

## May 24, 2001: "The Annual Report of the U.S. Commission on International Religious Freedom." (House)

Testimony by Dr. Laila Al-Marayati, Former Commissioner, Rabbi David Saperstein, Former Commissioner, and Nina Shea, Commissioner

United States Commission on International Religious Freedom  
Before the House International Relations Committee of the United States House of Representatives

May 24, 2001

(left to right):  
Executive Director Steven T. McFarland, Rabbi David Spaerstein, Nina Shea, and Laila Al-Marayati, M.D.

Thank you and good morning, Mr. Chairman and members of the Committee. My name is David Saperstein and it has been my honor to serve as a Commissioner and first Chairman of the U.S. Commission on International Religious Freedom. I wish to thank the Committee for holding today's hearing on the Commission's second Annual Report that was issued on April 30. Mr. Chairman, I respectfully request that the Commission's complete written statement and the executive summary of the Commission's report be entered into the record.

The Commission's second Annual Report fulfills an important part of the Commission's statutory mandate to provide independent policy advice to the President, the Secretary of State, and Congress on ways to promote international religious freedom. Our job is to study the State Department's human rights and religious freedom reports and gather additional information - through public hearings, meetings with non-governmental and religious organizations, our own travel, and briefings by experts - and to make policy recommendations that the U.S. government can implement to promote religious freedom abroad.

Last year, we focused on three countries - China, Russia, and Sudan. This year, with a full year of work and the experience of our first report behind us, we were able to greatly expand our activities to cover more countries and some additional issues. This year's Annual Report touches on religious-freedom issues in almost two dozen countries. Besides updating China, Russia, and Sudan, we have made specific recommendations on Egypt, India, Indonesia, Iran, North Korea, Nigeria, Pakistan, Saudi Arabia, and Vietnam. We have additionally explored the right to persuade another to change his or her religion and have made recommendations regarding U.S. capital markets and foreign assistance. Some of these reports and recommendations were issued during the past year, and we have updated them for inclusion in the Annual Report.

I should note here that the countries included in the report are not the entire list of serious violators of religious freedom, nor are all of them equally bad. Russia, despite its problems, enjoys a much larger degree of religious freedom than many of the others. In Indonesia and Nigeria, the problem is not a central government that violates religious freedom, but a government that is not doing enough to prevent or punish violations by local or state officials and private citizens.

There is no way I can adequately summarize an almost 200-page report in these few remarks this morning. So let me just hit a few of the highlights. These observations and recommendations represent the Commissioners' consensus.

The situation in China has grown worse over the past year as the government has intensified its crackdown on the Falun Gong spiritual movement, on unregistered Protestant and Catholic Christians, on Tibetan Buddhists, and on Uighur Muslims. The Commission believes the U.S. government must make religious freedom a higher priority in bilateral relations. We reiterate last year's recommendations, including that the U.S. government do all it can to ensure that Beijing is not selected as a site for the Olympic Games, and we commend Congressional efforts, such as those by Congressman Lantos, to that end.

In India, a disturbing increase in violence against minority Christians and Muslims, committed mostly by Hindu nationalists, has coincided with the accession to power of the ruling BJP government, which relies on these nationalists for its core support. The U.S. government must step up the human-rights dialogue with the Indian government and bolster New Delhi's defense of religious minorities. U.S. foreign- assistance funds should be used to support civic groups that teach and foster religious tolerance.

As Indonesia struggles with centrifugal forces trying

to tear the country asunder, the most serious religious violence has occurred in the Moluccan Islands, where up to 8,000 Christians and Muslims have died in sectarian violence. The violence reached new and more-deadly levels when a self-appointed militia of Muslim Laskar Jihad fighters arrived from outside the islands and stepped up attacks on Christians. The U.S. government must press Indonesia to disarm and remove all outside forces from the Moluccas and step up efforts to promote reconciliation and secure justice.

Like China, Iran has been named by the Secretary of State as a "country of particular concern," one of the worst religious-freedom violators. Baha'is, whom the government refuses to recognize as a religious minority, get the worst of it, but the situation is grim for Jews, Christians, Zoroastrians, and dissident Muslims as well. In its discussions with Iran, the U.S. must re-emphasize that improvements in religious freedom and other human rights are a prerequisite for normalization of Iranian-American relations.

The State Department notes that in North Korea, "genuine religious freedom does not exist." The government imprisons, tortures, and sometimes executes religious believers and suppresses all religious activity except that which serves state interests. The U.S. government must insist on improvements in religious freedom and improved access for outside observers to monitor religious-freedom conditions as a key part of any improvement in relations with Pyongyang.

Nigeria is, like Indonesia, a country returning to democracy, struggling to survive against forces that would strangle it in the cradle. The movement in several northern Nigerian states to expand the legal application of Shariah has sparked communal violence in which thousands have died and is a source of continuing volatility and tension between Muslims and Christians. The U.S. government must bolster Nigeria's resolve to prevent communal violence and bring perpetrators to justice. U.S. foreign assistance should also be directed at building tolerance, and Washington should press the Nigerian government to ensure equal treatment of all religious groups in the building and repairing of places of worship, in education, and in access to broadcast media.

The government of Pakistan is clearly not doing enough to protect religious freedom. Ahmadis are prevented by law from fully practicing their faith; Christians and other religious minorities are jailed or worse under the country's blasphemy law; and a system of separate electorates for religious minorities politically marginalizes them. In addition, a campaign of violence by Sunni radicals targets Shiite Muslims, who then engage in reprisal attacks. The U.S. should press Pakistan to scrap the separate-electorate system, eliminate abuses of the blasphemy law, and repeal laws and prevent discrimination targeting the Ahmadis.

Freedom of religion in Russia remains threatened, with some 1,500 religious groups facing "liquidation" for failing to meet a December 31, 2000, registration deadline. While the Putin government appears to be committed to the principle of religious freedom, it remains to be seen how vigorous it will be in addressing the nation's many religious-freedom problems, which occur mainly at the local and regional levels. The Commission reaffirms the recommendations it made in last year's annual report regarding Russia, and recommends that the U.S. government continue to monitor closely the conditions of religious freedom in Russia, including through mechanisms such as the Smith Amendment to the Foreign Operations Appropriations bill, at this critical time.

The Commission has found that the government of Sudan is the world's most violent abuser of the right to freedom of religion and belief and that it is committing genocidal atrocities against the civilian population in the south and the Nuba Mountains. Tragically, the situation in Sudan has grown worse in the 12 months since release of last year's Annual Report. The government of Sudan continues to commit egregious human rights abuses - including widespread bombing of civilian and humanitarian targets, abduction and enslavement of women and children by government-sponsored militias, manipulation of humanitarian assistance as a weapon of war, and severe restrictions on religious freedom. The relationship between oil and the government's actions has become clearer. The U.S. government should now step up humanitarian aid to southern Sudan and the National Democratic Alliance, the Sudanese opposition. Commissioner Al-Marayati has issued a concurring opinion in this regard. The President should appoint a prominent, high-level envoy to work for a just and peaceful settlement of the war - pursuant to the agreed Declaration of Principles - and to press for an end to the Sudanese government's atrocities against civilians. But the United States should not appoint an ambassador to Khartoum at this time; that would only reward the regime for increased bad behavior.

Foreign companies doing business in Sudan that want to offer securities in U.S. markets should be required to disclose the full extent of their dealings in that country. Because of the close relationship between oil and the Sudanese government's human rights abuses, foreign companies involved in developing Sudan's oil and gas fields should be barred from issuing or listing securities in U.S. capital markets. And the U.S. should stop importing gum arabic from Sudan.

The Commission commends the strong statements made in recent days by the President and the Secretary of State on the situation in Sudan, and welcomes the President's appointment of a special humanitarian coordinator for Sudan, which the President called "a first step" in addressing that situation, with "more to follow."

In Vietnam, the government prohibits religious activity by those not affiliated with one of the six officially recognized religious organizations. Individuals have been detained, fined, imprisoned, and kept under surveillance for engaging in "illegal" (in other words, unauthorized) religious activities. In

addition, the government uses the recognition process to monitor and control officially sanctioned religious groups. The U.S. Congress should ratify the pending Bilateral Trade Agreement with Vietnam only after it passes a sense of the Congress resolution calling for the Vietnamese government to make substantial improvements in the protection of religious freedom, or after the Vietnamese government undertakes obligations to the United States to make such improvements. We've suggested a set of criteria for measuring religious-freedom conditions. Until Hanoi makes progress in this regard, the U.S. government should also withhold support for International Monetary Fund and World Bank loans to Vietnam, except those for basic human needs. We note that the U.S. abstained from the recent IMF vote to approve loans to the Vietnamese government.

Due to the deadline for printing of the Annual Report, we were not able to include our findings and recommendations with respect to countries that commissioners visited in late March: Saudi Arabia, Egypt, and Israel. On May 14, the Commission released an addendum to the second Annual Report.

Freedom of religion does not exist in Saudi Arabia, as, with few exceptions, the Saudi government strictly prohibits the public practice of religion other than its interpretation and presentation of the Hanbali school of Sunni Islam. Although the government has taken the position that private worship is allowed, persons worshipping privately have been arrested, imprisoned, deported, harassed by the authorities, and forced to go to great lengths to conceal private religious activity. The Commission reiterates the recommendation it made last July to former Secretary of State Albright that Saudi Arabia be named a country of particular concern under IRFA. The U.S. should also urge the Saudi government to expand and safeguard the freedom to worship; to act to control abuses of the religious police; to allow human rights monitors access to the country; and to promote tolerance and inter-religious dialogue.

Although there have been some positive developments in the promotion of religious freedom in recent years, the Commission finds serious problems of discrimination against a number of religious groups remain widespread in Egypt. With respect to the Christian community, restrictions on church building and repair continue to exist and religiously-based discrimination, particularly in government employment, the military and security services, remains a pervasive problem. Justice has still not been realized in the Al-Kosheh incident, and the underlying problems that contributed to the violence there have not been adequately addressed. Recently, 19 Baha'is were arrested on account of their religion and eight are currently in prison. The Egyptian government appears to cast too wide a net in its repression of those Muslims it deems to be a threat because they are "fundamentalist," and religious activities (such as wearing headscarves, growing beards, and attending religious study groups) are at times considered by the government to be indicators of both the potential for violence and, more generally, a political threat to the existing order. The press continues to engage in virulent hate speech against certain groups such as Jews and Baha'is. In light of these problems, the U.S. government should raise religious freedom issues at the highest levels with the Egyptian government and urge them to

accelerate progress in addressing those issues.

The Commission sees its study of the situation in Israel and the Occupied Territories as a complex matter requiring additional work. Commissioners did not feel they were ready to make a formal report or recommendations. Commissioner Laila Al-Marayati issued a dissenting view.

In the course of examining the conditions of religious freedom and U.S. policy in several countries the Commission has made recommendations regarding the specific areas in which religious freedom could be promoted through U.S. foreign assistance.

These recommendations are in line with the provisions of IRFA that explicitly endorse the use of foreign assistance funds to promote religious freedom. This can be done directly, through supporting programs such as legal advocacy, technical assistance, or human rights education; and indirectly, by supporting democracy, civil society, rule of law, professional law enforcement, and judicial independence. At the same time, the Commission is concerned that U.S. assistance should not serve to undermine the protection of religious freedom or contribute to religious intolerance, and recommends that U.S. foreign assistance is not used to support organizations that engage in violence that targets individuals on the basis of religion or that act as an instrument of official government policies of religious discrimination, or to fund programs that discriminate against recipients or beneficiaries on the basis of religion.

Further on the question of access to U.S. capital markets, the Commission proposes that any American or foreign issuer of securities be required to disclose its business activities in any country designated by the Secretary of State under IRFA as a country of particular concern. Such disclosure would inform institutional and private American investors of all the economic risks involved in purchasing those countries' securities. And the U.S. government, including Congress, needs to study how foreign companies structure their securities offerings and manipulate corporate relationships to get around U.S. economic sanctions.

Before we take any questions you might have, I'd like to make two observations. First, the Commission was gravely disappointed to learn that the United States was not reelected as a voting member of the United Nations Commission On Human Rights (UNCHR) this year. The mere fact that a country like Sudan, with its atrocious human rights record, can be and is a voting member on the UNCHR while the United States is not is a symptom of a deeper problem growing within this international body. The United States has consistently spearheaded efforts to introduce resolutions that shine a spotlight on countries that violate human rights, particularly religious freedom. These resolutions often fail to gain needed support. Considering the human rights practices of some of the members of the UNCHR, this is not surprising. However, what is even more disappointing is the conduct of traditional U.S. allies, such as members of the European Union - - specifically, their failure both to support such resolutions and earlier this month to support the membership of the United States on

this important commission in which it has served since its creation in 1947. If the world cannot rely on an international body such as the UNCHR to condemn human rights violations when they occur, individual countries must take a stand. I think it is safe to predict that without the United States serving as a member of the UNCHR, violations of religious freedom will be given far less attention and all too often ignored.

Second, the terms of the present commissioners expired on May 14. These commissioners were a most politically, religiously, and professionally diverse group of people. Yet for two years, we worked harmoniously together to present to first the Clinton administration, and now the Bush administration, recommendations for promoting international religious freedom. I think that's testimony to my fellow commissioners' devotion to the cause of religious freedom. I'd like to personally thank them all for their commitment and hard work.

Thank you, and my colleagues and I would be happy to take any questions you may have.