

May 7, 2013

The Honorable Chairman Edward R. Royce
US House of Representatives
Committee of Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

Re: Colin Bower - Written Testimony
US House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith, Chairman
Hearing on "Resolving International Parental Child Abductions to Non-Hague Convention Countries"
Room 2172 Rayburn House Office Building
May 9, 2013, 10.00 am

Chairman Royce, Chairman Smith and Honorable Committee Members:

My name is Colin Bower, and, in August 2009, my two American children, Noor and Ramsay, were kidnapped from the United States to Egypt.

Today marks the second time I have testified in front of this honorable committee on this issue, and I deeply appreciate the opportunity to do so.

Unfortunately, however, my boys remain illegally held in Egypt.

As do nearly 20 other American children.

And, while I am here today to talk about my sons, I would like to acknowledge at the outset that my heart goes out to each of those children and the left behind parents. I hope and pray this testimony helps each family in a meaningful way.

Year after year, the U.S. government sends billions of taxpayer dollars to the Government of Egypt. It would seem that American foreign policy is to send our tax dollars to Egypt unchecked and on a virtually unconditional basis, with the U.S. Department of State or the White House using waivers which blithely refer to national security in order to get around Congressional conditions on said aid.

To put this in some context, I would like to note the behavior the Government of Egypt has exhibited since 2009, when my children were kidnapped, and while they have continued to accept billions of taxpayer dollars from the U.S. government:

- Egypt has aided and abetted the kidnapping and illegal holding of at least two American children (my sons)
- Egypt has created a direct threat to U.S. national security when they issued false Egyptian passports for my sons for the purpose of committing a crime in the United States
- Egypt refuses to acknowledge the Hague Convention principles or to commit to joining the Convention; and,
- Egypt openly enables ongoing human rights violations

Regardless of whatever moral, fiscal, or political balance you use, providing uninterrupted aid to a partner that acts this way is quite simply wrong. If this is American foreign policy, it's flawed and it isn't working. We aren't getting what we pay for. While we have given this money away, Egypt has thumbed its nose at real reforms, and at issues our leaders have asked them to address which are critical to the American people.

Congress has the ability to withhold taxpayer dollars and other financial support until the Government of Egypt returns our children and acts within the principles of democracy, freedom, and respect for human rights that those taxpayer dollars demand. I respectfully request that this Committee take action to curb the endless flow of taxpayer dollars until direct steps to bring these children home are undertaken in concert with the Government of Egypt's adoption of the aforementioned principles. Ask David, Goldman, this approach works.

As requested, I will provide some background and a description of my experiences with the U.S. and Egyptian governments during this tragedy.

First, several notable facts which frame my situation.

- **This is not a custody battle** - There was a 20-month court case in Boston completed in December 2008, in which both parties participated fully from start to finish. In fact, the mother of my sons, Mirvat el Nady, was represented by six different high-powered U.S. divorce attorneys. I was awarded sole legal custody in the divorce judgment.
- **This is a federal crime** – the FBI issued a subsequent federal warrant for the arrest of Mirvat el Nady, and, Interpol followed by issuing a red notice.
- **This is a matter of U.S. national security** - Mirvat el Nady obtained Egyptian passports for my boys in false last names. Passport fraud is an extraditable offense under the Mutual Legal Assistance Treaty (MLAT) between the United States and Egypt, as false passports are very simply used to commit horrible crimes in other countries. The prevention and prosecution of these crimes is the very reason for the MLAT.
- **This is a matter of child abuse and a violation of human rights** - The U.S. Supreme court and other international bodies deem both child abduction and parental alienation child abuse.
- **This is a state-sponsored crime** - The Government of Egypt: issued false Egyptian passports; owns the airline that ignored obvious flags by letting Mirvat el Nady kidnap the boys to Egypt; has provided el Nady security through the State Security Agency; has maintained a business relationship with the el Nady family through the military; and, has therefore aided and abetted the initial crime of kidnapping, and continues to aid and abet the fugitive, despite her clearly demonstrated inability to care for the boys.

I have seen my boys three times since they were taken. Each visit was in Egypt and each was closely scrutinized by a band of Egyptian relatives and government security personnel, who watched their every move and listened to their every word.

The boys were understandably anxious and behaved unnaturally. My last visit with them was in January 2012. I haven't had any contact since that time, except for one-way communication in the form of posts that I send to them on a committed Facebook page every week.

In 2010, I fought for, and won, an Egyptian court order allowing me to visit my children regularly. Despite this order, I have made more than ten trips to Egypt to see my boys with no success. On these trips, I sat alone, with bags of letters, toys, books, magazines, and other mementos, waiting six hours hoping to see, speak with, and hold them again. They were never brought to me for those visits.

I remember being in Egypt on the night of the revolution. From my hotel balcony, along with the rest of the world, I watched the crowds cross the Qasr al-Nil Bridge and enter Cairo's Tahrir Square. I was hopeful that night, as were many Egyptians, that it was dawn of a new era. So far, this has not been the case.

The el Nady family, empowered by the Government of Egypt, the Egyptian military, and Egyptian courts, has refused to communicate with U.S. embassy personnel, the Good Intentional Subcommittee (a committee which includes senior Egyptian officials appointed to address issues specific to American children who have been abducted to Egypt), or me. Further, the Egyptian government has empowered them to ignore both Egyptian and US court orders.

It is relevant that the el Nady family started the only private sector yeast factory in Egypt in 2005. Because yeast is used to make bread, an Egyptian staple, its production and distribution, like all Egyptian necessities, was and remains under the control of the Egyptian military. The ties between el Nady and the military were strong under the Mubarak regime and have persevered into the Morsi regime.

It cannot be a coincidence that the majority of U.S. aid is to the Egyptian military, which has been the bedrock of the Egyptian side of our bilateral relationship since the Camp David accords in 1978. However, it would seem that despite this aid, in the case of my American sons, the U.S. government has served at the pleasure of the Egyptian military, not wanting to upset the status quo.

This is not to say the U.S. government has not made substantial effort on behalf of Noor and Ramsay.

On the contrary, pleas for Noor's and Ramsay's return have been made face to face, at the highest levels, multiple times, including by:

- The Vice President
- Two Secretaries of State
- The Attorney General
- Two U.S. Ambassadors to Egypt
- The Chairman of the Senate Foreign Relations Committee
- Ranking Members of House Committees and Subcommittees
- Many Members of Congress – both here in the United States and in Egypt.

During the 112th Congress, resolutions calling upon Egypt to return Noor and Ramsay passed in both the House and Senate: H.Res.193, introduced by then-Rep. Barney Frank (D-MA) and co-sponsored by 35 Members of the House passed on December 31, 2012; and S.Res.477, introduced by then-Sen. John Kerry (D-MA) and co-sponsored by Sen. Scott Brown (R-MA) passed the Senate on June 05, 2012.

Further, as Chairman of the Senate Foreign Relations Committee, now-U.S. Secretary of State Kerry has said his last conversation with President Mubarak was what he called a half-hour shouting match on this issue – calling on President Mubarak to return the boys to no avail. Secretary Kerry has been a consistent champion for the return of Noor and Ramsay for more than three years, but has not been able to get the Egyptian Government to move on this issue.

After the kidnapping, the U.S. Department of State revoked the U.S. visas of Mirvat el Nady, her parents, and her brother for their involvement in the crime.

The FBI and Interpol have issued warrants for the arrest of Mirvat el Nady.

Since August 2009, these pleas from the U.S. government have been made in person and in writing to former President Mubarak and current President Morsi, along with the Supreme Council of the Armed Forces (SCAF), the Egyptian Minister of Foreign Affairs, the Egyptian Minister of Justice, and other various Egyptian ministers and leaders.

I remain incredibly grateful for the assistance of U.S. officials and Members of Congress, as well as Secretary Kerry's sustained attention to the case of Noor and Ramsay.

Despite all of this, however, the Government of Egypt has been non-responsive. They have refused to give the location of the children. They have refused to allow welfare visits with the children. The Egyptian government, and the entire el Nady family, continue to aid and abet a wanted felon, itself a federal crime with a minimum sentence of five years in prison. They refuse to acknowledge the rights of Noor and Ramsay.

And, this non-responsiveness has gone entirely without consequences.

In fact, the United States has rewarded Egypt during this time by continuing to send them billions of U.S. taxpayer dollars and acting as if it is 'business as usual'.

Responses from the State Department in a TV interview and privately include that our relationship with Egypt is 'complicated', and there are 'other important issues' on the table.

I have to ask the basic questions:

- What is more important than the safety of our children?
- What message are we sending to the perpetrators of crime against American children when we continue to support them, unchecked and without consequences?

Obviously, as Noor's and Ramsay's father, I am devastated. As an American, I'm appalled.

The inability of Mirvat el Nady to responsibly parent is outlined in our divorce judgment, and in more meaningful detail in H.Res.193, which was drafted after Members of the House reviewed theretofore restricted reports and analysis from professionals who evaluated Mirvat el Nady during the 20-month divorce proceeding. I do not want to disparage the boys' mother in this forum, but I encourage you to read the text of this resolution so that you understand why this situation includes critical issues beyond child abduction, such as crimes of terror and national security.

I can't imagine any parent kidnapping a child or precluding a child's right to love both parents; that is a sickness I do not understand. But, the combination of the instability of the mother, the instability in Egypt, and the nature of the recent events at the marathon in my hometown of Boston, make my stomach churn with fear for the underlying safety of my boys.

Mirvat el Nady always outsourced parenting and has consistently done or said whatever needed to be said to get what she wanted. This is in the public record as part of our divorce decree. In an unsure political environment, with social, political and religious volatility, I am scared to death of who is parenting or mentoring my children, what they are being taught, how they are being treated – especially given that they are only part Egyptian.

What will be their future if I am not able to protect them -- if their government has forsaken them for 'other important issues'? Will their paths turn dark to a mortal and violent end – like others whose minds have been tainted or who have lost their way? I pray to God this will not happen. I pray my government will change tack and do what it must to protect my boys. I can't speak any more about this possibility. Merely acknowledging it is difficult enough.

There are many things we can do immediately to protect American children and promote basic human rights. With regard to Egypt, not surprisingly, several include withholding U.S. and U.S.-controlled financial assistance to Egypt pending certain actions.

Of course, I understand the *de facto* services contract we have with Egypt, the most populous and strategically important Arab state, but when the other side kidnaps your children and ignores your leaders, I say all bets are off. We have to start holding Egypt accountable. It isn't a question of applying financial pressure to influence their politics, but of doing the right thing for us, as Americans, to protect our citizens. And, frankly, appeasement doesn't work, nor is it respected in the Arab world.

Even the people of Egypt, who will either benefit or suffer from this aid, have spoken about the need to make sure this money doesn't simply continue a power structure that doesn't recognize their rights.

Noor and Ramsay are a case in point which states loudly and clearly that our government, if it doesn't stand strong, will lose whatever moral credibility it has left in this world.

Some areas where the U.S. government can act immediately to help preclude abduction and serve to bring our children home, include the following:

- **First**, prevention – we need better controls in place to protect against the unlawful removal of our children to foreign countries. This includes, for example, better checks at the point of departure by the U.S. Department of Homeland Security and agreements with foreign carriers. Prevention is the easiest cure to help protect other children from being subjected to this nightmare.

In the case of Noor and Ramsay, for example, Mirvat el Nady kidnapped my children despite the following flags:

- The boys were provided Egyptian passports in a false last name;
- These Egyptian passports had no U.S. entry visa, leading to the obvious observation that my boys were in the United States under some other auspices and that further investigation was required;
- These Egyptian passports were issued in a family name different than that of Mirvat el Nady, therefore providing no familial connection between the children and the kidnapper;
- The kidnapper had no U.S. court or other documentation denoting her legal standing to be with the children outside of Massachusetts;
- The airline tickets were purchased at the ticket counter in cash; and,
- The airline tickets were one-way.

The National Transportation Safety Board (NTSB) and airlines operating in the United States need to be held responsible for failing to act on any and all of these flags. The failure to do so is an inexcusable breach of security and remains a huge risk to our children.

- **Second**, law enforcement - the FBI did not act quickly enough to gather information tied to this crime, including identifying those who aided and abetted. This evidence (primarily email records) was deleted by the time the FBI started looking more deeply into this matter. If they had moved with the requisite urgency, further leverage could have been brought against those responsible which could have aided in the return of my boys.

- **Third**, enforcement of existing treaties - because Egypt provided false passports for the purpose of committing a crime, a technique used in multiple terror attacks against our country, they must be held accountable to the MLAT agreed to by our countries to protect our citizens from crimes like this one. We need to see the MLAT enforced, and extradition of Mirvat el Nady and her co-conspirators take place before meaningful financial assistance is continued.

- **Fourth**, probate orders – we must tie U.S. aid to Egypt’s agreement to recognize and mirror existing probate orders involving custody decisions reached in residential jurisdictions where both parties were active participants and legally represented. We should act the same way, and the country harboring the fugitive should issue a mirror order consistent with the existing order in the country of the children’s primary residence.

- **Fifth**, human rights and the Hague Convention – we must tie U.S. aid to Egypt’s demonstration of its commitment to human rights, including the rights of children, as evidenced by acceptance generally of the terms of the Hague Convention and adherence to the principles specifically mentioned above, as well as Egypt’s ultimately becoming a signatory to the Hague. In abduction cases, this can be sequentially evidenced by immediate wellness visits and normalized parental visits, and, where probate orders were pre-existing, by the immediate return of children to their rightful home in the United States.

- **Sixth**, preclusion of blanket ‘national security’ waivers – when Congress ties U.S. aid to protections for human rights and other like measures, there should not be the ability of the U.S. Department of State or the White House to toss these conditions aside via general waivers under the cloak of ‘national security’.

These Congressional measures speak to the heart of our national security, including the protection of our children - our national treasure.

- **Seventh**, freeze Egyptian assets in the United States – in conjunction with tying aid to Egypt to specific measures, Congress should similarly freeze Egyptian assets held in the United States pending compliance with said measures.

- **Eighth**, request a report by the U.S. Government Accountability Office (GAO) – I would ask this committee to request the GAO to conduct a study focusing on the issue of all child abduction to Egypt, including the role of the Government of Egypt in the abduction and ongoing abetting of the abductors.

Chairman Smith, Committee members, I thank you for your invitation to speak today, for your attention to my testimony, and for your consideration of these most important issues.

Best regards,

Colin Bower
Father of Noor and Ramsay Bower