The Biden administration's reported decision to bypass the human rights conditions on $300 million in Fiscal Year (FY) 2020 Foreign Military Financing (FMF) is a terrible blow to its stated commitment to human rights and to the rule of law. This administration has repeatedly vowed to put human rights at the center of its foreign policy and specifically its relationship with Egypt. This decision, however, is a betrayal of these commitments. By immediately releasing $170 million and temporarily withholding the remaining $130 million, the administration sidesteps the intent of Congress, which passed legislation clearly stating that $300 million in U.S. military aid should be withheld until Egypt has taken steps to “strengthen the rule of law,” “implement reforms that protect” basic freedoms, and “hold Egyptian security forces accountable.”

In May 2021, several Egyptian human rights organizations identified seven initial steps the Egyptian government could take in short order to demonstrate that it is serious about improving the human rights situation. Yet, the Egyptian government has failed to meet even one of these seven steps. By paving the way to provide the full $300 million, the administration gives license to the Egyptian government to continue perpetrating egregious human rights violations without fear of repercussions.

The Biden administration has frequently sought to distinguish itself from the Trump administration by claiming to take a stronger stance on human rights and promising to be tough on Egyptian President Abdel Fattah al-Sisi, whom Biden referred to as “Trump’s favorite dictator.” With that context, it is especially dismaying to see this decision, a notably weaker position than that taken by the Trump administration in the same situation in August 2017. We note that the U.S. government has already obligated $1 billion in military aid to Egypt for FY20, not one dollar of which was conditioned on human rights.

If the administration’s dedication to human rights were sincere, this decision would have been simple: withhold the $300 million in military aid as conditioned by Congress to incentivize al-Sisi to change course. Instead, the administration chose to ignore its commitment to human rights.
by evading the legislative conditions through a vague, previously unused provision in the law. Given the appalling scale of abuses committed since 2013 by the Egyptian government, one of the largest recipients of U.S. military aid, it is imperative that congressional conditions on FMF be enforced to end the impunity around these systematic abuses.

We therefore call on Congress to strengthen the language of FY22 appropriations to prevent the administration from repeating such actions in the future and to make clear that the Biden administration’s decision violates congressional intent, undermines the human rights of Egypt’s citizens, and further erodes the standing of the United States.

Signatures:

Amnesty International USA
Committee for Justice
Committee to Protect Journalists (CPJ)
Democracy for the Arab World Now (DAWN)
Egyptian Front for Human Rights
Egyptian Human Rights Forum
EuroMed Rights
Freedom House
The Freedom Initiative
Human Rights First
Human Rights Watch
International Federation for Human Rights (FIDH)
International Service for Human Rights (ISHR)
MENA Rights Group
Open Society Foundations
PEN America
Project on Middle East Democracy (POMED)
Reporters Without Borders (RSF)
The Tahrir Institute for Middle East Policy (TIMEP)