about the need for an integrated policy—you know, understanding the complexity of the relationship with Egypt, and I think that is a really good point and I guess what strikes me about how this State Department and about many of my colleagues here in Congress have approached the relationship, frankly, in a very compartmentalized way.

So this issue is over here, but after all, we have got—and we do. We have lots of legitimate concerns and needs and priorities but if we do that we make it just so much easier for the Egyptian Government to do what in fact it has done to you and to your organizations. A brief comment before my time runs out.

Mr. DUNNE. I would just say I think that with what has happened in the NGO case the Egyptian Government thinks it just won—it just won this issue and have accomplished what it wanted to do, which is what I tried to describe in my testimony.

And I don't, frankly, think that U.S. policy has caught up to the new reality in Egypt and there does have to be this integrated policy which reconciles our security interests, which are very, very real and our diplomatic interests as you see Egypt working on Gaza right now but with the need to promote better governance, civil society, human rights and the rule of law in the country and be very clear about that in public, and I have not seen that up to this point.

Mr. CONNOLLY. If the chair will indulge. Anyone else want to comment on that? Yes.

Mr. LAHOOD. The one thing I would just say to your point is, you know, for the Egyptian Government to be able to prosecute our institutes, which are directly funded by the Embassy, by the U.S. Government, we were doing exactly what we were asked to do by the U.S. Government.

You look at the—you look at the board of IRI and NDI, not to mention Freedom House with John McCain and Madeline Albright—that they are able to prosecute us for doing this work there and they get away with it, it sends a clear message throughout Egypt to everyone that they are going to do whatever they want and I think it is horribly damaging.

Mr. BUTLER. And I just want to add one thing—that it is not just a message to Egypt. It is a message to countries around the world and we have seen, for example, in Ecuador, which is another country that is not so friendly to the United States, that, you know, crackdowns on NGOs there.

We had a project there where we were intending to work there and we have had to pull out of that country in part because some of the same things that—using some of the same tactics, not necessarily charging but the same kinds of tactics against NGOs that we saw in Egypt.

Ms. ROS-LEHTINEN. And Ecuador, if I may interrupt, has hired a PR giant—$6.4 million to do PR for them and what they do is they charge folks who are opposition leaders with money laundering, drug trafficking and they are here working the halls of Congress saying that Ecuador—everything is great there.

Mr. CONNOLLY. Madam Chairman, while you were out of the room the issue of having a point of contact with the State Department came up and we don't have one, and knowing of your commitment to this issue and, of course, my own, I wonder if you and I might consider a joint letter to the Secretary to remedy that situation immediately. Mr. LaHood.

Mr. LAHOOD. Just the one other thing that we brought up is it is not somebody who is a point of contact but somebody who is responsible for helping us resolve this issue.

Mr. CONNOLLY. Right.

Mr. LAHOOD. Just to clarify it.

Mr. CONNOLLY. No, no. That is my shorthand. But I think I did make that clear it had to be someone vested with the authority to respond to you and make decisions and point us in the right direction when somebody else has the expertise. I agree.

Mr. CICILLINE. And a coordinated response.

Mr. CONNOLLY. A coordinated response. That is right. Undoubtedly, the chairman and I will work out that language.

Ms. ROS-LEHTINEN. Thank you. Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Madam Chairman.

Thank you again for your testimony and for being here. You know, I think in many ways people do assume when individuals were released that sort of everything is fine and I really appreciate you sharing with us and with everyone who is watching the impact that this has had on you and others and the implications it has for the rest of your life.

And, you know, I know a lot of people toss around the word heroes but you are four great American heroes and the colleagues you represented in your testimony are as well and we are a better world because of what you do and just want to say at the outset thank you for your courage and for the work.

In my tradition we call it (foreign language spoken)—healing the world, which is what you are doing by building civil society and democracy all over the world.

So I think one of the challenges we face is that the—almost by definition the places in the world that need your work most urgently are the places, of course, where it is hardest to do the work just by definition and so, you know, the opposition to freedom and liberty and human rights isn't organic.

It is typically the force of some other structure, whether it is military or government, and so by definition the places that democracy building is so urgently needed are the hardest places to do it and, as you all know better than anybody, it is sometimes the most dangerous places to do it.

So what I sort of—I think our responsibility is to figure out what do we do to reduce the danger of this really important, and to your point, Ms. Jaafar, critical to the security interests of this country.

This isn't just democracy building because it would be better to live in a world where everyone enjoys these freedoms, which of course it would be, but it is in our direct national security interests to develop democracies and freedom and liberty around the world. And so it is not an extra exercise.

It is, I think, central to our responsibility to keep American citizens safe here and around the world. So I take it that, first, is, you know, we have to continue to press the Egyptian Government about the importance of responding to this case appropriately.

I met with the Egyptian Ambassador yesterday. This was central to my conversation with him. I think this hearing does that but I think—you know, I take away that that is something we need to continue to do, be certain that we are continuing to fund and support democracy building around the world.

Don't use this occasion to pull back from that. In some ways, it becomes even more urgent that we stay engaged in this work.

Third, that we have to be sure that we—that the people who are doing this work sort of understand that it is not just an important exercise and good to do sort of like philanthropic work but it is, again, central to our security and just making sure our colleagues understand that as well as the American people.

Fourth, I think to make sure that we identify and mitigate risks in every say that we can and be sure that that information is being communicated to NGOs in country-specific ways so that as they do

this important work that we at least reduce in every way that we can the dangers.

And I think the final thing that I would add to that list is, and this sort of builds on something Mr. LaHood just said, it is really for us to make the case that these are not individual criminal cases against individuals.

While that is part of it, these are really cases against democracy and civil society and the American way of life and really if there were some way for us to really almost intervene in these cases as a country because the work of these NGOs is not the work of an individual person.

Although they are the people doing it, it is the work of the United States and the work of, you know, intentional decisions by this Congress representing the people to invest in this work. And so I don't know the right way for us to do that but I think we have got to figure out a way that this becomes our cause, not just the cause of individual defendants in the criminal case.

So that is, I think, my list of six things but I want to, in addition to that, are there other things that we should do or could begin to do as a Congress to advance the work that you and the organizations you represent are engaged in?

Mr. DUNNE. Let me just start very briefly.

Mr. CICILLINE. I am the last witness so I can just summary, as I can do, you know.

Mr. DUNNE. Look, I totally agree with the points you brought up and just to kind of expand a little bit on the last one, I would also say that we have to insist on the internationally guaranteed rights of civil society in Egypt and elsewhere to associate with organizations such as all of ours.

Part of the intention of the new NGO law and the NGO case was to sever those ties so NGOs in Egypt could be more easily repressed and I think it is very important to continue speaking out on this.

And any time there is a congressional delegation who is going to Egypt to meet with civil society organizations and I think it would be wonderful if congressional delegations could already—could try to meet with some of the people who have been imprisoned because of their political involvements such as Ahmed Maher, for example, and others.

And the Egyptian Government will always refuse but it certainly makes a public case for the importance of this. One other thing is I would just like to draw your attention to is the ongoing expansion of anti-terrorism laws in Egypt, Saudi Arabia and other countries in the Middle East which broadly create definitions of terrorism that include all sorts of political activities.

This is one of the reasons why the Al Jazeera journalists were convicted—for associating with the Muslim Brotherhood. That is considered terrorism now, and you see similar laws in other places and that is something that should be, I think, a talking point with a lot of these governments because it is part of this authoritarian push back that I was trying to describe earlier.

Mr. LAHOOD. If I could, just a couple quick points I would make. You know, first is, as I said in my statement, finding domestic relief for us is something that would be helpful, obviously, and as I

understand yesterday in the Senate a bill was actually introduced that referred directly to our case.

Senate Bill 2649 was introduced by Senator Lindsey Graham and he had a few bipartisan co-sponsors and I understand that it was a bill to provide certain legal relief from politically motivated charges by the Government of Egypt and specifically about our case. And so that, as I understand is the specific relief we need to help us here in the United States.

But the second point I would make is ultimately for us what we need is a pardon from President al-Sisi. That is the only thing that is going to lift this cloud that sort of hangs over our heads. And so to the extent that the administration and Congress can keep the advocacy of that up is helpful to us as well. Thank you.

Mr. CICILLINE. Thanks.

Mr. BUTLER. Just a couple of quick points. I agree with everything Sam just said in terms of assistance to the organizations and the individuals who were convicted.

Two points—one is that, you know, you mentioned the importance of protecting NGOs of communicating with NGOs and I think that is a point that was alluded to earlier but perhaps hasn't been expounded upon enough, which is that in this dispute between the U.S. Government and the Egyptian Government over the aid—the increased aid that was going to our NGOs we didn't know anything about that—you know, that dispute that was happening between, you know, the objections that the Egyptian Government was raising to the redirection of funding toward us and we could have had the opportunity to decide if, you know, is this something we want to do.

You know, I think if we knew that now in another country we would be very careful about taking that assistance if we knew that the local government had objected to it.

So I think communicating with the NGOs that is obviously an administration thing, not a Congress thing. But that is one point.

Another point is in terms of further assistance is our grants is over so we no longer have any funds to support our Egyptian personnel or for legal costs if there should be additional legal costs. So that is something going forward.

You know, we are on the line for paying for all that ourselves if there are additional legal costs. You know, the Egyptian defendants are appealing their cases. We can't appeal ours but they are appealing theirs. So that is another point.

Ms. JAAFAR. I agree with everything you said. I couldn't have summarized it better. I would just add that it is very important that we continue to support civil society in Egypt. They do feel abandoned.

Yes, the environment is a lot more oppressive and challenging now, more than it has ever been, and yet they are still willing to do the work. They are still willing to take the risk, to build a better Egypt for their children, for their community, and I think we need to support that both, you know, in terms of assistance—financial assistance—but also vocally as well.

Mr. CICILLINE. Thank you. Thank you, Madam Chairman. I yield back.

Ms. ROS-LEHTINEN. Thank you, Mr. Cicilline. Thank you, Mr. Johnson, for sticking around for this panel. It says a lot about you and your interest, and thank you. You inspire us and we will work all we can do to seek that pardon.

Thank you so very much for your wonderful stories, for sharing it, and for the trauma that this has brought upon your lives. Thank you for speaking out for freedom, democracy, the rule of law. You do good work. Thank you.

And with that, the subcommittee is adjourned.

[Whereupon, at 12:14 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the 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
Ileana Ros-Lehtinen (R-FL), Chairman

July 17, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

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

DATE: Thursday, July 24, 2014

TIME: 10:00 a.m.

SUBJECT: The Struggle for Civil Society in Egypt

WITNESSES:

Panel I
Mr. Charles Michael Johnson, Jr.
Director, International Security & Counterterrorism Issues
International Affairs & Trade Team
U.S. Government Accountability Office

Panel II
Mr. Charles Dunne
Director, Middle East and North Africa Programs
Freedom House

Mr. Sam LaHood
Former Egypt Country Director
International Republican Institute

Mr. Patrick Butler
Vice President, Programs
International Center for Journalists

Ms. Lila Jaafar
Senior Program Manager
National Democratic Institute

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 202/225-5021 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 *the Middle East and North Africa* HEARING

Day *Thursday* Date *07/24/14* Room *2172*

Starting Time *10:05 p.m.* Ending Time *12:15 p.m.*

Recesses [*0*] (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

The Struggle for Civil Society in Egypt

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Ros-Lehtinen, Ranking Member Deutch, Reps. Wilson, Weber, Cotton, Yoho, Connolly, Cicilline, and Kennedy.

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

Rep. Rohrabacher

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.)*

QFR - Rep. Collins

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:15 p.m.*

Subcommittee Staff Director

House Foreign Affairs Committee, Subcommittee Hearing on the Struggle for Civil Society in Egypt, July 24, 2014
Question for the Record
Submitted by the Honorable Doug Collins
To Mr. Charles Michael Johnson, Jr.

Question 1:

For fiscal year 2014, Congress has appropriated $1.3 billion in Foreign Military Financing and $250 million in Economic Support Funds to Egypt; however, the delivery of assistance is subject to certain conditions. If the stipulations that govern the release of ESF are not met, how does that affect the Egyptian economy? How much does the Egyptian economy rely on our military aid?

While our ongoing review of U.S. assistance to Egypt currently underway for Subcommittee Chair Ileana Ros-Lehtinen and Congressman Gerald E. Connolly, does not specifically address these question, the following is information from the Department of State on the amount of Economic Support Fund (ESF) and Foreign Military Financing (FMF) assistance that the U.S. government has allocated to Egypt from fiscal years 2009 to 2013 (see table 1); from the World Bank on Egypt's Gross Domestic Product (GDP), Investment, and Foreign Direct Investment (FDI); and from the Stockholm International Peace Research Institute (SIPRI) on Egypt's military expenditure (see table 2). These data are intended to indicate how U.S. economic and security assistance relate to the overall size of Egypt's economy and amount of investment in Egypt. We also include an estimate of Egyptian military expenditures from SIPRI, an international institute, to help place FMF in context. We determined that the data from the Department of State and the World Bank were sufficiently reliable for our purposes. However, we were not able to assess fully the reliability of the data on Egyptian military expenditure due to the fact that these data are based on open-source materials produced by national governments and other entities.

In regards to the certification requirements in the Consolidated Appropriations Act, 2014,[1] for assistance for Egypt, including ESF, Secretary Kerry has certified that Egypt has met some, but not all, of the requirements for Egypt to receive funding. On April 22, 2014, Secretary Kerry certified to Congress that Egypt is sustaining its strategic relationship with the United States and is upholding its obligations under the Egypt-Israel Peace Treaty; however, he has not yet made other certifications that are required before ESF funds may be provided for certain purposes. Specifically, Secretary Kerry has not yet certified that the Government of Egypt (1) is taking steps to stabilize the economy and implement economic reforms, (2) has held a constitutional referendum and is taking steps to support a democratic transition in Egypt, or (3) has held parliamentary and presidential elections, and that a newly elected Government of Egypt is taking steps to govern democratically. ***We note that there are some portions of ESF funding that are available for assistance to Egypt notwithstanding the certification requirements in the fiscal year 2014 appropriations act, including funding for economic growth, education, and democracy programs.***

---

[1] Pub. L. No. 113-76, § 7041(a), 128 Stat. 5 at 522 (Jan. 17, 2014).

Table 1: Allocations for U.S. Foreign Military Financing (FMF) and Economic Support Funds (ESF) for Egypt, Fiscal Years 2009-2013

Dollars in millions

	2009	2010	2011	2012	2013
FMF allocations	1,300	1,300	1,297	1,300	1,234
ESF allocations	250	250	250	250	241

Source: Department of State.

Table 2: Gross Domestic Product, Investment, Foreign Direct Investment, and Estimated Military Expenditure in Egypt, Calendar Years 2009-2013

Dollars in millions

	2009	2010	2011	2012	2013
GDP	188,984	218,888	236,001	262,832	271,973
Investment	36,266	41,343	40,363	43,056	38,563
FDI net inflows	6,712	6,386	-483	2,798	—[a]
Estimated Military expenditure	4,017	4,289	4,287	4,376	4,255

Legend: GDP = gross domestic product, FDI = foreign direct investment.

Source: Data on GDP, investment, and FDI are from the World Bank Development Indicators. Data on military expenditure are from the Stockholm International Peace Research Institute (SIPRI) database, accessed July 28, 2014, http://www.sipri.org/research/armaments/milex/milex_database.

Notes: Limitations to the SIPRI database include the possibility of inaccurate reporting by source materials, uncertainty resulting from SIPRI-generated estimates, and corrections where sources do not agree with each other.

[a]FDI data for 2013 were unavailable.