

RELEASE IN PART
B1,1.4(B),1.4(D),B5,B6

From: Koh, Harold Hongju <KohHH@state.gov>
Sent: Friday, February 17, 2012 10:20 AM
To: H
Subject: Fw: PRIVILEGED AND CONFIDENTIAL

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~ Declassify on: 02/17/2027

----- Original Message -----

From: Harold Koh [mailto:]
Sent: Friday, February 17, 2012 10:10 AM
To: McLeod, Mary; Gahan, Kimberly A; Koh, Harold Hongju
Subject: PRIVILEGED AND CONFIDENTIAL

B6

PRIVILEGED AND CONFIDENTIAL/ATTORNEY-CLIENT PRIVILEGE/DELIBERATIVE PROCESS/ATTORNEY WORK PRODUCT

At the invitation of the Egyptian Government, [] and I went to Cairo from February 14-16, 2012 to seek a solution to the impasse over NGO activities that has caused nearly two dozen NGO workers to be criminally charged and six Amcits from NDI and IRI to take refuge in Amembassy Cairo. Accompanied by Ambassador Anne Patterson, we spent Feb. 15 seeing Foreign Minister Amr (twice); General Muwafi of the Egypt General Intelligence Service (EGIS) (for 3+ hours); Minister of Justice Abdallah; and the IRI/NDI personnel at the Embassy as well as their lawyers. Amr and Muwafi earnestly claimed to be eager to resolve the crisis in a way that mitigates the harm to the bilateral strategic relationship between our countries.

B5

[Redacted content]

1.4(B)
1.4(D)
B1
B5

Thereafter, we met with the NDI/IRI staff, who were frustrated and emotionally conflicted about whether to stay at the embassy. They feel that they have abandoned their co-workers who are still outside, and that the legal strategies are a waste of time. Still, we seemed to connect with them and urged them to stay the course, which we hope that they will do, and not leave the embassy or engage in other kinds of provocative press behavior. I am now here at Heathrow lounge, waiting for my connecting flight to Dulles. I just briefed Senator Blumenthal for about 25 mins about the current

state of affairs. He is knowledgeable and cooperative (we are old friends) and he thanked me for the briefing and the administration for our efforts. They leave later today and go first to Kabul, before arriving in Egypt on Sunday night. Brooke Anderson had also briefed Sen. McCain's staffer Chris Beaune last night, so two of the members of the CoDel should be on the same page about the current state of play.

All in all, it is hard to evaluate how promising these developments might really be. But as yesterday ended, Judge Ibrahim called the lawyers for NDI and IRI and asked them to appear on Saturday morning, Feb. 18, to schedule a hearing on the potential lifting of the travel ban. Later on we got some additionally hopeful information suggesting that: (1) the GOE is making strong efforts to ensure that the travel ban hearing will be conducted quickly by a panel of one or two administrative judges; (2) the MOJ seems to be on board with this solution; and (3) that Tantawi's number 2 General Al Assar has been deeply involved in developing this proposed solution. We will be in touch with the NDI/IRI lawyers to see whether a hearing has been scheduled on the lifting of the travel ban, and will keep you posted with any new information we may have.

Harold Hongju Koh
Legal Adviser
US Department of State



B6