UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

ADDENDUM TO THE

REPORT OF THE

UNITED STATES COMMISSION

ON

INTERNATIONAL RELIGIOUS FREEDOM

MAY 14, 2001

Hon. Elliott Abrams, *Chairman* ▪ Firuz Kazemzadeh, *Vice Chairman* ▪ Laila Al-Marayati, M.D. ▪ Hon. John R. Bolton
Archbishop Theodore E. McCarrick ▪ Rabbi David Saperstein ▪ Nina Shea ▪ Justice Charles Z. Smith ▪ Dean Michael K. Young
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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 14, 2001

The PRESIDENT
The White House

DEAR MR. PRESIDENT: On behalf of the ten-member United States Commission on International Religious Freedom, I am transmitting to you an addendum to the annual May 1 Report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

Sincerely,

ELLIOTT ABRAMS
Chairman

Enclosure

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 14, 2001

Hon. COLIN POWELL
Secretary of State
Department of State

DEAR MR. SECRETARY: On behalf of the ten-member United States Commission on International Religious Freedom, I am transmitting to you an addendum to the annual May 1 Report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

Sincerely,

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I. EGYPT

The U.S. Commission on International Religious Freedom has followed with interest developments in Egypt over the last two years. During that time, Commissioners and Commission staff have corresponded with various organizations and have solicited their assistance in gathering information about religious freedom in Egypt. The Commission wrote twice to President Clinton and recently to President Bush urging them to raise religious freedom concerns with Egyptian President Hosni Mubarak. The Commission and its staff have also held a number of meetings with Egyptian expatriates, human rights advocates, and intellectuals, in addition to briefings with other experts. In late March of this year, a Commission delegation traveled to Egypt to assess the conditions of religious freedom there.[1] The delegation met with Egyptian government officials, representatives of religious communities and other non-governmental organizations, journalists, and U.S. diplomats. The Commission would like to thank the government of Egypt and the U.S. embassy in Cairo for their cooperation and assistance in connection with this trip.

There have been some recent positive developments in the promotion of religious freedom. The government has in recent years granted permission for construction of new churches and repair of older ones notably more frequently than was previously the case. New history textbooks for public school children of all grades include for the first time discussion of the Coptic Christian period of Egyptian history.

However, the Commission finds that 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. Government permission must still be sought to build or repair a church. Christians are rarely promoted to high levels in the government or military and are frequently discriminated against by private employers in hiring and promotion. Their taxes help pay the salaries of all Muslim imams but no Christian clergy.

The Commission has closely followed the Al-Kosheh case in which all but four of the 96 suspects arrested in connection with the January 2000 killings of 21 Coptic Christians in the village of Al-Kosheh were exonerated. None of the four convicted, all Muslim, was convicted of murder. Pope Shenouda, local church leaders, and the Coptic community at large have all rejected the verdicts. Attorneys for the Al-Kosheh victims and their families have formally appealed the verdict, as has Pope Shenouda on behalf of the Church. In addition, the Public Prosecutor's (Attorney General) office has announced its objection to the verdicts and has appealed the court's decision as well. Some Egyptian human rights defenders have also been subjected to government repression, including arrest, in part because of their reporting on Al-Kosheh or on religious freedom problems in general.

While television is beginning to be more inclusive of non-Muslim themes, the government-controlled press continues to engage in virulent hate speech against certain groups such as Jews and Baha'is.

In light of the Commission's ongoing research and its recent fact-finding trip to Egypt, as well as the State Department's annual reports on religious freedom and human rights, the Commission recommends that the U.S. government (1) monitor closely the conditions of religious freedom in Egypt, including the issues noted above; (2) raise these issues prominently in our bilateral relations with the Egyptian government, including at the highest levels; and (3) urge the Egyptian government to accelerate progress on addressing these issues and promoting the religious freedom of all Egyptians.

Concurring Opinion with Reservations of Commissioner Nina Shea

I regret that the Commission's report on Egypt gave only the most cursory treatment to the events of the last two years in the Coptic Christian village of Al-Kosheh, culminating in early 2000 with the murder of 21 Copts by a Muslim mob and the government's subsequent failure to deliver justice through a fair trial and conviction. The report does not address police complicity in the crimes, a state cover-up of the investigation, or the blatant religious bias of the court in the murder trial. The report makes no mention of the mass arrest, police abuse, and torture of more than 1,000 Copts in the same village in 1998, which helped set the stage for the violence in 2000. I believe that the Commission's recommendations should have specifically targeted these issues.

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[1] The delegation consisted of Commission Chairman Elliott Abrams, Vice-Chairman Firuz Kazemzadeh, and Commissioner Dr. Laila Al-Marayati.

[2] U.S. Department of State, *Country Reports on Human Rights Practices – 2000*, "Egypt," February 2001.

II. SAUDI ARABIA

A. Introduction

The U.S. Commission on International Religious Freedom remains concerned over the extremely poor conditions of religious freedom in Saudi Arabia. The State Department reported in its *Country Reports on Human Rights Practices 2000* that the Saudi government's human rights record "remained generally poor in a number of areas." As the Department has bluntly summarized the situation in Saudi Arabia in its annual reports on international religious freedom: "Freedom of religion does not exist." In July 2000, the Commission publicly recommended in a letter to then-Secretary of State Madeleine K. Albright that Saudi Arabia should be designated as a "country of particular concern" under the International Religious Freedom Act (IRFA).

In late March, five Commissioners traveled to the Kingdom of Saudi Arabia to try to assess first hand the conditions of religious freedom there.[1] Commissioners interviewed various high-level Saudi officials and held informal discussions with U.S. embassy personnel and a number of foreign residents. The Commission would like to thank the government of Saudi Arabia and the U.S. embassy there for their cooperation and assistance in connection with this trip. The Commission notes that several Saudi government officials expressed a desire to continue dialogue with the U.S. government on religious freedom issues, and several seemed interested in exploring some of the recommendations listed below.

There are large communities of non-Muslims and Muslims from a variety of different doctrinal schools of Islam resident in the Kingdom. Nevertheless, with few exceptions, the Saudi government strictly prohibits any public expression of religion other than its interpretation and presentation of the Hanbali school of Sunni Islam.[2] Moreover, the government tightly controls the religious activity it permits – for example, through controls on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools – and suppresses religious views of both Saudi and non-Saudi Muslims that do not conform to official positions. For example, Shiite (including Ismaili) clerics and religious scholars reportedly have been detained and imprisoned on account of their religious views, which differ from those of the government.

Although the government has publicly taken the position that it permits non-Muslims to worship in private, the guidelines as to what constitutes "private" worship are vague. Persons worshipping privately have been arrested, imprisoned, deported, and harassed by the authorities (including by the *mutawaa*, or religious police), and forced to go to great lengths to conceal private religious activity from those authorities. This situation very much affects personnel at the U.S. embassy, who described in emotional terms the difficulties they experience in practicing their faiths while stationed in Saudi Arabia. Even as this is true for diplomatic personnel from Western countries, the difficulties are compounded for foreign guest workers who have no diplomatic standing and little or no access to diplomatic facilities. Moreover, the government does not allow clergy to enter the country in order to perform private religious services for foreigners legally residing in the Kingdom. As discussed below, these difficulties are not fully reflected in the State Department's human rights reports.

According to Saudi government officials, a number of the restrictions on religious

***mutawaa* should be adequately trained to respect the right of private worship, and should be held accountable if they violate it.**

The right to freedom of religion will not exist in Saudi Arabia until everyone in the country is guaranteed the freedom to manifest his or her religion or belief "either alone or in community with others and in public or private."[5] A first step for the Saudi government to promote religious freedom is to clarify, expand, and safeguard the freedom to worship in private, and the U.S. government should consistently press the Saudi government to do so.

The Saudi government has publicly taken the position in recent years that citizens and residents of Saudi Arabia – both Muslim and non-Muslim – have the right to practice their religion in private. In a statement at the 56th session of the UN Commission on Human Rights in 2000, a representative of the Saudi delegation stated that "non-Muslims enjoy full freedom to engage in their religious observances in private." Saudi officials with whom Commissioners met on their trip affirmed that private worship by non-Muslims is permitted, provided it is done in private homes (as opposed to in places specifically designated for worship) unobtrusively and without advertisement.

However, it is apparent that despite these assurances, non-Muslims and some Muslims face great difficulties in practicing their religion in private. Private worshippers have been harassed by the *mutawaa* and forced to conduct their activities in secrecy for fear of detection and punishment by the authorities. Moreover, the guidelines as to what is permitted as private worship and what is not are vague, and restrictions appear to differ based on one's nationality and other factors. The Saudi government should be urged to secure the full freedom of all Saudi residents to practice religion in private. In addition, the *mutawaa* should be adequately trained to respect the right of private worship, and should be held accountable if they violate it.

The ability to engage in private worship is made particularly difficult for the practitioners of some faiths in Saudi Arabia because the government does not allow clergy to enter the country for the express purpose of performing religious services, even in private. For example, it is reported to be nearly impossible for the large number of Roman Catholics there to practice their faith (even in private) because of this restriction. The Saudi government should be urged to allow clergy to enter the country in furtherance of its own policy to protect the freedom of private worship.

3. The U.S. government should urge the Saudi government to engage in dialogue with the international leaders of those religious communities represented in Saudi Arabia. Working with others in the international diplomatic community, the U.S. government should identify mechanisms to facilitate such dialogue.

The Kingdom has invited and admitted 7 million foreign workers from various countries in the Middle East as well as India, Pakistan, Sri Lanka, Philippines, Malaysia, Indonesia, and the United States. According to the State Department, among this foreign resident community are Muslims of different denominations, Christians, Hindus, Buddhists, and Jews.

The Saudi government's extremely repressive policies regarding religious practice and

ground" for Saudi citizens as well as Muslim and non-Muslim expatriates who work in Saudi Arabia. U.S. embassy personnel in Riyadh live "in a bubble" in the diplomatic compounds, and have relatively little contact with foreign workers or average Saudis. Indeed, the Commission delegation was not able to meet Saudi citizens who were not government officials, with the exception of a few in meetings in the Eastern Province. The State Department should work to overcome these shortcomings in the preparation of its human rights reports.

6. The U.S. government should urge the Saudi government to grant access to human rights reporters from international and non-governmental organizations (including extending an invitation to the UN Special Rapporteur on Religious Intolerance) and journalists to visit the country and to examine and report on the conditions of religious freedom there.

In 2000, Saudi Arabia was chosen to be a member of the UN Commission on Human Rights (UNCHR) for the first time. At the 2000 UNCHR session, a representative of the Saudi delegation stated that the government was taking steps (as yet unrealized) to promote human rights in the Kingdom, including the establishment of both governmental and non-governmental bodies to look into human rights issues. Despite its intention to play a role in the international community on human rights issues, the Saudi government has not permitted human rights monitoring in its own country. The pervasive control that the Saudi government reportedly exerts over the freedoms of expression and association has prevented both the formation of human rights organizations and individuals from reporting on human rights conditions. International and non-governmental organizations have not been given access to the country. Diplomatic personnel in Saudi Arabia (from the United States and from other countries whose citizens comprise the foreign workforce) are not free to fully monitor human rights conditions. Concomitant to its desire to participate in international human rights mechanisms, the Saudi government should make provisions for international access. One step in the direction of greater access would be to invite the UN Special Rapporteur on Religious Intolerance to visit the country and examine and report on the conditions of religious freedom there, and the U.S. government should urge the Saudis to do so.[9]

Individual Concurring View of Commissioner Theodore Cardinal McCarrick

The report of the Commission on Saudi Arabia is indeed factual and accurate and its recommendations are certainly in line with the Commission's responsibility. However, I would like to go on record as having more optimism and hope for the possibility of future discussions with the government of Saudi Arabia on these matters. I sensed an openness on the part of many officials to continue to enter into dialogue on several of the more important points which are made in this report. That would make a difference to me in the pursuit of some of our recommendations.

Individual Concurring View of Commissioner David Saperstein

I agree with the assessment and recommendations of the report. I want to expand on two issues not fully addressed. The first is the explanation of Saudi officials that their Hanbali school

[8] See, e.g. Universal Declaration of Human Rights, Art. 26(2).

[9] The Saudi government has cooperated with the UN Special Rapporteur on Religious Intolerance in the past and has extended an invitation to visit the country to the UN Special Rapporteur on the Independence of Lawyers and Judges.

III. INDIVIDUAL DISSENTING VIEW OF COMMISSIONER DR. LAILA AL-MARAYATI REGARDING ISRAEL AND THE OCCUPIED TERRITORIES

A. Background

In March 2001, several members of the Commission on International Religious Freedom (CIRF) traveled to Saudi Arabia, Egypt, and Israel and the Occupied Territories (OT) to explore issues related to religious freedom in those countries. The Commission was able to reach consensus on statements summarizing the situation in Egypt and Saudi Arabia. The Commission decided that no statement should be issued regarding Israel and the Occupied Territories.

I am opposed to the decision to refrain from commenting on the situation in Israel/OT. The complexity of the situation as well as differences of opinion should not prevent the Commission from issuing a statement. Indeed, human rights in general and religious freedom in particular occur all over the world under complex social, cultural, political and economic circumstances. This has not impeded our ability to discuss these issues in many countries.

Therefore, based on the issues raised during the trip, discussions held during pre-trip briefings, and the State Department's *Country Reports on Human Rights Practices-2000*, I am issuing the following statement which addresses several areas, including some that were raised by the Commission in a statement released last year.

Concerns regarding religious freedom in Israel, the Occupied Territories, including areas controlled by the Palestinian Authority, present themselves against a backdrop of political upheaval in which religion and religious identity play important roles. The intertwining of politics and religion is evident in many aspects of this conflict. Infringements on religious freedom occur under a variety of circumstances that affect the full enjoyment of other human rights as well.

At the time of the visit of the CIRF to Jerusalem, several suicide bombing attacks had occurred in Israel in addition to heavy artillery attacks by the Israeli Defense Forces against several civilian targets in the West Bank and Gaza Strip. As a result, the delegation was not able to travel to the Occupied Territories; also, the escalation in fighting and the travel blockade imposed against Palestinians in the Occupied Territories meant that several individuals were unable to meet with the delegation. Nevertheless, numerous useful discussions were held in Jerusalem with Israeli government officials, Israeli Jewish leaders, members of Palestinian and Israeli human rights groups, faith-based non-governmental organizations, and leaders from Palestinian Christian and Muslim communities.

The concerns regarding religious freedom can be divided into two basic categories: 1) the status of citizens living Israel proper (including Palestinian citizens), and 2) the conditions faced by Palestinians in the Occupied Territories (West Bank, Gaza Strip, East Jerusalem).

3. Proselytism

A 1977 law forbids the offering of material inducements to change one's religion. But the law has apparently never been enforced. A more recent bill that would proscribe the distribution of evangelistic literature currently has little chance of enactment. Messianic believers, Jehovah's Witnesses, and some Evangelical groups are the victims of harassment and sometimes assault, but the latter report that police officials have recently begun prosecuting their assailants. Muslims who convert to Christianity (and vice versa) may face severe harassment and/or ostracism by their families and/or communities.

4. New mosque in Nazareth

The mosque (being built at the request of a faction of Nazareth Muslims) slated for construction adjacent to the Basilica of The Annunciation in Nazareth has become an intensely controversial issue in Israel. A significant number of Christians and Muslims with whom the Commission delegation met described the dispute as being exacerbated by Israeli government actions in which religion is being exploited as a source of division between Muslims and Christians. Local, national and international leaders from a broad variety of religious and political perspectives have criticized the planned construction of the mosque, holding that the Israeli government's approval was politically motivated. Others have criticized the decision of the Israeli government to allow for this mosque to be built in this particular location and have urged Nazareth Muslims to build the mosque elsewhere.

C. Occupied Territories

1. Discrimination against non-Jewish residents in the Occupied Territories, including East Jerusalem

The Muslim and Christian populations of occupied East Jerusalem face unique circumstances. The overwhelming majority have opted not to acquire Israeli citizenship; they have refused, as such, to confer legitimacy upon Israel's illegal occupation and annexation of East Jerusalem. Instead, they are issued special ID cards as Jerusalemites that indicate that they have permission to reside in that city. Non-Jewish residents of East Jerusalem are regularly denied permits for building homes on property they already own, subjected to frequent house demolitions, and the permanent revocation of their right to live in the city of Jerusalem (through confiscation of Jerusalem ID cards). International human rights advocates (including Israeli ones), agree that these policies are designed to diminish the non-Jewish population of East Jerusalem.[1] At the same time, Jewish residents of Jerusalem are able to acquire property at will, especially in the rapidly expanding settlements that encircle East Jerusalem and are inhabited exclusively by Jews. In the Old City, where there had been an understanding that each area (Christian, Muslim, Armenian and Jewish) would remain homogeneous, Israeli Jews have been allowed to take up residence in non-Jewish quarters while Christians and Muslims are prevented from residing in the Jewish quarter.

worshipping at holy sites in the city;

2. Christian clergy find it difficult and sometimes impossible to reach their parishioners in the West Bank and Gaza and carry out church services and parishioners cannot reach their churches in Jerusalem;

3. Religious schools are closing because students and teachers are unable to reach the schools, and many parents cannot reach their jobs and thus can no longer afford tuition;

4. Those who do obtain permits to enter Jerusalem are subject to frustrating, humiliating and sometimes arbitrary questioning, delays and refusal of entry. There is no process for appeal if a request for entry is denied. In addition, several religious leaders and others with whom the Commission delegation met reported incidents of harassment on the basis of religion that occur at checkpoints;

5. Since October 2000, Muslim men under the age of 45, regardless of whether or not they are citizens of Israel, have been prevented from worshipping at the Haram al-Sharif on Fridays.

The Israeli government has cited security concerns as the justification for the restriction of movement of Palestinians. Critics challenge the government's assessment of the situation and the severity of its response. For example, during the 1999 Christmas/Ramadan periods, the number of Palestinians visiting Jerusalem for Friday services at the Haram al-Sharif was at least 200,000. In 2000, the number dropped to around 26,000. Most human rights observers, including Israeli groups, agree that such a policy amounts to collective punishment that impedes access for thousands of Palestinians, the vast majority of whom have not engaged in acts of violence. Statistically speaking, the policy of closure has not reduced the number of terrorist attacks inside Israel (in fact, according to the Israeli human rights group B'Tselem, the number of Israeli civilians killed inside Israel rose dramatically after 1993, the year closure was imposed).

Under international human rights law, the freedom to manifest religion is subject to limitation in furtherance of the protection of public safety and order. But "limitations may be applied only for those purposes for which they were prescribed and must be directly proportionate to the specific need on which they are predicated."[2] These restraints on a state's power to limit religious freedom apply even in times of public emergency.[3] However, during such an emergency a state may take measures that derogate from its obligation to protect the right to liberty of movement which, in effect, may interfere with the ability to practice religion (including visiting places of worship or attending religious schools).[4]

Muslim and Christian religious authorities, both inside and outside of the country, have called on Israel to lift its siege of Palestinian towns and allow Muslim and Christian Palestinians access to their holy sites. In their common Easter message, Jerusalem's

Finally, it was Ariel Sharon's provocative visit to the Haram al-Sharif on September 28, 2000, with an accompaniment of more than 1,500 armed guards, that sparked massive demonstrations the following day. In response, live ammunition was used by Israeli security forces against unarmed civilians (7 of whom were killed and hundreds wounded) in the Haram al-Sharif, which is a severe violation of the sanctity of that holy site.[6]

2. Religious Rhetoric Justifying Violence

Religious and political leaders among Israelis and Palestinians have used religiously derogatory language that has intensified since the current Intifada. An imam who is a member of the PA-appointed Fatwa Council decreed a religious mandate to use violence against Jews. The head of the Shas, a major religious political party in Israel, prayed for God to kill Arabs during his Passover sermon. Among the general population, both Israeli and Palestinian, hate speech is increasing and is becoming a major problem.

E. Recommendations

Based on the above outline of issues, I am making the following recommendations with respect to U.S. government policy regarding Israel and the Occupied Territories:

1. The U.S. government should urge the Israeli government to eliminate discriminatory legislation and practices against Palestinian citizens of Israel, ensure equitable funding for their religious institutions and ensure that their religious institutions and sites are entitled to the same protections as Jewish religious institutions and sites.

2. The U.S. government should urge the Israeli government to eliminate discrimination against non-Orthodox Jews and their institutions.

3. The U.S. government should encourage the Israeli government to continue its efforts to protect the safety and rights of all those who wish to share their religious belief as part of their religious life.

4. The U.S. government should urge the Israeli government to revisit the decision made to allow for a mosque to be built in the immediate proximity of the Basilica of the Annunciation in Nazareth. The Israeli government should also be advised to withdraw from the discussion wherever possible so the matter can be resolved by local officials. The U.S. government should urge all responsible parties involved to work together to relocate the mosque to a place that fully meets the needs of the Muslim population while protecting the integrity of this significant religious site.

5. The U.S. government should urge the Israeli government to abide

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[4] Such measures must be strictly required by the situation and must not discriminate solely on the basis of religion. See ibid.

[5] The PA, however, fully restored Joseph's Tomb days after it was attacked.

[6] For a detailed account of the series of events following Sharon's visit to the Haram, see B'Tselem report "Events on the Temple Mount."