

Promoting Religious Freedom During the Campaign Against Terrorism": Sidney Jones Prepared Testimony

November 27, 2001 The war on terrorism can affect religious freedom in several ways in Asia. It can lead to heightened feelings of vulnerability on the part of religious and ethnic minorities, regardless of whether there is objective evidence of an increased threat. Indonesian Chinese who also happen to be Christian are applying for asylum in large numbers, not because of any incidents since September 11 but because they fear that Muslim anger in Indonesia over the bombing of Afghanistan could lead to violence in which they could be targeted. It can embolden some governments to crack down on peaceful - and not-so-peaceful-activities of Muslim groups out of concern that they represent a potential breeding ground for terrorism. China's actions vis-a-vis Uighur groups in Xinjiang is one example. Rights groups in India have also pointed out that the Student Islamic Movement of India was banned while Hindu organizations with a similar politico-religious agenda were not. It can encourage some governments to turn a blind eye to intimidation or attacks by hardline Muslim groups on moderate Muslims and/or non-Muslim minorities, for fear of alienating important domestic constituencies. We have received disturbing information about attacks on Hindus in Bangladesh and have seen a continued unwillingness on the part of the Indonesian government to seriously prosecute criminal actions from hard-line Muslim groups. The killing of sixteen Pakistani Christians in a church in Punjab province on October 28 was condemned by President Musharraf, but local authorities do not appear to have pursued the killers with any greater zeal than they have in earlier cases of attacks on Christians or Ahmadis. Anger against the U.S. among some Muslim groups may strengthen organizations that have used violence, in a way that threatens the religious freedom of others. Many militant groups in Indonesia such as Laskar Jihad appear to be intensifying recruiting efforts since the bombing of Afghanistan began. Easing of pressure on autocratic government to bring about democratic reforms. Our human rights colleagues in Pakistan, for example, are dismayed that international pressure on President Musharraf to restore civil liberties has all but disappeared. In addition, it should be noted that there are many incidents of religious violence that have erupted across Asia since September 11 that have no obvious link to the war on terrorism - continued outbreaks in Poso, Central Sulawesi and the Moluccas come to mind. The dynamics in these conflicts are local and national, not international. But it may well be that the war has made it more difficult for the U.S. to take a leading role in trying to address aspects of these conflicts through aid projects or diplomatic interventions. Despite all the actions taken by U.S. officials to counter the perception that the war in Afghanistan is a war against Islam, that perception remains strong among many Muslims, moderates as well as radicals, in the countries I work on. The detention of Muslims and people of Middle Eastern and South Asian descent on immigration charges after September 11 and the publicity given to the voluntary questioning of 5,000 men of Middle Eastern or South Asian origin who arrived in the U.S. after January 2000 are being widely reported in the Asian press - and they do not convey a positive image. In terms of how to ensure religious freedom is protected in such an atmosphere, it is difficult to suggest policies that are substantially different from those already in place. But at a minimum, they should include: Support local rights groups who will monitor violations of religious freedom in a neutral fashion, challenge exclusivist interpretations of events, and press governments for investigations and prosecutions in cases of attacks. It is critically important that the critiques on limitations of freedom of religion come, where possible, not only from within the country where they take place but from people or groups that are the same religion as the attackers. Support additional staff and funding for investigations into attacks on religious freedom not just by the U.N.'s Special Rapporteur on Religious Intolerance but by the Special Rapporteur on Summary and Arbitrary Executions, the Working Group on Arbitrary Detention and other so-called thematic mechanisms. This is particularly important in countries like China and Vietnam where local rights organizations cannot operate openly. The people in these U.N. positions have almost no budget for research, travel, or missions, and if we want to call on them to take on additional tasks, they will need the financial support to do so. Support independent media efforts, particularly focused on radio and the Internet, that can counter extremist positions and conspiracy theories that target religious groups. The Internet, as we all know, can be a potent force for freedom of expression, but it is also a vehicle for reinforcing communal hatreds and suspicion. We need to think about how to encourage both exclusivist groups and ourselves to read beyond the list-serves and chat rooms that reinforce pre-existing opinions. Continue efforts throughout the region to support reform of the legal and judicial systems. Justice for perpetrators of hate crimes is essential, yet if the international community makes a case of one or two people in a country, when other perpetrators go free, the demand for justice will backfire. Continue to make a clear and public distinction between genuine efforts to combat terrorism, and suppression of legitimate political and religious activities, including criticism of the government. President Bush made this distinction with respect to Xinjiang and the Chinese government's treatment of its Uighur minority when he attended the APEC meeting in Shanghai, but the same message needs to be delivered to Malaysian authorities, with respect to their use of the Internal Security Act (ISA) and the Indian government, with its efforts to rush through a new anti-terrorism act that would substantially restrict civil liberties. Since the President's executive order on military commissions, however, it has become more difficult for any agency linked to the American government to criticize other countries for restricting freedom in the name of fighting terrorism. Continue economic development efforts in countries across the region to reduce the attraction of rent-a-thug operations employing non-working young men. Afghanistan has become a nation of fighters because all other options have been foreclosed. In Indonesia, some of the members of the most militant Muslim organizations are gang leaders with little or no history of Muslim militancy. Economic development efforts should also include a focus on governance. The World Bank published an analysis of the impact of September 11 on East Asia and concluded, "Governance and insitutional reform efforts are increasingly important for economic and social advance in the region...Over time, governments and political institutions are also becoming reshaped to meet the demands of civil society for greater

participation and political accountability... in countries of the region that are predominantly Muslim or have large Muslim minorities, the quality of governance institutions will be tested as governments attempt to contribute to the global campaign against terrorism, while maintaining the rule of law and domestic stability." Press governments to provide adequate police protection to minority communities in violence-affected areas; to register all cases of communal attacks, regardless of the religious background of the complainant; and prosecute and punish all those found responsible for human rights violations committed against religious minorities or in the name of religion. Find local sponsors for efforts to rebuild and rehabilitate damaged houses of worship from within the communities suspected of causing the damage. Develop locally-relevant curricula for teaching tolerance in elementary and high schools and appropriate methods for introducing such curricula to teachers in conflict-wracked areas. Raise violations of religious freedom publicly with government officials in a way that encourages debate and provides an opportunity to rebut conspiracy theories. The appropriate means will depend on the case concerned. In some cases, it may be appropriate for the embassy to issue a public statement or visit the site where an attack took place. In others, it may be important to get a translated version of an embassy statement to neighboring countries as a way of indicating the impartial nature of U.S. government concern. Work for the release of those detained for exercising their right to religious freedom or for other rights linked to promotion of religious freedom. Bangladesh Parliamentary elections in Bangladesh on October 1, 2001 produced a surprisingly decisive victory for the Bangladesh National Party (BNP) in coalition with two strongly Islamist parties. Human Rights Watch has received reports of intimidation of Hindus, who constitute 10 percent of the Bangladeshi population. Persecution reportedly includes extortion, land-grabbing, arson, vandalism of Hindu temples, and rape and other forms of sexual abuse of young women from Hindu families suspected of voting for the opposition Awami League. On November 23, Shahriar Kabir, a journalist, Bangladesh representative of the International Institute of Social History, and president of the South Asian Coalition Against Fundamentalism, was arrested at Dhaka airport coming back from India where he had interviewed Bangladeshi Hindu victims who had fled across the border. Thirteen audiocassettes were seized, and he was accused of anti-state activities designed to "malign the elected government and also attempt to disturb communal harmony." Despite widespread protests in Bangladesh against the American bombing of Afghanistan, there is no reason to suspect the attacks on Hindus were a causal effect of the war against terrorism. But the widespread popular anger against those attacks may give the government greater clout to arrest someone of Kabir's standing or make it more difficult politically to release him. India Many members of the Muslim community in India, about 12 percent of the population, have protested against the U.S. airstrikes on Afghanistan. Indian rights advocates have expressed concern that radical Hindu nationalists could use anti-U.S. demonstrations by conservative Muslim groups to portray Indian Muslims more generally as extremist - which most are not - perhaps sparking more Hindu-Muslim riots. Such riots are an unfortunate staple of Indian political life, particularly in the state of Maharashtra. On October 27, at least seven people were killed in the town of Malegaon, Maharashtra, when police tried to prevent Muslim traders from distributing leaflets urging consumers to boycott U.S. goods. The crowd threw stones, and the police opened fire. Kashmir is an even more serious flashpoint because of Pakistani support for militants opposed to Indian rule, and abuses by the Indian government that lead to strong popular support for an end to Indian rule. On October 1, a suicide bomb killed thirty-eight people outside the parliament building in Srinagar, Kashmir's capital. The Indian government blamed Pakistani terrorists for the attack. Numerous minority groups have criticized the Indian government for selectively banning the Students Islamic Movement of India (SIMI) as part of its post-September 11 actions to counter terrorism while ignoring the "anti-national" activities of right-wing Hindu groups. At least four people were killed when police opened fire on a protest in Lucknow on September 27 following the arrest of some SIMI activists. Muslims have also protested against the new Prevention of Terrorism Ordinance (POTO) because they fear it will be used to harass and detain them. POTO would reinstate a modified version of the Terrorists and Disruptive Activities (Prevention) Act (TADA) of 1985 (amended 1987). TADA led to tens of thousands of politically motivated detentions, torture, and other human rights violations, particularly in the Punjab and Kashmir. In the face of mounting opposition to the act, India's government acknowledged these abuses and consequently let TADA lapse in 1995. But in response to national security concerns, particularly relating to the situation in Kashmir, President K.R. Narayanan signed the ordinance into law on October 24, by means of an emergency constitutional provision. To remain in effect it needs to be approved during the current session of parliament where it will likely face considerable resistance by opposition parties. The Prevention of Terrorism Ordinance sets forth a broad definition of terrorism that includes acts of violence or disruption of essential services carried out with "intent to threaten the unity and integrity of India or to strike terror in any part of the people." It also extends existing law by making it a crime not to provide authorities with "information relating to any terrorist activity." While POTO does set guidelines for arrest, interrogation, and investigation, it violates a multitude of due process rights guaranteed both by the Indian Constitution and international human rights treaties - most prominently, the International Covenant on Civil and Political Rights (ICCPR) that India ratified in 1979. Indonesia While anti-American demonstrations in Jakarta, Solo (Central Java) and some other cities have taken place in the aftermath of the September 11 attacks, and some hardline groups have used the American campaign in Afghanistan to attract new recruits, it would be difficult to argue that the problems of communal violence in Indonesia after September 11 are substantially different from what they were before. Both Muslim and Christian communities in the Moluccas and Poso feel themselves besieged. But the Muslim community can draw on a far wider base of support within the Indonesian political and military elite, and paramilitary Islamic groups such as Laskar Jihad clearly operate with the army's blessing. Key issues here include how to support new groups of moderate Muslims, worried by the rise of radical Islam. One such group is the Jaringan Islam Liberal in Jakarta. Many members of the Association of Independent Journalists and an affiliated radio station, Radio 68H, are important voices of moderation, but those voices need to be strengthened. Malaysia On September 15, Deputy Prime Minister Abdullah Ahmad Badawi took advantage of the attacks to praise Malaysia's Internal Security Act (ISA), which has been used to imprison pro-democracy activists, students, alleged Muslim extremists as well as supporters of jailed former Deputy Prime Minister

Anwar Ibrahim. Badawisaid that the attacks showed the value of the ISA as "an initial preventive measure before threats get beyond control."The ISA allows for indefinite detention without trial and allows for arrest without a warrant anyone any police officer has "reason to believe" has acted or likely to act "in any manner prejudicial to the security of Malaysia." In separate comments on September 18, Rais Yatim, minister in the Prime Minister's Department overseeing legal affairs, said that the suggestion that the United States might endorse "political assassinations"showed the relative merits of the ISA. In recent years, the repeal of the ISA has been a high priority for leading human rights and civil society groups in Malaysia.