

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

**HEARING -- *Rising Anti-Muslim Hatred: FoRB Violations Against Muslims Abroad***

May 5, 2026

**Testimony of M. Arsalan Suleman<sup>1</sup>**

**I. Introduction**

Chair Hartzler, Vice Chair Mahmood, USCIRF Commissioners, esteemed co-panelists, ladies and gentlemen – It is an honor for me to testify today before the U.S. Commission on International Religious Freedom. Thank you for your commitment to combating violations of religious freedom against all individuals.

My testimony will raise examples of some of the most serious violations of religious freedom against Muslims internationally (II), will focus on key international accountability mechanisms (III), and will conclude with recommendations for U.S. policy (IV).

**II. Violations of Religious Freedom against Muslims are Prevalent and Rising**

Violations of religious freedom against Muslims are prevalent globally and have been increasing for the past several years.<sup>2</sup> These violations range from endemic forms of discrimination to the most serious international crimes, like genocide, crimes against humanity, and war crimes.

For example, the Rohingya Muslims of Myanmar are victims and survivors of genocide. After decades of persecution and anti-Rohingya propaganda, Myanmar's military engaged in a

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This testimony is in my personal capacity and does not necessarily reflect the views of any institutions with which I am or have been affiliated.

<sup>2</sup> See, e.g., USCIRF, *USCIRF Calls Attention to Prevalence of Anti-Muslim Hate Around the World*, 15 March 2024, <https://www.uscirf.gov/news-room/releases-statements/uscirf-calls-attention-prevalence-anti-muslim-hate-around-world>.

brutal campaign of genocidal violence that included large-scale massacres, indiscriminate killings, widespread rape and sexual violence against women and girls, and the destruction of hundreds of villages.<sup>3</sup> The propaganda that incited and facilitated this genocide focused in large part on their Muslim identity and the alleged existential threat of Rohingya Muslims to Buddhists in Burma.

Also, as discussed in the testimony of my co-panelist Ms. Ilham, the Uyghur Muslims of China are victims and survivors of genocide and crimes against humanity. They too have been singled out for persecution based on their religious identity and practices.<sup>4</sup>

Gaza is another example of serious violations of religious freedom. There, UN investigators have determined that Israel's targeting and destruction of more than half of all religious and cultural sites, including hundreds of mosques, constitute war crimes.<sup>5</sup>

My other co-panelists who spoke before me, Mr. Hafez and Mr. El Yazidi, testified to pervasive anti-Muslim discrimination in Europe.

There are also significant violations of religious freedom for Muslims in India, which will be addressed in the USCIRF hearing scheduled for this Thursday.

Similar violations against Muslims also occur in other parts of the world.

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<sup>3</sup> See UN Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, UN Doc. A/HRC/39/CRP.2 (17 Sept. 2018).

<sup>4</sup> See U.S. Department of State, *Determination of the Secretary of State on Atrocities in Xinjiang*, 19 Jan. 2021, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/>.

<sup>5</sup> United Nations, OHCHR, *Israeli attacks on educational, religious and cultural sites in the Occupied Palestinian Territory amount to war crimes and the crime against humanity of extermination*, UN Commission says, 10 June 2025, <https://www.ohchr.org/en/press-releases/2025/06/israeli-attacks-educational-religious-and-cultural-sites-occupied>.

### **III. International Mechanisms for State Accountability**

It is critical that States that engage in such extreme violations of religious freedom be held accountable. In addition to diplomatic measures and potential sanctions, there are international legal mechanisms that the United States and other countries can use to enforce State responsibility for such violations.

#### **A. Genocide Convention**

One such mechanism is the 1948 Genocide Convention.<sup>6</sup> Religious groups are protected under the Genocide Convention. The International Court of Justice, or ICJ, is the only legal forum in which State responsibility under the Genocide Convention can be adjudicated. Cases before the Court can only be brought by other States.

I am the lead counsel for The Gambia in its genocide case against Myanmar at the ICJ. In January the Court held a hearing on the merits of our case. We are expecting a judgment later this year, which we hope will be a landmark moment for accountability.

Unfortunately, this mechanism is not available for States like China that have a reservation to Article IX of the Convention, the dispute resolution provision.

#### **B. CERD Convention**

Some forms of religious persecution overlap with ethnic and racial identities. This is true for the Rohingya and Uyghurs. In such cases, the Convention on the Elimination of Racial Discrimination, or CERD,<sup>7</sup> could serve as an accountability mechanism. There is a dispute

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<sup>6</sup> Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951), 78 UNTS 277.

<sup>7</sup> International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature Dec. 21, 1965, S. Exec. Doc. C, 95-2 (1978), 660 U.N.T.S. 195.

resolution clause allowing States to bring cases to the ICJ (Article 22), and there is also an inter-State conciliation procedure that can be invoked (Articles 11-13). This latter mechanism could be used in regards to China's persecution of Uyghurs.

### **C. Other Treaties and Regional Human Rights Mechanisms**

A few other human rights treaties with dispute resolution clauses could potentially provide means for State accountability for religious freedom violations if those violations take the form of conduct prohibited by those treaties. Examples include the Convention Against Torture (CAT),<sup>8</sup> the Convention for the Protection of All Persons from Enforced Disappearance,<sup>9</sup> and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>10</sup>.

Regional international organizations and human rights agreements may also provide forums for accountability for religious freedom violations. (For example, the European Convention on Human Rights, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights.)

### **D. Individual Criminal Responsibility**

Apart from State responsibility for religious freedom violations, criminal liability for such violations may also arise. If the State in which the violations took place does not prosecute the perpetrators, some limited options exist for international criminal responsibility if those religious freedom violations rise to the level of genocide, crimes against humanity, or war crimes. These

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<sup>8</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85.

<sup>9</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Dec. 20, 2006, 2716 U.N.T.S. 3.

<sup>10</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

options include the potential jurisdiction of the International Criminal Court or prosecution in domestic courts under a universal jurisdiction theory.

#### **IV. Recommendations for U.S. Policy**

The United States can do more in supporting international religious freedom and accountability for religious freedom violations.

##### **1. Strengthen U.S. Legal Mechanisms and Domestic Record**

First, the United States should do a better job of consistently and impartially applying existing tools for combating religious freedom violations, such as sanctions (*e.g.*, under the IRF or Magnitsky Acts), suspension of aid, trade consequences, diplomatic censure, and other political expressions of condemnation.

In addition, the United States can strengthen its domestic criminal law for accountability purposes. Although U.S. law allows for the potential criminal prosecution of genocide and war crimes, the United States currently does not have legislation that would allow prosecution of those responsible for crimes against humanity.

The United States should also improve its own domestic record on religious freedom to set a positive example internationally.<sup>11</sup> Too many U.S. politicians propagate hatred against Muslims and members of other religions.<sup>12</sup> Such pernicious rhetoric must be condemned. And we should

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<sup>11</sup> See, *e.g.*, The White House, *The U.S. National Strategy to Counter Islamophobia and Anti-Arab Hate*, December 2024.

<sup>12</sup> See, *e.g.*, Melissa Rogers, *A shameful double standard on religious freedom*, 20 March 2026, <https://www.brookings.edu/articles/a-shameful-double-standard-on-religious-freedom/>.

ensure that those fleeing religious persecution abroad are able to seek asylum in our country, rather than face categorical exclusion.

2. Support International Mechanisms for Accountability

Second, the United States should support and strengthen international mechanisms for accountability, including mandates from the UN Human Rights Council, which can establish the factual and evidentiary foundation for accountability processes.

The United States should also cease destructive and counter-productive efforts against multilateral human rights institutions. This would include not sanctioning the ICC and its officials and judges for their important work.

3. Justice and Accountability should be National Security Priorities

Third, justice and accountability must be U.S. national security priorities. In abandoning our international leadership role on this issue, we are promoting lawlessness internationally. If we fail to end impunity at home and abroad, then cycles of violence and atrocities will continue to occur with devastating consequences.

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In conclusion, I thank the Chair, the Vice Chair and other Commissioners for holding this hearing and drawing attention to these important issues. I would be pleased to answer any questions that you might have.