

**STATUS OF INTERNATIONAL RELIGIOUS FREEDOM:  
AN ANALYSIS OF THE STATE DEPARTMENT'S  
2003 ANNUAL REPORT**

---

---

**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
INTERNATIONAL TERRORISM, NONPROLIFERATION  
AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

—————  
FEBRUARY 10, 2004  
—————

**Serial No. 108-77**

—————

Printed for the use of the Committee on International Relations



Available via the World Wide Web: [http://www.house.gov/international\\_relations](http://www.house.gov/international_relations)

—————  
U.S. GOVERNMENT PRINTING OFFICE

91-795PDF

WASHINGTON : 2004

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON INTERNATIONAL RELATIONS

HENRY J. HYDE, Illinois, *Chairman*

JAMES A. LEACH, Iowa	TOM LANTOS, California
DOUG BEREUTER, Nebraska	HOWARD L. BERMAN, California
CHRISTOPHER H. SMITH, New Jersey,	GARY L. ACKERMAN, New York
<i>Vice Chairman</i>	ENI F.H. FALEOMAVAEGA, American
DAN BURTON, Indiana	Samoa
ELTON GALLEGLY, California	DONALD M. PAYNE, New Jersey
ILEANA ROS-LEHTINEN, Florida	ROBERT MENENDEZ, New Jersey
CASS BALENGER, North Carolina	SHERROD BROWN, Ohio
DANA ROHRABACHER, California	BRAD SHERMAN, California
EDWARD R. ROYCE, California	ROBERT WEXLER, Florida
PETER T. KING, New York	ELIOT L. ENGEL, New York
STEVE CHABOT, Ohio	WILLIAM D. DELAHUNT, Massachusetts
AMO HOUGHTON, New York	GREGORY W. MEEKS, New York
JOHN M. McHUGH, New York	BARBARA LEE, California
ROY BLUNT, Missouri	JOSEPH CROWLEY, New York
THOMAS G. TANCREDO, Colorado	JOSEPH M. HOEFFEL, Pennsylvania
RON PAUL, Texas	EARL BLUMENAUER, Oregon
NICK SMITH, Michigan	SHELLEY BERKLEY, Nevada
JOSEPH R. PITTS, Pennsylvania	GRACE F. NAPOLITANO, California
JEFF FLAKE, Arizona	ADAM B. SCHIFF, California
JO ANN DAVIS, Virginia	DIANE E. WATSON, California
MARK GREEN, Wisconsin	ADAM SMITH, Washington
JERRY WELLER, Illinois	BETTY MCCOLLUM, Minnesota
MIKE PENCE, Indiana	CHRIS BELL, Texas
THADDEUS G. McCOTTER, Michigan	
KATHERINE HARRIS, Florida	

THOMAS E. MOONEY, SR., *Staff Director/General Counsel*  
ROBERT R. KING, *Democratic Staff Director*

---

SUBCOMMITTEE ON INTERNATIONAL TERRORISM, NONPROLIFERATION  
AND HUMAN RIGHTS

ELTON GALLEGLY, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey	BRAD SHERMAN, California
DANA ROHRABACHER, California	JOSEPH CROWLEY, New York
PETER T. KING, New York	SHELLEY BERKLEY, Nevada
JOSEPH R. PITTS, Pennsylvania	GRACE NAPOLITANO, California
MARK GREEN, Wisconsin	ADAM B. SCHIFF, California
CASS BALENGER, North Carolina	DIANE E. WATSON, California
THOMAS G. TANCREDO, Colorado	CHRIS BELL, Texas
NICK SMITH, Michigan	BETTY MCCOLLUM, Minnesota
MIKE PENCE, Indiana	

RICHARD MEREU, *Subcommittee Staff Director*  
DONALD MACDONALD, *Democratic Professional Staff Member*  
RENEE AUSTELL, *Professional Staff Member*  
JOSEPH WINDREM, *Staff Associate*

# CONTENTS

	Page
WITNESSES	
The Honorable John V. Hanford III, Ambassador-at-Large for International Religious Freedom, U.S. Department of State .....	3
The Honorable Michael K. Young, Chair, U.S. Commission on International Religious Freedom .....	24
Joseph K. Grieboski, Founder and President, Institute on Religion and Public Policy .....	33
Tom Malinowski, Washington Advocacy Director, Human Rights Watch .....	40
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Elton Gallegly, a Representative in Congress from the State of California, and Chairman, Subcommittee on International Terrorism, Nonproliferation and Human Rights: Prepared statement .....	2
The Honorable John V. Hanford III: Prepared statement .....	5
The Honorable Tom Lantos, a Representative in Congress from the State of California: Prepared statement .....	12
The Honorable Michael K. Young: Prepared statement .....	27
Joseph K. Grieboski: Prepared statement .....	36
Tom Malinowski: Prepared statement .....	42
The Honorable Robert A. Seiple, Chariman of the Board, Institute for Global Engagement: Prepared statement .....	47
APPENDIX	
Letter dated February 3, 2004 from Michael K. Young, Chair, United States Commission on International Religious Freedom, to the Honorable Colin L. Powell, Secretary of State, U.S. Department of State .....	53



**STATUS OF INTERNATIONAL RELIGIOUS  
FREEDOM: AN ANALYSIS OF THE STATE  
DEPARTMENT'S 2003 ANNUAL REPORT**

---

**TUESDAY, FEBRUARY 10, 2004**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL TERRORISM,  
NONPROLIFERATION AND HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 5:35 p.m., in Room 2172, Rayburn House Office Building, Hon. Elton Gallegly (Chairman of the Subcommittee) presiding.

Mr. GALLEGLY. The House International Relations Committee, Subcommittee on International Terrorism, Nonproliferation and Human Rights, is holding an oversight hearing on the status of religious liberty around the world.

Religious freedom is a fundamental human right, yet in many countries we are seeing systemic repression and persecution of religious expression, either directly by governments, or with their acquiescence. The United States cannot afford to retreat one inch in our support of minorities or the rights of practice of one's religion, openly and without fear of reprisal.

One of the most important tools that our government has to promote religious liberty and international religious freedom is the International Religious Freedom Act which was enacted into law 5 years ago. Among its provisions, it calls for the promotion and protection of religious freedoms worldwide, establish the Office of International Religious Freedom and the Commission on International Religious Freedom, and calls for the President to take action addressing severe violations of religious freedom.

This hearing will explore the findings of the State Department's 2003 *International Religious Freedom Report*. First, I would like to commend Ambassador Hanford for the continued improvements he has made in the quality of this report. I found this report to be focused and an extremely useful guide for Members of Congress to assess both improvements and backsliding by countries on religious freedom. Most importantly, the report pulls no punches. It treats all nations objectively, and does not hold back in its criticism, even when reviewing the policies of our friends.

The report details the status of religious freedom in over 190 countries. Its findings assist in determining the designation of Countries of Particular Concern and potential presidential actions.

Last year, Burma, China, Iran, Iraq, North Korea, and Sudan were designated as CPC countries.

In the past year, we have witnessed some advances in the status of religious freedom. However, too many people across the globe are not able to practice their faith freely. In particular, there is concern, regarding Afghanistan, the eventual constitution in Iraq, the deteriorating situation in Vietnam, and continued severe repression in China, North Korea, and Burma. I look forward to the comments of our witnesses on these and other countries.

Although the *International Religious Freedom Report* is an excellent work product, I must also mention that the report was released almost 4 months late. I understand the tremendous demands placed on the State Department's Office of Religious Freedom. However, this report is important to Congress, to many non-governmental organizations, and to those who have suffered from religious persecution and prejudice. It is important that it be issued in a timely manner.

It is my understanding that Congressman Sherman, our Ranking Member, will be here momentarily, and after Mr. Sherman arrives he will be making an opening statement. The opening statements of other Members will be submitted for the record in their entirety.

I would also like to mention the dedication on this issue which has been shown by two Subcommittee Members, my good friend from New Jersey, Chris Smith, and my good friend, Representative Joe Pitts.

[The prepared statement of Mr. Gallegly follows:]

PREPARED STATEMENT OF THE HONORABLE ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL TERRORISM, NONPROLIFERATION AND HUMAN RIGHTS

Today, the Subcommittee on International Terrorism, Nonproliferation and Human Rights is holding an oversight hearing on the state of religious liberty around the world.

Religious freedom is a fundamental human right. Yet, in many countries we are seeing systematic repression and persecution of religious expression either directly by governments or with their acquiescence. The United States cannot afford to retreat an inch in our support of minority faiths or the right to practice one's religion openly and without fear of reprisal.

One of the most important tools that our government has to promote religious liberty is the International Religious Freedom Act (IRFA), which was enacted into law five years ago. Among its provisions, IRFA calls for the promotion and protection of religious freedom worldwide, established the Office of International Religious Freedom and the Commission on International Religious Freedom, and calls for the President to take action addressing severe violators of religious freedom.

This hearing will explore the findings of the State Department's 2003 International Religious Freedom Report.

First, I would like to commend Ambassador Hanford for the continued improvements he has made in the quality of the Report. I found this Report to be focused and an extremely useful guide for members of Congress to assess both improvements and backsliding by countries on religious freedom. Most importantly, the Report pulls no punches. It treats all nations objectively and does not hold back in its criticism, even when reviewing the policies of our friends.

The Report details the status of religious freedom in over 190 countries. Its findings assist in determining the designation of Countries of Particular Concern (CPC) and potential Presidential actions. Last year Burma, China, Iran, Iraq, North Korea, and Sudan were designated as CPC countries.

In the past year, we have witnessed some advances in the status of religious freedom. However, too many people across the globe are not able to practice their faith freely. In particular, there is concern regarding Afghanistan, the eventual constitution in Iraq, the deteriorating situation in Vietnam, and continued severe repression

in China, North Korea and Burma. I look forward to the comments of our witnesses on these and other countries.

Although the International Religious Freedom Report is an excellent work product, I must also mention that the Report was released almost four months late. I understand the tremendous demands placed upon the State Department's Office of Religious Freedom. However, this Report is important to Congress, many non-governmental organizations and to those who have suffered from religious persecution and prejudice. It is important that it be issued in a timely manner.

It is my understanding that Congressman Sherman, the ranking member on the subcommittee, will be here momentarily. After Mr. Sherman arrives, he will be making an opening statement. The opening statement of other members will be submitted in their entirety for the record.

I would also like to mention the dedication on this issue which has been shown by two subcommittee members—Representative Chris Smith and Representative Joe Pitts.

We will now hear from Ambassador Hanford.

Mr. GALLEGLY. At this time, since Mr. Sherman has not yet arrived, I will go to our first witness, Ambassador Hanford, and thank you very much for being here today, Ambassador.

**STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE**

Ambassador HANFORD. Thank you, Mr. Chairman, and Members of the Committee.

Let me begin by thanking you for holding this hearing on the 2003 *Annual Report on International Religious Freedom*. I am proud to represent the Department of State and President Bush in this regard, and I am grateful to Congress for the indispensable role that many Members continue to play on this issue as partners and supporters and as very strong advocates in your own right.

At the outset I would like to use this occasion to pay tribute to two groups of people. The first group is those dedicated and tireless officers at the State Department who devoted so much effort to producing this report. From human rights officers at our Embassies and consulates, to my own staff in the International Religious Freedom Office, countless hours of toil, sweat, and perhaps even an occasional tear went into bringing the report before us today.

The second group whom we all work to pay tribute to is the countless religious believers around the world who continue to believe, pray, gather, worship, and live their faith in the face of serious restrictions or even severe persecution.

What for us may be somewhat of an abstraction in a report is for them a harsh, vivid, inescapable reality. From the house church Protestant, underground Catholic, Tibetan Buddhist, or Uighur Muslim in China, to the independent Buddhist, underground Protestant, or dissident Catholic in Vietnam, to the Bahai' in Iran, to an array of believers in Turkmenistan, to the Shi'ite, or any non-Muslim in Saudi Arabia, to the evangelical Protestant or Jehovah's Witness in Eritrea, many religious believers must choose between their personal welfare or follow the call of their faith.

This report seeks to reveal their plight to the world. This report is also for all of those worldwide who yearn for liberty, who know that religious liberty is inseparable from human dignity, who understand it includes many other freedoms, such as freedom of speech, assembly, conscience and association, and who appreciate

that religious freedom is indispensable for building a just and good society.

This is why religious freedom remains such a high priority for President Bush, for Secretary Powell, and why advancing freedom worldwide continues to inspire this Administration's foreign policy.

As mentioned, the International Religious Freedom Act created both the office which I lead and the requirement to report annually on religious freedom worldwide. The primary purpose of my office is to engage in vigorous diplomacy worldwide on behalf of those who are being imprisoned, tortured, beaten, or otherwise prevented from practicing their faith. But another important part of my office is overseeing the production of this annual report.

We regularly hear from religious believers around the world how much this report means to them, how it encourages them to know that they are not forgotten, and how they regard this report as a gold standard on the issue.

I would like to highlight briefly a few countries, and I have submitted my full statement and I am just going to summarize a few countries that I think have seen some measurable improvements and then turn to some that have not.

As noted in the executive summary, both Kazakhstan and Laos undertook efforts to demonstrate a greater respect for religious liberty this past year. In Kazakhstan, no further attempts have been made to pass restrictive legislation, and instances of harassment of religious organizations by local officials have decreased.

Just before I visited Laos in October, the last major group of long-term religious prisoners were released. In most provinces, incidents of arrest of religious leaders declined. There were few reports of church closings, and several undertook efforts to demonstrate a greater respect for religious liberty. In addition, several long-closed churches, especially in Vientiane Province, were allowed to reopen.

Unjust restrictions still exist and violations continue to occur, such as two recent incidents in Savannakhet and Attapeu Provinces, and fortunately with the help of our good Ambassador and staff in Vientiane, these prisoners have been released.

Additionally, we have also seen measurable improvements in Afghanistan and Iraq. In the wake of each country's liberation from, respectively, the oppressions of the Taliban regime and the Saddam Hussein regime, what has been experienced by the peoples of new lands has been religious freedom. This progress may not always be noted by international commentary, but it is no doubt appreciated by many Afghan and Iraqi religious believers.

Unfortunately, in too many countries, religious freedom remains fragile, threatened, or hardly existent. In this regard, I would mention several nations which continue to draw our attention and concern. In Turkmenistan, the government continues to restrict almost all forms of religious expression, and we have been very disappointed at the government's issuance of a new law that rephrases religious activity even further.

I recently returned from my second visit to Vietnam. In addition to having many long and vigorous meetings with government officials, I also traveled to some areas where the report of persecution has been particularly severe. This has included attempts to force many ethnic minority Protestants to renounce their faith and hun-

dreds of churches and religious gatherings have been forced to close or they had been pressured to stop meeting in those same areas.

I also recently returned from Saudi Arabia and can report that freedom of religion still does not exist by any internationally recognized standard.

We are continuing to press the Saudis on the need for greater tolerance for those who do not follow the state-sanctioned interpretation of Islam, and we particularly seek to highlight the connections between religious intolerance and religious-based terrorism.

In conclusion, let me thank you, Members of the Committee, for helping to ensure that this issue which is so near and dear to the hearts of the American people, is also raised to its rightful place in the workings of the American government.

I look forward to continuing to work closely with you in the days ahead and I am happy, of course, to answer any questions you may have.

[The prepared statement of Ambassador Hanford follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Mr. Chairman and Members of the Committee: let me begin by thanking you for holding this hearing on the 2003 *Annual Report on International Religious Freedom*. I consider it a tremendous honor to be here today. This hearing represents another important stage in our government's advocacy on behalf of that most fundamental of rights, religious freedom. I am proud to represent the Department of State and President Bush in this regard. And I am grateful to Congress for the indispensable role that many Members continue to play on this issue, as our partners and supporters and as advocates in your own right.

At the outset, I would like to use this occasion to pay tribute to two groups of people. The first group is those dedicated and indefatigable officers in the State Department who devoted so much effort to producing this report. From human rights officers at our embassies and consulates, to the editors in the Country Reports office, to my own staff in the International Religious Freedom office, countless hours of toil, sweat, and even occasional tears went in to bringing together the report before us today.

The second group, whom we all work to pay tribute to, is the countless religious believers around the world who continue to believe, pray, gather, worship, and live their faith in the face of serious restrictions or even severe persecution. What for us may be somewhat of an abstraction in a report is for them a harsh, vivid, and inescapable reality. Many of us here have met with people who have experienced some of the persecution such as reported in this volume. And we know that it is almost impossible to articulate in words the toll that such suffering can exact on human lives.

From the house church Protestant, underground Catholic, Tibetan Buddhist, or Uighur Muslim in China, to the independent Buddhist, underground Protestant, or dissident Catholic in Vietnam, to the Bahai' in Iran, to an array of believers in Turkmenistan, to the Shi'ite or any non-Muslim in Saudi Arabia, to the evangelical Protestant or Jehovah's Witness in Eritrea, many—indeed, too many—religious believers must choose between their personal welfare or following the call of their faith. That they, or any believer, would be forced to confront such a choice, is wrong. This report seeks to reveal their plight to the world.

This report is also for all of those worldwide who yearn for liberty, who know that religious liberty is inseparable from human dignity, who understand that it includes many other freedoms, such as freedoms of speech, assembly, conscience, and association, and who appreciate that religious freedom is indispensable for building a just and good society. This is why religious freedom remains such a high priority for President Bush, and why advancing freedom worldwide continues to inspire this Administration's foreign policy. In our President's words, "Liberty is both the plan of Heaven for humanity, and the best hope for progress here on Earth." To that end, we modestly hope that this report and the work of our office will play a meaningful role in the progress of liberty.

As I have noted before, while the Office of International Religious Freedom is a relatively new office, concern for this issue is not new to the American government.

For example, last year marked the 100th anniversary of a watershed moment for such endeavors. It was in 1903 that President Theodore Roosevelt led an interfaith coalition of American Jews and Christians in sending a strong protest to Tsarist Russia condemning the Kishinev Pogrom against Russian Jews.

His advisors counseled Roosevelt to keep the U.S. out of such matters. But when he learned that members of the Russian Government had incited the murders of dozens of Jews, attacks on hundreds more, and the destruction of the homes of thousands, the President was unwilling that America stand by in silence. In fact, in addition to sending the Tsar a strong message of U.S. protest, Roosevelt pulled out his wallet and contributed his own money to the relief effort.

For a government to speak out in this way was almost unprecedented in that day, yet it heralded what, over time, has come to be a core American commitment to addressing this age-old problem of religious persecution.

A second President named Roosevelt, Franklin Delano Roosevelt, further enshrined this commitment as a national priority and international ideal. In January, 1941, as much of the world lay in chains or in peril and the war in Europe and Asia ominously approached our nation's door, he responded not just with economic and security assistance but also with the promise of the "Four Freedoms." One of these "essential human freedoms," he proclaimed, is the "freedom of every person to worship God in his own way—everywhere in the world."

In many ways, we find ourselves facing a similar challenge today. As we continue to wage a global war against terror, we remain as resolved as ever to respond to this challenge not only with our military and economic might, as formidable and necessary as that is, but also with the promise of freedom. And religious freedom is for us in America and for many around the world the "first freedom."<sup>5</sup>

#### *The International Religious Freedom Report*

The International Religious Freedom Act created both the office which I lead, and the requirement to report annually on religious freedom worldwide. The primary purpose of my office is to engage in sophisticated, vigorous diplomacy worldwide on behalf of those who are being imprisoned, tortured, beaten, or otherwise prevented from practicing their faith. My staff and I do this on many fronts around the world, and we count it a privilege to carry out this work in cooperation with many of you.

As you are aware, a tool established by IRFA is the required designation of "countries of particular concern." These countries are those which meet the threshold of engaging in or tolerating "systematic, ongoing, egregious violations of religious freedom." This designation process was established to ensure that the worst abusers of religious freedom would receive the scrutiny and action warranted by their abuses. Sadly, as in years past, there continue to be a number of contenders for this title.

It has been the practice for the last few years for these considerations to take place following the Report's publication. While I can assure you the review process is already well underway, I also want to mention that the designations are not necessarily to be restricted to an annual event. When and if a designation is warranted, IRFA grants authority to make it at any time. Please be assured that I will make such a recommendation at any time it becomes necessary, to the Secretary and to the President. Additionally, we often seek to use the possibility of CPC designation as a tool for negotiating with different countries to secure measurable improvements in religious freedom and avoid designation. Some negotiations of this manner are ongoing as well.

Another important part of my office is overseeing the production of this annual report. We regularly hear from religious believers around the world how much this report means to them, how it encourages them to know that they are not forgotten, and how they regard this report as a gold standard on this issue.

We take this responsibility seriously, and my office actively monitors developments on the issue. This work includes seeking out government officials, religious leaders, human rights groups and NGOs, and believers from many religious traditions, both here and abroad. We draw on a massive volume of press and NGO reporting, as well as on the good work of the US Commission on International Religious Freedom. We rely significantly on the fact-gathering and investigation of abuses by our U.S. Embassies and Consulates around the world. And we do no small amount of firsthand investigating ourselves. My staff has traveled and will continue to travel to a number of the countries in which religious liberty is at risk.

The IRF report is prepared initially by the men and women of our Embassies and Consulates around the world. Their drafts are then compiled and edited, in close consultation with my staff and the country desks, by the Office of Country Reports and Asylum Affairs in the Bureau of Democracy, Human Rights and Labor. All of these individuals deserve great commendation for their work, which collectively shines the light of exposure into the dark recesses of religious persecution abroad.

This year's report covers over 190 countries during the period from July 1, 2002 through June 30, 2003. The Introduction articulates the signal importance of religious freedom not only to Americans but also for the world. The Executive Summary highlights categories, causes and trends in religious freedom issues and summarizes U.S. efforts to address abuses. In accordance with the IRF Act, it also identifies countries in which there have been significant or measurable improvements in religious freedom.

I would like to highlight briefly a few countries in which we have seen some measurable improvements this year. As noted in the Executive Summary, both Kazakhstan and Laos undertook efforts to demonstrate a greater respect for religious liberty. In Kazakhstan, President Nazarbayev began an initiative to promote dialogue among religions; an international conference drawing regional dignitaries and religious figures was held in February. Following the Constitutional Council's April 2002 determination that restrictive amendments to the National Religion Law were unconstitutional, no further attempts have been made to amend the legislation. Instances of harassment of religious organizations by local officials, including legal actions against the Jehovah's Witnesses and Baptists, decreased.

In Laos, although the Lao Government continued to inhibit religious practice overall, the Lao Government made some significant improvements. Just before I visited Laos in October, I was encouraged to learn that the last major group of long-term religious prisoners had been released. In most provinces incidents of arrests of religious leaders declined, there were no reports of new church closings, and other acts of abuse of Christian minorities, such as village expulsions, were limited to a small number of areas. In addition, several long-closed churches, especially in Vientiane Province, were allowed to reopen. In general, the Government appeared sincere in its efforts to promote conciliation between religious faiths and displayed greater tolerance for the Lao Evangelical Church. Government officials made frequent trips to provinces experiencing problems of religious intolerance towards Christians in order to instruct local officials on respecting the activities of Christian congregations under Lao law. Violations continue to occur, such as two incidents of arrests of Protestants in December in Savannakhet and Attapeu Provinces. And yet even these incidents illustrate the state of both problems and improvements in Laos. On learning of the arrests, Ambassador Doug Hartwick and his staff at Embassy Vientiane immediately intervened with the Lao Government and saw to it that the Christians were released. Such responsiveness on the part of the Lao Government, and willingness to resolve such incidents, mark a new and welcome spirit of cooperation that we had not seen in the past.

Additionally, we have also seen measurable improvements in Afghanistan and Iraq. In the wake of each country's liberation from, respectively, the oppressions of the Taliban regime and the Saddam Hussein regime, one benefit which has been certainly experienced by the peoples of each land has been significant new degrees of religious freedom. This progress may not always be noted by international commentary, but it is no doubt appreciated by many Afghan and Iraqi religious believers.

In Afghanistan, we have seen the recent adoption by the Constitutional Loya Jirga of a new Constitution by and for the people of Afghanistan. The Constitution establishes that Afghanistan is an Islamic country, but guarantees that "followers of other religions are free to exercise their faith and perform their religious rites in accordance with the law." It also affirms "the state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights." This is no small commitment. Article 18 of the Universal Declaration and of the International Covenant on Civil and Political Rights, to which Afghanistan is a signatory, both contain robust and precise guarantees of religious freedom. With this Constitution, the people of Afghanistan enjoy more legal protection for their religious freedom than at any other point in their modern history.

However, many questions and challenges remain. Other provisions in the Constitution have the potential to be interpreted or abused in ways that could restrict religious freedom. And some voices of intolerance continue to resist the prospect of respecting other interpretations of Islam or other faiths. So while Afghanistan's religious freedom improvements are substantial, they are also fragile. We will continue to work closely with the new government in supporting its efforts to restore stability and protect freedom.

In Iraq, the Saddam Hussein regime was annually designated by the Secretary of State as one of the world's worst violators of religious freedom, and has been on the list of Countries of Particular Concern since the first designations were made in 1999. Iraqis suffered persecution under the Ba'athist regime regardless of their religion, but Saddam Hussein was particularly repressive of Shi'a Muslims and con-

ducted a brutal campaign of killings, summary execution, arbitrary arrest, and protracted detention against the Shi'a. Today, all the people of Iraq are enjoying religious freedom. In April, over a million Shi'a publicly commemorated the Ashura for the first time in decades. We look forward to the creation of a new Iraqi government that recognizes the fundamental human rights of all the people of Iraq, including the freedom of thought, conscience, and religion.

Unfortunately, in too many countries, religious freedom remains fragile, threatened, or hardly existent. In this regard, I would mention a few particular nations, which continue to draw our attention and concern.

In Turkmenistan, the Government continues to restrict almost all forms of religious expression. Governmental entities at all levels, including the courts, interpreted the laws in such a way as to discriminate against those practicing any faith other than Sunni Islam or Russian Orthodox Christianity, which are controlled by the Government. The Government used the law to prevent all other religious groups from registering, including some with the required 500 members, and severely limited the activities of unregistered religious congregations by prohibiting them from gathering publicly, proselytizing, and disseminating religious materials, and by restricting their freedom to meet and worship in private. Government harassment of nearly all unregistered religious groups lessened beginning in June 2002 but resumed in March 2003. Such harassment included detention, arrest, confiscation of religious literature and materials, pressure to abandon religious beliefs, and threats of eviction and loss of jobs. The Government restricted the number of Muslim mosques, controlled and restricted access to Islamic education, and limited the number of people allowed to participate in the annual Muslim pilgrimage to Mecca. The enforced use of President Niyazov's spiritual guide, "Rukhnama," in educational institutions, mosques, and Russian Orthodox churches constituted a restriction of freedom of thought, conscience and belief, as did the replacement of imams who did not cooperate with the elevation of Rukhnama to a place beside the Koran.

More recently, we have been very disappointed at the Government's issuance of a new law that represses religious activity even further. The Government has been cautioned repeatedly that such restrictive laws and practices put it at great risk of being designated as a "Country of Particular Concern" (CPC).

In Uzbekistan, the Government permitted the existence of mainstream religions but invoked the Law on Freedom of Conscience and Religious Organizations to restrict the religious freedom of other groups. The Government continued its harsh campaign against unauthorized Islamic groups it suspected of extremist sentiments or activities, arresting numerous alleged members of these groups and sentencing them to lengthy jail terms after unfair trials. The rate of detention and arrests of suspected extremists declined slightly but remains high, although 923 prisoners were released in the second large-scale amnesty in 2002, and another 700 were released in 2003. This repressive campaign led authorities to be highly suspicious of those who were among the most observant, including frequent mosque attendees, bearded men, and veiled women, creating a climate of intimidation and fear for some devout believers. Authorities harassed Christian groups with ethnic-Uzbek members. The Law on Freedom of Conscience and Religious Organizations is not in keeping with international norms. The registration requirements for religious organizations are strict and burdensome, and a number of minority religious groups had difficulty satisfying them, thus forcing many groups to operate illegally and some clandestinely. Prohibited activities included organizing an illegal religious group, persuading others to join such a group, drawing minors into a religious organization without the permission of their parents, and even participating in a religious service conducted by an unregistered religious organization. The Government continued to prohibit proselytizing, ban almost all religious subjects in public schools, prohibit the private teaching of religious principles, and require religious groups to obtain a license to publish or distribute materials. There were stiff penalties for these activities.

I recently returned from my second visit to Vietnam. In addition to having many long and vigorous meetings with government officials, I also traveled to some areas where the reported persecution had been particularly severe. In Vietnam, the Government continued to place significant restrictions on publicly organized activities of religious groups not recognized by the Government, and on actions by recognized groups that it considered to be at variance with state interests. Religious groups faced difficulties in training and ordaining clergy and encountered some restrictions in conducting educational and charitable activities. Officials reportedly attempted to force many Hmong and other ethnic minority Protestants in several northwestern provinces as well as many Montagnards in several Central Highland provinces to renounce their faith. According to credible reports, the police harassed and sometimes detained and beat religious believers, particularly in mountainous areas large-

ly populated by ethnic minorities. Hundreds of churches and religious gatherings have been forced to close or pressured to stop meeting in these same areas. The Government also reportedly destroyed or forced the demolition of a number of buildings used for worship in the Central Highlands. Government officials continued to restrict or supervise closely access to the Central and Northwest Highlands by diplomats, nongovernmental organizations, journalists, and other foreigners, making it difficult to verify conditions in those areas.

I also recently returned from Saudi Arabia, and can report that freedom of religion still does not exist by any internationally recognized standard. The Government continued to enforce a strictly conservative version of Sunni Islam and suppress the public practice of other interpretations of Islam and non-Muslim religions. Muslims not adhering to the officially sanctioned version faced harassment at the hands of the Mutawwa'in (religious police). Members of the Shi'a minority faced political and economic discrimination, including limited employment opportunities, little representation in official institutions, and restrictions on the practice of their faith and on the building of mosques and community centers. The Government continued to detain some Shi'a religious leaders and members of the Ismaili Shi'a community in Najran province. Non-Muslim worshippers risked arrest, imprisonment, lashing, deportation, and sometimes physical abuse for engaging in religious activity that attracted official attention. There were frequent instances in which mosque preachers, whose salaries are paid by the Government, used violently anti-Jewish and anti-Christian language in their sermons. The Government announced, however, that it had replaced more than 2,000 imams for extremist preaching. Hindus, regarded as polytheists, faced greater discrimination than some other non-Muslims with respect to compensation for accidental death and injury.

In Eritrea, respect for religious freedom has continued to deteriorate. The Government harassed, arrested, and detained members of non-sanctioned Protestant religious groups locally referred to collectively as "Pentes," reform movements from and within the Coptic Church, Jehovah's Witnesses, and adherents of the Baha'i Faith. By some estimates there are over 250 independent Protestants imprisoned, along with 11 Jehovah's Witnesses. There were also numerous reports of forced recantations and physical torture. Only the four government-sanctioned religious groups—Orthodox Christians, Muslims, Catholics, and members of the Evangelical Church of Eritrea—were allowed to meet freely. Following a May 2002 government decree that all religious groups must register or cease all religious activities, all religious facilities not belonging to the four sanctioned religious groups were closed. The Government failed to respond to applications of those groups that attempted to register.

In China, the Government continued its efforts to restrict religious practice to government-sanctioned organizations and registered places of worship. Unregistered religious groups experienced varying degrees of official interference and harassment. Members of some unregistered religious groups were subjected to restrictions, leading in some cases to intimidation, harassment, and detention. In some localities, "underground" religious leaders reported increased pressure to register either with the State Administration for Religious Activities or its provincial and local offices. They also reported facing pressure to be affiliated with and supervised by official party organizations linked to the legally recognized churches, in order to prevent their facilities from being closed. Police closed underground mosques, temples and seminaries, as well as some Catholic churches and Protestant "house churches," many with significant memberships, properties, financial resources and networks. Many religious leaders and adherents were detained, arrested, or sentenced to prison terms. Local authorities also used an administrative process to punish members of unregistered religious groups, whereby citizens may be sentenced by a non-judicial panel of police and local authorities to up to 3 years in reeducation-through-labor camps. The Government continued its repression of groups that it determined to be "cults" in general and of the Falun Gong in particular. In areas where ethnic unrest has occurred, especially among the Uighurs in Xinjiang, officials continued to restrict the building of mosques and prohibited the teaching of Islam to children. In addition, teachers, professors and university students were not allowed to practice religion openly in Xinjiang. In Tibet, although the authorities permit many traditional religious practices and public manifestations of belief, activities perceived by the Government to be vehicles for political dissent, such as religious activities believed to be advocating Tibetan independence or any form of separatism, were promptly and forcibly suppressed. Restrictions on religious practice and places of worship continued and the level of repression in Tibet remained high.

Finally, I should mention France and some potential initiatives which cause us concern. We have been following closely what appears to be growing support for legislation restricting the display of religious clothing and symbols in public schools.

Just today, the lower house of Parliament overwhelmingly passed a version of this law. While we appreciate France's political and cultural traditions, as well as the challenges it faces in assessing the needs of a changing population, we will continue to reaffirm the principle that religious liberty includes the right to peacefully manifest one's religious convictions through attire and symbols.

*Conclusion*

In conclusion, it is my privilege to be here with you today. As a man whose faith is central to his own identity, I have long held religious freedom at the core of both my personal life and my professional life. When I meet with foreign officials, I explain why Americans care so passionately about this issue. It's because we have brothers and sisters of faith in nations across the world, and we feel a special obligation to seek to relieve their suffering. If we succeed, we will not only have expanded a fundamental human right, but we will thereby have helped to establish a cornerstone of democracy, promoted other fundamental human rights, and assisted in the war against religion-based terrorism.

Our national ideals have always transcended our national borders. It was for this reason that Abraham Lincoln, whose birthday we celebrate this week, insisted that the principles embodied in our Declaration of Independence ultimately promised "liberty not alone to the people of this country, but hope to the world for all future time." And so it is with religious freedom. It is not the exclusive birthright of Americans, but an inalienable right of all people. It must not only be jealously guarded here at home, but also vigorously promoted around the world.

Thank you, Members of the Committee, for helping to ensure that this issue, which is so near and dear to the hearts of the American people, is also raised to its rightful place in the workings of the American government. I look forward to continuing to work closely with you in the days ahead. And now I would be happy to take any questions.

Mr. GALLEGLY. Thank you very much, Mr. Ambassador, and thank you for coming at an unusual time for a hearing, but because of the timely nature of wanting to get this on record, this seemed to be the best way to achieve that.

Mr. Ambassador, the International Religious Freedom Act has been in place now for the better part of 5 years. Can you evaluate whether, and where, the legislation has achieved its intended effect of helping those suffering from severe constraints on their religious liberty; and, additionally, has the designation of Country of Particular Concern or the threat of such designation had a positive impact on the religious freedom situation in those specific countries?

Ambassador HANFORD. Well, thank you Mr. Chairman.

I, as you know, worked on this issue full time for 14 years up here on the Hill and so I have a bit of a standard of comparison. And I would say that while we still have a long way to go, there has been a lot of improvement in the emphasis that has come about as a result of the International Religious Freedom Act, and this was the purpose of the legislation.

There was the feeling that while this issue was a part of our human rights agenda, it had not received as much attention as some of the other human rights, and so a permanent apparatus was put into place.

Now, with any new office or initiative, things take time, but I would say the trajectory has been good, in terms of how things have been built up on this. And let me just give several examples.

We are here today to talk about the report and I must say, as someone involved in putting together the legislation, I was pleasantly surprised at how comprehensive the report was, the 1st year or 2. I frankly did not expect it to be quite this extensive and was impressed that the State Department took the assignment this se-

riously. And this happened for 2 or 3 years before the responsibility of the report landed in my lap.

I am now fulfilling what many American citizens wish that all of us who work up here on the Hill would have to do, and that is fulfill something you had a role in putting together: Legislation. It is a big job, putting this report together, but the State Department takes it very seriously, and you can look at the length and the detail, and there are still things that need to be improved in the report.

We need to do a better accounting in the report of what we are doing country by country, and my office works hard to get detailed examples in the report, and so we will continue to improve.

My office started out in a very modest way, with an Ambassador and one staffer. We are now up to 10 people, and that is certainly an improvement. We have the whole world to take on, but I have got a great staff.

The commission has continued to make its mark and to build and to create its staff, and they are certainly having a significant impact around the world. And it is my pleasure to work with them, for example, in Afghanistan, that you mentioned earlier.

Another requirement of the International Religious Freedom Act is that Foreign Service Officers be trained in understanding religious freedom problems, and this is something which is going on now. It needs to happen more, but it is happening at a significant level, where my office is involved in the training of new officers; and then, as you mention, there is the whole process of designating CPCs. This is a difficult, complex process. It is a rare provision in legislation to have a designation like this. Similar language is in the Foreign Assistance Act, and yet they are not designations under that act, and so the IRF Act is unique in that it requires our country to point fingers and to call something for what it is.

Six countries have been designated. Arguably there are others who need to be in that list, and we are working hard to see that the countries that belong on that list are on that list.

I might just share my own heart in this, my own intentions when we were working on the bill, would be that the incentive of the designation process be well used with violator countries, where we go in, we negotiate, we make it clear to them what this designation involves, and the sanctions that often are going to accompany that designation. And I believe in the sort of vigorous process—and my office has been engaged in this in my first year-and-a-half on the job, and in fact we are engaged in it right now as we approach, soon, the time for coming up with this year's list of CPC's.

Mr. GALLEGLY. Mr. Ambassador, in December I had the opportunity to travel to Thailand and up to the Burmese border, and during that trip I had an opportunity to spend a fairly significant amount of time in the refugee camps and meet with and hear from those folks directly.

What do you think the outlook for religious freedom in Burma is under the current military regime?

Ambassador HANFORD. There is some heart-wrenching stories that come out of Burma. We hear sometimes of children abducted from families or induced to leave families. Often these will be Christian families, and then forcibly placed in monasteries, forcibly

converted to Buddhism; and some of the children have escaped and so we have learned about it this way. But we have a repressive military regime. It links itself with Buddhism, a religion which it attempts to control, and of course minority religions, particularly the ethnic Chin and Naga and others have suffered terribly. Churches have been destroyed, clergy have been arrested.

Now, Burma is one of the six countries currently designated as CPC, and I think I can safely predict that they will not be coming off of that list this year. We have traveled there, we have pressed the case. It is a difficult government to deal with, but we are going to continue doing that; but right now, I am afraid I cannot give heartening encouragement that things will be improving in the short run.

Mr. GALLEGLY. Thank you, Mr. Ambassador.

I see Mr. Sherman has joined us. Do you have some questions for Ambassador Hanford?

Mr. SHERMAN. Mr. Chairman, first I would like to ask unanimous consent to have Ranking Member Lantos' statement made part of the record of these hearings.

Mr. GALLEGLY. Without objection, that will be the order in its entirety.

[The prepared statement of Mr. Lantos follows:]

PREPARED STATEMENT OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, thank you for holding this important hearing.

As one of the original cosponsors of the International Religious Freedom Act of 1998, I'm delighted to have the opportunity to review the 5th annual State Department Report on Religious Freedom mandated by our Committee's legislation.

I want to start by commending the Department's excellent Report, and its author, our distinguished Ambassador for Religious Freedom, John Hanford.

This year's Report, like the four before it, is hard hitting and factual. Like the Country Reports on Human Rights Practices, the Religious Freedom Report has quickly become the world's gold standard on the true state of religious freedom in over 190 countries.

Unfortunately, like the Country Reports, the hard hitting, factual reporting of governmental abuse of freedom of conscience outlined in the Report does not always result in a hard hitting U.S. policy responses.

To date, the Department has only designated rogue states with which the United States has no meaningful relations as violators or "Countries of Particular Concern" (CPC's) as defined by the legislation.

Last year, as in previous years, rogue states: Burma, China, Iraq, North Korea, and Sudan were designated as CPC's, while other states with appalling records in the protection of religious liberty such as Saudi Arabia, Turkmenistan, Vietnam, and Laos avoided getting the black eye they richly deserve.

Instead of making allowances for countries where we have multiple interests, we should be using our leverage with them to press for improvements.

Such an approach would follow the model that the Department has adapted in aggressively fighting foreign government complicity in or laxity in fighting the scourge of human trafficking.

In the Trafficking Report the Department has not been shy about designating even key allies such as Greece, Turkey, the UAE, and Bahrain as bad actors. This has led to quick improvements in efforts to fight trafficking in these countries and graduation from bad actor status.

In the coming year, I hope the Administration will consider applying this successful model to the problem of religious freedom.

I also hope that the Administration will aggressively confront the shocking and disturbing wave of anti-Semitism we are seeing in Europe and elsewhere.

Mr. Chairman, I look forward to the testimony of our expert witnesses.

Mr. SHERMAN. Got you. And, secondly, as you know, I am late, not out of design, but because this hearing was scheduled for tomorrow and had, on very short notice, to be scheduled for today.

That being the case, I am here a little late. I would like to give my opening statement and then hear questions from the next person.

Mr. GALLEGLY. If we could do the opening statement between the witnesses, that would maintain a little more continuity, unless you have a real objection to that.

Mr. SHERMAN. I could give a shorter opening statement if I did it now.

Mr. GALLEGLY. If you would like to give your opening statement then, and we will make the statement a part of the record of the hearing in its entirety.

Mr. SHERMAN. Thank you.

Mr. Chairman, I would like to thank you for holding these hearings, and Mr. Hanford for coming before us and for your well-known work as Ambassador-at-Large for religious freedom.

The report issued by the State Department, which is the subject of these hearings, should be commended for its comprehensiveness.

I want to thank the Ambassador for the treatment in the report of the Islamic Republic of Iran. I have been a critic of that regime since I came to Congress in 1997, and even before then, and have called for tough sanctions against Iran, since we have stood by and let a quarter billion dollars be lent to that regime from The World Bank and since we allow nearly \$150 million of imports, nonenergy imports—like we need more caviar—imports to the United States from that regime; though, obviously, we need to work toward the day when Christians, Jews, Zoroastrians, Sunnis and Bahai's do not face the kind of thuggery they face at the hands of that regime.

I first got involved in proposing legislation with regard to the Government of Iran 4 years ago, when 13 Iranian Jews were detained on fabricated charges of spying for the United States. I know the CIA has made some mistakes, but hiring Jews as our spies in Iran, probably not the best move, since no Jew in Iran is allowed near anything of any military significance. Those 13 Jews have been released, most after serving significant prison sentences, and I want to thank the people of conscience around the world who spoke out on their behalf.

There was reason to fear that those arrests would have been the first step in general repression against religious minorities, had they not been greeted with such disdain by the world.

I want to draw my colleagues' attention to the Iran Freedom in Democracy Support Act, an act that still awaits additional cosponsors. It would reimpose a complete embargo until Iran abandons its nuclear weapons program, abandons its efforts to support terror, and improves its human rights record.

The International Religious Freedom Act provides for a number of sanctions against CBCs. Of course in the major cases, those sanctions are less than are already imposed by existing law. That is true, in regard to Iran, Saddam's Iraq, which of course no longer exists, North Korea, probably Sudan and Burma as well.

Finally, I would like to mention a situation in a country we do not usually associate with the denial of religious freedom; namely,

France. This is a western European democracy that has had a tradition of tolerance, but also has one of rigid secularism that can interfere with the free practice of religion.

I was disappointed that the Government of France has approved a law that would ban most religious symbols and dress from public school. To say that someone wearing something on their head, whether it be a scarf or a yarmulke, is somehow a threat to French education is, I think, a misguided approach toward secularism. And I look forward to the day when France not only achieves the democracy and freedom that we associate with France, but also allows the free exercise of religion.

Tonight—well, actually tomorrow—I will be introducing a resolution which calls upon France to modify or abandon its so-called head scarf law and respect the reasonable exercise of religion.

I would hope my colleagues would seek an opportunity to cosponsor that. I thank the Chair for the opportunity to deliver this statement, and I yield the floor.

Mr. GALLEGLY. Thank you Mr. Sherman.

Mr. Smith?

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Chairman.

I want to say at the outset how appreciative all of us are for the great work that Ambassador Hanford is doing, and his staff. I think it makes an enormous difference that he is so hands-on, that he is a passionate believer in religious freedom, and carries that forward to friend or foe, to countries that are democracies as well as those that are dictatorships.

Religious freedom is one of the most fundamental of all rights, and you have done a tremendous job and all of us thank you.

In reading your testimony and in looking at the report I would note, and in the 5 minutes allotted, just point out—and you know this—the U.S. Commission on International Religious Freedom has recommended 11 countries be named as countries of particular concern. And Mr. Sherman mentioned a moment ago how the sanctions that are contained in this bill probably pale to that which we apply to Burma, Sudan, and some of these other countries that are on the list, and Iran. And they are of real significance if they were to be applied to some of the other nations that ought to be on the list, and there are some nations here that I am looking at and that I have visited or staff visited and followed for many years that I would submit ought to absolutely be on that list. Vietnam jumps out right in the front of the pack.

The ongoing repression, as you know, Mr. Secretary, having been there twice recently, should confirm that this country, notwithstanding the bilateral agreement that has led to no amelioration of any human rights—if anything, they have gotten worse in so many different areas—they ought to be on this list and sanctions ought to be meted out.

It is interesting that I introduce the Human Rights in Vietnam Act which has passed the House, as it did in the last Congress. It is currently being held up in the Senate, but it has gotten notice. Not that they have done anything to come clean and reform some of their despotic policies, but the more we say with a consistent voice that human rights violations will not be tolerated, and certainly the first step is to get that designation because they clearly

have not done what they can do and what they are capable of doing. And the same goes for China. You know, PNTR, and MFN before it, has not led to any kind of easement when it comes to the underground Catholic Church, the Evangelicals, the Uighurs, especially the Falun Gong, and I would hope that they would continue to be named as a Country of Particular Concern. But these other nations that are on here, I know that the commission had some dissenting voices on India, but these countries hopefully will be taken very seriously.

When we created the commission, when Congress created it, the idea was to have another set of ideas and ears that are absolutely independent, with knowledgeable experts, who would vet these issues thoroughly and then make sound recommendations that could be defended. I think they aid your ability to talk to the Secretary to try to get these countries so named, and I would strongly urge that that be done.

Let me, finally, say that you might want to comment on Vietnam and China if you do not mind. I am glad you mentioned Saudi Arabia and their ongoing need for reform, and I would like—I am glad you also mentioned, France. I met with Madame Picard who wrote their law a few years ago. It was an antireligious law, and, in a 2-hour conversation it became absolutely clear to me and Congressman Pitts that this avowed atheist had no love, no tolerance, of anything that smacked of religion. And now we see this next step that is being taken to inhibit the display of religious clothing and symbols in public places.

I find it appalling that France, a longstanding democracy, is being looked at by countries like the PRC as a model of how you rein in on “occults,” people who happen to have a different way of expressing their religious beliefs. And so I want to thank you for raising that. And when you juxtapose that with the rising tide of anti-Semitism in France, it is a horrible deterioration with regard to anti-Semitic expression. The French have a real problem here, and I am glad you highlighted that in your comments.

But, again, Mr. Ambassador, I appreciate your work. We all do.

I regret that at 6 o'clock I have to be at a Full Committee Chairmen's meeting in preparation for our summit budget tomorrow with the leadership, with the Speaker. So I apologize.

Obviously, through no fault of the Chairman or anyone else, this hearing should have been tomorrow. But I would like to thank you, and you might want to comment on any of those points.

Ambassador HANFORD. Thank you.

Mr. SMITH OF NEW JERSEY. Vietnam.

Ambassador HANFORD. Okay. Vietnam, this has been one of the countries that we focused our efforts on most since I came on board. I warned them severely on my first trip.

I came back on my—I hosted a formal human rights dialogue. We laid down some markers, and then I went back to say things have only gotten worse.

There is a broad array of problems in Vietnam that affects Protestants, Catholics, Buddhists, Kaldai, Wahhab. But some of the most severe problems that I think may put the country close to or over the threshold for CPC designation involve problems such as forced renunciations, where the government has gone into re-

gions of the country, principally the central highlands on my most recent trip, and the northwest highlands, and hundreds of thousands have been put under pressure to sign statements whereby they promise that they will not affiliate with a Christian church.

Just to add insult to injury, they will then go through and shut down virtually all churches, all Protestants churches that exist, especially put pressure on Catholic churches.

I visited Dak Lak Province when I was there recently. There may be as many as 200,000 Protestant Christians there. There are only two recognized Christian churches there. Over 400 have reportedly been shut down, and of course we ask, How can this be religious freedom? And there are a number of pastors and others in prison. And Gai Lai Province I visited also, and it has a similar type of story, similar types of percentages, and we spoke with people who could verify that these problems are continuing to occur.

I will say on the encouraging side, we presented a rather extensive list of religious prisoners while I was there. And in a meeting that I recently had with a high-level Vietnamese official, we were given partial satisfaction. Our list was handed back to us with an indication of a number of the prisoners that have now been released. We are working to follow up on these and verify.

I was also given assurances by the Public Security Bureau that they would try to utilize their annual Tet prisoner release which has just occurred, to release other and, we hope, high-profile religious prisoners, and we had been trying and trying over the last week or two to nail down whether any of this has happened. I had staff working late last night and interacting with Vietnam on this.

There also had been very serious problems with the UBCV Buddhist denomination and with the leadership having been placed under house arrest, just for wanting to meet, and we have made a high priority of pressing these cases as well. There is the high-profile case of Father Lee which we have pressed over and over again. Fortunately, his family members that recently had been prosecuted by the government, we made a big point of stressing this when we were just there. We were promised while we were there that they would be released, and that promise is just about fulfilled now. Charges were dropped against the niece. The two nephews should be released in the next few days. But we have been clear with them: There are certain things you must do to avoid CPC.

Now, this is where my approach to this is coming into play here. We are interacting with them over and over again. There are clear markers, they know what we need to do, and we are going to see over the next few weeks, whether that gets done or not. If so, we can all be pleased. If not, then I think our government has an important decision to wrestle with.

Mr. GALLEGLY. Thank you, Mr. Ambassador.

The gentlelady from Minnesota, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

Ambassador Hanford, as you know, the Lao government has taken some measures in this past year to improve the lives of its people and included with that is religious freedom. And Ambassador Hartwick has been working on transparency and many,

many other issues, and, in the 2003 *International Freedom Report* it describes religious freedom, and improvements in Laos.

Laos is one of the poorest countries in Asia and it is struggling. And, in fact, it is the only country in which the United States has full diplomatic relations and normalized trade relations.

As we look at normalizing trade relations with the country of Laos, I am wondering if you, Mr. Ambassador, could please characterize the improvements you have seen in Laos, especially when you compare it to its surrounding neighbors, Vietnam and Burma.

Are you hopeful that we can continue to see further improvement in Laos, especially if the United States is engaging with Laos, instead of Laos always turning toward China and Vietnam for trade?

Ambassador HANFORD. Right, right. Well, you are right. We have been encouraged by the direction of events in Laos, and Laos was a country that was under considerable consideration for CPC as well, and has been a real emphasis of my office under my predecessor, as well as under my leadership. We have a terrific Ambassador there, who has taken this issue as a high priority, and I have enjoyed working with him. We have seen significant progress, and it is interesting.

There is a strong parallel with the problems I was just describing with regard to Vietnam, that we have seen in Laos over the years. And we in fact discovered when we were there that the forums for forced renunciations that were being used by the Government of Laos were pretty much word-for-word identical to the forums that the Government of Vietnam was using, to force believers in that country to renounce their faith. So what we have here is an intriguing case of cross-border cooperation. So I pointed out over and over again, after leaving Laos and traveling to Vietnam, that Laos has made several decisions at the central-government level to stop forced renunciations across the country, and of course made the point your government has not made that decision yet, and it must.

Virtually all religious prisoners have been released. There were—the last major group was released, just as I was arriving. I think it was like nine ethnic believers were released just as I was arriving. There have since been a couple of problems in Savannakhet and Attapeu, but these have been resolved quickly and people have been released.

In addition, a number of churches have reopened and some of the thorniest problems have been resolved very recently. I do not think we are out of the woods yet. I think we are going to have to be vigilant here. I think there still are tensions, but Laos has moved out of the danger zone, so to speak, concerning CPC.

Ms. MCCOLLUM. Mr. Chair, I have a follow-up?

Mr. GALLEGLY. Yes.

Ms. MCCOLLUM. So it is the belief of many of the people in my community who are from the country of Laos—

Ambassador HANFORD. Yes.

Ms. MCCOLLUM [continuing]. Who are practitioners of faith, the majority of them Christian, in my district—

Ambassador HANFORD. Right.

Ms. MCCOLLUM [continuing]. As they travel back and forth and have more interaction with their family members and can see that they can practice religion freely and encourage their family mem-

bers also to practice religion freely, that the transparency and the openness can lead to further improvement.

Do you think that they are correct in having that hopeful assumption?

Ambassador HANFORD. I do. I think this is going to take time, but the government officials I met with I think evidenced an improved perspective, a bit of a transformation of what we have seen in past years, as they understand that these religious believers do not pose a threat to anyone. They wish to peacefully practice their faith. So my own belief is that things will continue to improve there.

Mr. GALLEGLY. Chair thanks the lady.

Mr. Ambassador, you mention the cross-country Vietnam-Laos forum, identical forum, of forced repatriation?

Ambassador HANFORD. Renunciation.

Mr. GALLEGLY. Renunciation.

I have also seen similar laws in the former Soviet Union on the requirement of registration of churches.

I want to join my colleague, Mr. Smith, in his concern about the French Government's actions in restricting religious freedom and ask, have you found any evidence that the designation by France, Belgium or Germany that certain religions as sects or cults have been used by other countries to justify religious repression? And since we have so little time, let me just quickly ask a couple of other questions.

On Iran, to follow up the line of questioning, what role if any is Radio Farda, the United States-operated station targeting Iranian audiences, playing in bringing awareness to Iranians about the need for greater religious tolerance and freedom in that country, if any?

And then you mention Saudi Arabia. The report states that in Saudi Arabia, freedom of religion does not exist. With such clear language, why has the State Department been reluctant to designate Saudi Arabia as a CPC?

Ambassador HANFORD. Well, those are good questions. I was just meeting at length last night with officials from the French Government, and a lot of our time focused on the new head scarf and other religious symbols law, which, by the way, has just passed today in France, but I also talked about the Abou Picard law that you referred to, and this is something that we have worked on over the years.

I think the—I think the willingness of the government to implement that law in a way that is harsh or excessively restrictive, I think the government is demonstrating a reserve to do that.

I want to answer honestly your question about whether I have seen evidence of this model being looked at overseas, and I have to say yes. Under the previous leadership of what was known as the Mills Committee, it has now been renamed in France, under a Mr. Vivienne, which was a sort of aggressive proselytizing of this French model around the world, and so I could travel to places like China or Vietnam and found out that the Mills Committee had gotten there before me. And as I argued or pressed these governments to rewrite their laws on religion or their laws which are so restric-

tive on registration, my fear was that the French example was being drawn on too heavily.

The French Government has pulled away from this approach, and I think it was largely driven by personality. And so I think we see an improvement here.

I continue to express, as I did last night, my concern that the Abou Picard law must be applied in a very, very careful way; and there are denominations that we consider very mainstream here right in America, Baptist, that have run afoul of this law and of other French policies. There is simply to some extent a different approach to religion and public life, of course, than we understand here.

This new law on religious symbols in public schools and other government buildings in public places is something that we continue to express concern about. There are a lot of problems here.

We have tried to make clear to them that, when someone is wearing a head scarf or when a Sikh is wearing a turban which is required by his faith, or whether a Jewish person is wearing a yarmulke, or a Christian chooses to wear a large cross, as long as they are wearing this as a heartfelt manifestation of their faith, not because they are being intimidated and not because they are seeking to provoke tensions in society, it is the stand of our government that those sorts of expressions should be allowed. And, of course I reminded my French friends that this was as well the language of the International Covenant on Civil and Political Rights which they are a party to, as are we, and the language of that covenant states:

“Everyone has a right, either individually or in community with others, or in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.”

They are taking a different approach to this. They will explain their reasons for that, certain societal tensions, but I fear it is going to force Muslim young women to not be able to attend public schools if they wish to wear garb that they consider to be necessary. The same for other religious believers.

In terms of Iran, I must apologize. I cannot comment with any authority on the impact that U.S. Radio broadcast is having there. I can check on that and get back to you, but I am not able to do that.

In the case of Saudi Arabia, this has been a great emphasis of my office. Between my visit and the visits of my staff, we have spent probably about a month of time on the ground there, and this has given us an opportunity to meet with many of the religious communities that are most affected by the policies of Saudi Arabia. There are some small improvements and some assurances which we had been given, and I think these are worthy of at least noting.

The Shi'a have experienced, perhaps, the worst of the religious repression. Many believe the Christians do, and Christians receive a lot of restrictions. But there have not been many arrests over the last year, the reporting period of this report; only, I think, two arrests involving six people. And we have been involved in fighting these, and my office worked to get one particular vulnerable Christian leader out of Saudi Arabia and out of danger and into the

United States, but the government has finally realized they need to reach out to minority Muslims.

I think this is going to lead to improvements and they are giving some greater freedom for Shi'a practice. They are claiming they have reined in the Mutawwa'in, the religious police, and that they have fired some of these people and they have promised me they will fire any that are found breaking up Christian worship meetings or others; that they should not be doing this, and we want to hold them to that.

Prince Abdullah has made public calls for moderation and tolerance. We are happy for that. Prince Sultan has stated that Christians and other minority religions have full freedom to meet and practice their faith in their homes, and this is happening in a rather widespread way. Large numbers every week are meeting, and yet they meet in fear because they know at any time someone could break in and arrest them. I was promised when I was there that they would reissue this public permission. They did do that, but we want them to do it in a formal sort of public policy way.

Something else which has been particularly egregious has been the State of Saudi textbooks, and they have been filled with vitriolic statements against Jews and Christians and others. They have come to recognize this and, of course, this is true in other places in the Middle East, and my office is working on this as well.

I met with the Minister of Education and about half of these have now been revised. We are trying to get our hands on these textbooks. All I have now is anecdotal evidence, through the daughter of a friend of mine over there, that the textbooks have indeed changed and that they have expunged a lot of this material, but there still are very, very serious problems.

I raised with the Saudis: When a Filipino worker comes here and has one Bible to their name, a family Bible, and a customs official takes this from them as they enter the country, how can you tolerate this? And I have been promised that this is going to be stopped.

Also, there is an extreme problem with groups like Catholics and Orthodox, who rely upon their clergy to administer certain rights which are important to them, and yet there is not generally the freedom for these sorts of people to come and go. There are informal ways that this happens. I am assured that this is going to be allowed. I have met with many Ambassadors from EU countries who are helping to facilitate this. We want to work together. I met with the whole group when I was there, and we sort of resolved to try to work together on this.

The problem with Saudi is that on record their laws are among the two or three or four most restrictive countries in the world. All citizens are required to be Muslims. Public/nonpublic worship is prohibited. There is not a single church allowed in the entire country. And I am told very bluntly, there ain't going to be a single church in the entire country. And there is horrific discriminations against Shi'a Muslims and other non-Salafi Muslims. There are other Muslims, like Sufis, which can be arrested. And there is intolerance in the mosque, so this is a very complex and serious problem.

Mr. GALLEGLY. Thank you, Mr. Ambassador.

Mr. Rohrabacher.

Mr. ROHRABACHER. Yes. How about in Egypt? Have their textbooks been cleansed of some of this hateful thought that you were talking about?

Ambassador HANFORD. I cannot speak as optimistically about Egypt.

Mr. ROHRABACHER. How about the Palestinians' textbooks?

Ambassador HANFORD. The problem in Egypt has been a long-term one. We raised it. It still remains serious, and there are other problems too.

I just met with the Ambassador over a group of Christians who have been arrested and physically abused. Fortunately, they have all been released now, but it took way too long to get them released.

Mr. ROHRABACHER. And the Palestinian textbooks?

Ambassador HANFORD. I do not have any updated information on improvement there.

Mr. ROHRABACHER. I was told by someone at our Embassy, when I visited Israel, that the Palestinian textbooks have gone a long way. I was just trying to confirm whether that was an accurate report or not.

Ambassador HANFORD. I am afraid—

Mr. ROHRABACHER. Could you find that out?

Ambassador HANFORD. I sure will.

Mr. ROHRABACHER. And would you consider Egypt a country that has people of religious freedom there?

Ambassador HANFORD. Egypt has a large minority religious presence, the Coptic Christian presence. It is impressive that the Egyptian Government has guards posted in front of virtually every Coptic church in the country. This is at enormous expense, and this is to be commended in order to try to avoid any problems.

The problem is that there are periodically arrests and physical abuse of Christians, of converts. The most recent case involved a problem which I and others have pressed on for some years; and that is, if you change your religion, they love to see people change their religion to Islam, and they tout it in the press and talk about the thousands that do. But if you change away from Islam, you are not allowed to change your government-required ID card, and this keeps you from getting married or doing a lot of other important things. And so people under this kind of pressure have come up with forged cards so that they could simply get married, and then when the government finds this out, people are rounded up and can be treated very severely.

Mr. ROHRABACHER. I find there is a lack of understanding of the presence of large Christian minorities in many Arab countries, and most people do not know that they exist, and it is something that we have to be concerned with, as in Egypt, to make sure that they are not out of sight, out of mind, and their rights are being protected.

In terms of your analysis—and I am sorry to say I must disagree with my colleague about this great progress in Laos—let me note that Laos is also surrounded by Thailand and Cambodia; and Laos, when it comes to a comparison, I do not see any, any moderation of their repressive regime as compared to some of the progress that

has been made in Cambodia, for example, where they do allow some newspapers to be printed and opposition parties to exist.

I do not see anything like that going on in Laos at all, and I do not consider the fact that the government released its political prisoners just before you arrived to be an indication of a change of attitude of the Laotian Government.

We will have to see if that reflects the way they have been dealing with the Muong, which of course it is criminal what they have been doing to their Muongtribesmen, even to this day. So I would at this point put Laos in the same category as Burma and Vietnam, until they start some sort of liberalization that I can see.

In terms of France, I would just like to go on record and join my colleagues in expressing my outrage, but I have been outraged by the French for the last 3 or 4 years, and now they have just done it again. So, there you go.

And I have legislation about Saudi Arabia and demanding religious—some type of religious tolerance in Saudi Arabia and respect for freedom of religion. And so I certainly support your efforts to focus on Saudi Arabia and to make sure. And what all of your testimony indicates is that we take this as a very serious issue.

Freedom of religion to the people of the United States is a serious issue. Our friends in Saudi Arabia have got to understand that, and people in the Muslim world have got to control their fanatic radical Islamic elements or they are not going to be friends of the United States of America, because these people are not only oppressive to their own people, but they in the end become a threat to the United States, which stands for freedom.

That is particularly true in Iran, and I would hope that you spend a lot of your activity in supporting the right of freedom of religion in Iran, in helping those young people in Iran know that we are on their side, and I do not know what more can be done.

I will be working with the Chairman and Mr. Pitts here, and others who are deeply involved in this, and I would encourage you to focus on Saudi Arabia and Iran in particular.

Ambassador HANFORD. Thank you very much.

Mr. ROHRABACHER. Thank you.

Mr. GALLEGLY. I thank the gentleman from California.

As you know, the bells have sounded and we will be leaving here in about 3 or 4 minutes for a series of votes. I made a commitment to the Ambassador that we would get through this portion of the hearing before we voted, so he would not have to stay through the votes.

I know Mr. Sherman has a couple questions, so I defer to Mr. Sherman, and we will get you out on time, Mr. Ambassador.

Ambassador HANFORD. Thanks.

Mr. SHERMAN. Okay.

Saudi Arabia: You need to be a clever detective to know that they are discriminating on the basis of religion. They tell our Ambassador, there will never be a church in the entire country. The statute book says you are required to be a Muslim.

Why aren't they a CPC? Is there any way that this law can be given any credibility? Is there anything in the statute that says, if you merit CPC status, you are not going to be classified as a CPC, if you have, say, about half the world's oil reserves?

Is there something in the statute that justifies factoring oil reserves into CPC designation, or do you want to tell us that the Saudis—you cannot find any obvious religious discrimination there?

Ambassador HANFORD. Well, no. I cannot defend the record there. And I can give many, many more examples, some of which I have heard in heart-wrenching detail, and I am going to be in a meeting tonight.

Mr. SHERMAN. Time is short. Why aren't they a CPC?

Ambassador HANFORD. They may at some point be. The reason why they haven't been thus far, I think, would be, number one, the definition of a CPC, if you look it up, which is drawn from other language in U.S. law, focuses upon not just laws or policies but how they are implemented. There are many countries that have many severe laws, but do not torture and imprison and rape people as a result of those.

Saudi has not demonstrated quite the brutality that some countries have in the implementation. In this case, what we are trying to get to the bottom of right now, there are a number of Shi'ia prisoners. Of course some of these have been arrested because they pose perhaps a terrorist threat. But others may be arrested there because they are peacefully practicing a brand of Islam which the government doesn't agree with.

Mr. SHERMAN. Mr. Ambassador, you could catalog the known actions taken by the Saudi government. They clearly would—if Saudi Arabia didn't have any oil is there any chance they wouldn't be listed as a CPC, given this level of violation of human and religious rights.

Ambassador HANFORD. I know there is a lot of suspicion that the oil issue has played into determinations. It has never been mentioned to me, I can say, as discussions have gone on about this. And one other thing that I will take partial fault for, it is fair to say that this—that issues get emphasized by Ambassadors based upon what they personally care about sometimes. We have been very fortunate to have an Ambassador over in Saudi Arabia, Bob Jordan, who has made a high priority of this and we have worked closely with, and now a new Ambassador, Mr. Oberwetter, who I think also is placing a high priority on this. There perhaps has not been as great an emphasis on this issue in the past.

And what we are trying to do is to have very, very serious discussions on the sorts of issues that I laid out earlier. I think it is important not just to come in and lower the boom, but to say here are the problems. What progress are you willing to make, and it needs to be meaningful progress.

Mr. SHERMAN. And of course, the response will be we know you are never going to designate us as a CPC, because we have qualified for that status for a long time, and even Ambassador Hanford can't give a convincing reason before the Subcommittee as to why they are not and they are not and it kind of makes a mockery of the statute. Shifting to your Europe, we again have another harsh statute in France, this is About-Picard law. What is the risk to those religious organizations perhaps some of them of American origin, some on the margin or fringe to say that this law will actually be imposed on them.

Ambassador HANFORD. It has not been implemented in the ways that we feared. It tightens restrictions on associations and provides for dissolving groups under certain conditions. And as of the end of the reporting period for this report, no cases had yet been brought under the law. And the council of Europe, I might note, has passed a resolution asking the government of France to reconsider this law because there is a concern that it may violate certain matters within their jurisdiction.

Mr. SHERMAN. And finally, as to France, have you urged the Secretary of State to personally speak out against the so-called head scarf law, or even at the presidential level? Are we going to leave our concerns only to this room, or are we going to hear this from the top people in the Administration?

Ambassador HANFORD. No, the Secretary of State has made statements on this. I just saw this reference today in press guidance. This is something that has been discussed at the NSC as well.

Mr. SHERMAN. I would hope that we would instruct our Ambassador, et cetera, in France to wear a head scarf just as the king of Denmark wore a gold star and perhaps sometimes a head scarf, sometimes a turban, but I don't see any reason why we should not symbolically identify with the people in France that wish to exercise their religion, and I look forward to seeing Colin Powell in a turban in Paris in the days to come. I yield back my time.

Mr. GALLEGLY. I thank the gentleman for his comments and his questions and I would think that if he does for that region of the world he should at least have the option as to whether he wears it or not. Thank you very much, Mr. Ambassador. As you heard the bells ring, I would like to call Ambassador Michael Young up to the table, if possible. Thank you very much, Ambassador Hanford. Perhaps we will have time to get your opening statement in Mr. Ambassador and then I will run for the vote. I would like to welcome Ambassador Michael Young. Ambassador Young is current Chair of the U.S. Commission on International Religious Freedom, and is also the Dean of the George Washington University School of Law. During the Administration of George Bush, Sr., he served as Ambassador for Trade and Environmental Affairs, Deputy Undersecretary For Economic and Agricultural Affairs, and Deputy Legal Adviser of the U.S. Department of State. He is also a Member of the Committee on International Judicial Relations of the Judicial Conference of the United States.

**STATEMENT OF THE HONORABLE MICHAEL K. YOUNG, CHAIR,  
U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Mr. GALLEGLY. Ambassador Young, welcome. And if you would provide us with your opening statement, that will help expedite things in going into the next panel.

Mr. YOUNG. Mr. Chairman, thank you very much. In light of the time, I will keep my opening statement very abbreviated and ask that a longer version be submitted for the record.

Mr. GALLEGLY. Without objection your entire presentation will be made a part of the record of the hearing.

Mr. YOUNG. Thank you very much. Allow me to make just a few very simple points, if I may. I start by noting that the commission

again applauds the report, the *Annual Report on International Religious Freedom* that has been produced by the State Department. I think there are two things particularly noteworthy about it and worthy of commendation. One is that it indeed covers many countries well. It is thorough in many regards. We have some disagreements with some of the conclusions which are contained in my testimony. But overall, I think the State Department deserves great credit. I think the second part of the report to keep in mind, and this is one the great effects of this law, I believe, is that it has insured that there is an officer in every Embassy around the world, every U.S. Embassy around the world that is monitoring these things, that is concerned about them. The State Department knows it will need to report on this and it knows that it will need to come in front of this and other Committees and defend both what is in that report and what it has done with respect to the state of freedom of religion, and I think that both of those are things that are worth noting.

The area in which I think I would like to focus my attention for a moment is what the report also reveals about what has happened with respect to these countries. And there, I think, is perhaps the most unsettling part of the report of all. It is an accurate report, both on the state of religious liberties in these countries, but it is also an accurate report, in most regards, with respect to what we have done about that. I think one of the great dimensions of the International Religious Freedom Act is that it lists a whole set of things that can be done with respect to different countries.

And I emphasize that those things can be bad in the form of sanctions designation as CPCs, voting against loans in the various international financial institutions and so on, but they also can be positive. They can be expanded training in the rule of law and in human rights monitor. They can be exchange programs. They can be a whole range of positive means of interaction with these companies as well.

As you read the report carefully, I think the part that I would express concern about is as you look at what the United States has really done with respect to most of these countries there, I think we often have a failure of imagination, a failure of focus, a failure of emphasis, and it is to the policy recommendations themselves that I turn. One indeed could look at these tools in a much more coordinated systematic coherent fashion to advance this interest, and that, I think, is what this report highlights is perhaps not being done with the kind of vigor that it could be.

Designation to CPC. We have listed, as your Committee has correctly noted, a number of countries that should be designated that haven't been. We remain equally perplexed how you could plausibly give this law credibility and not name Saudi Arabia, Eritrea, Turkmenistan or other countries clearly deserving designation and should be noted. In looking into some of those countries, it is equally important that in addition to designation, that one think about systematic policy tools to try to address this issue.

In the case of Saudi Arabia, ensuring that that private worship really is permitted is a minimum. We also believe that there is substantial evidence that Saudi Arabia funding sources have been used to propagate around the world a fairly incendiary and intoler-

ant brand of Islam. We have recommended that there be a study of that to shed light on that to see what is really happening. The State Department could certainly support cooperate with that sort of study as well. Vietnam is another country where the situation has deteriorated since the bilateral trade agreement of 2001. Key religious leaders remain under arrest, one of whom is under arrest precisely because he offered testimony to our commission. The religious minorities are being repressed and forced to renunciation. We have deep and expanding trade ties with Vietnam. That should give us an opportunity, it should not be a barrier to interacting with Vietnam on these issues, but should precisely give us an opportunity to act in more depth.

North Korea is another country. We are engaged in a more serious set of talks with North Korea. We think it is very important that the issue of human rights not be left off the agenda. Indeed if the CSCE experience and the Helsinki accords and the different configuration of baskets within that context provide any guidance, the capacity to have different agendas going on at the same time proved enormously useful, indeed dispositive in eastern Europe and the Soviet Union. If one looks at the Helsinki accords and their relationship to the disarmament negotiations and their relationship to the fixing of the borders, all of that was part of an agreement that resulted in enormous dynamism for a human rights movement that itself was essential to bringing down the Iron Curtain. That can be done in North Korea.

China is another country both in and of itself, far more improvements need to be made. We have extraordinarily deep ties with China at a number of different levels. There are foreign policy tools available. In addition, China holds the key in some respects to North Korea as well. Their failure to live up to their agreement, China's failure to live up to its agreement with respect to the international refugee treaties, the repatriation of North Korea, is not only a violation of its treaties, treaty commitments to the world, but it also is a humanitarian disaster and it is something that the Chinese must be urged to deal with.

I conclude with a thought or two about Afghanistan and Iraq, if I may. There, I think, is a place where again the United States has enormous capacity to change for good. We remain concerned about the Afghan constitution. It is positive in many steps in terms of its reference to the international human rights documents, in terms of its equality of men and women. It is a step forward in many respects.

Where it fails, and it may fail enormously, is its failure to recognize freedom of religion not only as a right that belong to groups to worship together, but perhaps more importantly, as a right that belongs to individuals. And the capacity of those individuals to change their religion to dissent to exit a religion is precisely the kind of right that must be protected in order to ensure dialogue can occur in those countries. The Afghan constitution doesn't protect that. We worry about the Iraq constitution in the same regard. This focus on recognizing the centrality of the individual dimension of freedom of religion has to be an important, a central part of U.S. foreign policy, and it is to that that we would turn the attention of this Committee. Thank you very much.

[The prepared statement of Mr. Young follows:]

PREPARED STATEMENT OF THE HONORABLE MICHAEL K. YOUNG, CHAIR, U.S.  
COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. Chairman and distinguished Members of the Subcommittee, thank you for the opportunity to testify before you today at this important hearing. I plan to summarize the Commission's testimony in my oral remarks, but would like to request that my full written statement be included in the record.

The 2003 *Annual Report on International Religious Freedom*, required by the International Religious Freedom Act of 1998 (IRFA), is a noteworthy achievement demonstrating the hard work and dedication of countless foreign-service officers in our embassies around the world, as well as the Ambassador at Large and the staff of the State Department's Office of International Religious Freedom.

COUNTRIES OF PARTICULAR CONCERN: COMMISSION RECOMMENDATIONS

One of the purposes of the *Annual Report* is to provide the factual basis on which to shine a spotlight on those countries that have engaged in systematic, ongoing, egregious violations of religious freedom. The designation of those nations as "countries of particular concern" (CPCs) under IRFA is one of the most important human rights decisions for any administration.

The information in the 2003 *Annual Report* demonstrates that several countries merit CPC status in addition to those that have been named by the Secretary of State in previous years. The U.S. Commission on International Religious Freedom finds that the governments of Eritrea, India<sup>1</sup>, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam have engaged in or tolerated particularly severe violations of religious freedom, and recommends that they be designated as CPCs this year. Of those that have been designated in prior years by the Secretary of State—Burma, China, Iran, Iraq, North Korea, and Sudan—it is the opinion of the Commission that, with the exception of Iraq, nothing has changed to warrant the removal of these countries from the list.

For example, Saudi Arabia, Vietnam, and Turkmenistan have not been named CPCs, despite the appalling religious freedom conditions described in the *Annual Report*.

*Saudi Arabia*

According to the State Department, religious freedom "does not exist" in Saudi Arabia. The Saudi government forcefully bans all forms of public religious expression other than that of the government's interpretation of one school of Sunni Islam. Yet the U.S. government still has not designated Saudi Arabia a CPC. Since September 11, 2001, high-level Saudi government officials have made statements on political and educational reform, religious extremism, and the treatment of foreign workers. However, concrete steps leading to improvements in human rights have not yet been taken.

What is more, there are credible reports that the Saudi government and members of the royal family directly and indirectly fund the propagation of an exclusivist religious ideology, Wahhabism, which allegedly promotes hatred, intolerance, and other abuses of human rights, including violent acts, against non-Muslims and disfavored Muslims. This is clearly a serious problem for U.S. policy, one of global proportions. At the very least, these types of activities conflict with two important American goals outlined by the Administration: defeating extremism and terrorism, and promoting democracy and tolerance in the Middle East.

The U.S. government should be concerned when there are credible allegations that Saudi Arabia, which is itself a severe violator of religious freedom and other human rights, is engaging in activities that have a detrimental effect on the protection of freedom of religion or belief in foreign countries, including in the United States. We have seen reports regarding almost 30 countries. Because of this, the Commission has recommended that the U.S. government examine closely whether, how, and to what extent the Saudis are funding extremist activities. We have urged Congress to fund such a study and make public its findings. It is a matter that requires immediate attention. The U.S. government should also urge that the Saudi

<sup>1</sup>Commissioners Bansal, Gaer, and Young dissent from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, attached to a letter sent to Secretary of State Colin L. Powell on February 4, 2004. Commissioner Chaput also joins this separate opinion, and would place India on the Commission's Watch List rather than recommend that it be designated a CPC.

government account for their funding of religious activities outside the Kingdom to ensure that it is not promoting human rights violations, including violence.<sup>2</sup>

#### *Vietnam*

With regard to Vietnam, passage of the Bilateral Trade Agreement with Vietnam in 2001 provided grounds for hope that it would be a catalyst in improving religious freedom and other human rights conditions. However, no improvement has occurred. Repressive policies to control religious activity remain in place; key religious leaders continue to be in prison or under house arrest, and religious believers engaged in “unrecognized religious activity” face harassment, surveillance, and detention. Moreover, Vietnamese government officials are engaged in campaigns to force members of religious minorities in the Central Highlands and northwest provinces to renounce their faith or face beatings, relocation, detention, and the loss of government services.

Ambassador John Hanford, the Ambassador at Large for International Religious Freedom, has visited Vietnam twice and discussed steps that the government should take to avoid CPC designation. Because no improvement has occurred, Vietnam should be designated this year as a CPC.

The Commission also supports passage of the Vietnam Human Rights Act, introduced by Congressman Chris Smith, which would cap non-humanitarian economic aid at 2003 levels and provide funds to improve U.S. public diplomacy and refugee programs in Vietnam. The Act would also provide funds to overcome jamming of Radio Free Asia and the Voice of America by the government of Vietnam and assistance to NGOs to support programs that promote internationally recognized human rights in Vietnam. Passage of the Vietnam Human Rights Act will make a clear statement that despite expanding trade, human rights, including religious freedom, will remain a key element of U.S.-Vietnamese bilateral relations.

#### *Turkmenistan*

For the second year in a row, the State Department has concluded that conditions of religious freedom have deteriorated in Turkmenistan. The Turkmen government effectively bans religious activity other than that of the government-controlled Sunni Muslim Board and the Russian Orthodox Church. Conditions are likely to decline even further after the passage of a new religion law that criminalizes “illegal” religious activity. Turkmenistan has not responded to U.S. concerns on religious freedom, and it should be designated this year as a CPC.

A copy of the Commission’s most recent recommendations to the Secretary of State on CPC designations is attached to this testimony.

#### U.S. GOVERNMENT EFFORTS TO PROMOTE RELIGIOUS FREEDOM: NORTH KOREA AND CHINA

The overall quality of *Annual Report* is an indication that the U.S. government is taking seriously the issue of religious freedom. At the same time, the *Annual Report* is meant to be a report on U.S. policies and activities to promote those policies, and not only a report on conditions. However, it is not apparent from the information presented in the *Annual Report* that the State Department has conducted its activities in a coordinated way to implement particular policies and to achieve specific goals.

Ambassador Hanford has visited several countries of concern to the Commission and other senior Administration officials have raised religious freedom problems with foreign governments. Their efforts should be fully reported so that the Congress and the public can better determine if all of the tools Congress made available under IRFA to advance the protection of religious freedom abroad are being used. From the information presented in the 2003 *Annual Report*, the Commission is concerned that this is not the case.

A couple of examples follow.

#### *North Korea*

North Korea is another country where religious freedom does not exist. In fact, the people of North Korea are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve

<sup>2</sup>There are other steps the U.S. government should undertake immediately with respect to Saudi Arabia. For example, the U.S. government should urge Saudi Arabia to safeguard the freedom to worship privately; permit clergy to enter the country and perform private religious services; and permit non-Wahhabi places of worship to function openly in special compounds or in unadorned buildings. These represent the barest minimum that could be done to improve the appalling religious freedom situation in Saudi Arabia. In addition, U.S. programs to promote democracy and educational reform in the Middle East should include components for Saudi Arabia.

while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. What little religious activity that is permitted by the government is apparently staged for foreign visitors.

Even in the absence of diplomatic relations, the United States could do more to promote religious freedom in North Korea. For example, the U.S. government has taken the lead in forging the 6-Party Talks on nuclear disarmament of the Korean peninsula. These talks provide an opportunity for the U.S. government to take the lead in spearheading the effort to address the non-existence of human rights, including religious freedom, in North Korea.

Bipartisan legislation has been introduced in Congress by Senators Brownback and Byah and Congressmen Leach and Faleomavaega, and reflects several of the policy recommendations of the Commission, including expanded broadcasting into North Korea, funding for organizations addressing human rights of North Koreans, and greater access of North Korean refugees to the U.S. refugee program. The Commission hopes that both houses of Congress take up and adopt this legislation.

#### *North Koreans in China*

Up to 300,000 North Koreans have fled their country in search of refuge and asylum during the past several years. It is a tragic and outrageous fact that those North Koreans who risk their lives to enter China face continued persecution in that country. China has labeled the Korean refugees as economic migrants and repatriates those who are caught. The Chinese government has also cracked down on non-governmental organizations (NGOs) that attempt to assist North Korean refugees, and have arrested and punished members of these organizations. The Chinese government carries out these policies even though it is clear that any alleged contact with foreigners makes a North Korean a traitor in the eyes of the regime and leads almost inevitably to a long prison term or summary execution upon return to North Korea.

The Commission strongly urges the U.S. government to press the Chinese on this matter. It is time for Chinese authorities to see this for the humanitarian crisis that it is and take affirmative steps to work with the UN High Commissioner for Refugees and NGOs in developing a process for helping these refugees. In accordance with its international commitments, China should recognize North Koreans as refugees and not forcibly repatriate them.

#### *China*

The Commission remains especially concerned about the general situation in China, where repression of religious freedom continues to be a deliberate policy of the Chinese government. In the past year, Chinese authorities have intensified their violent campaign against religious believers, including Evangelical Christians, Roman Catholics, Uighur Muslims, Tibetan Buddhists, and other groups, such as the Falun Gong. This campaign has included imprisonment, torture, and other forms of ill treatment.

For four years in a row, the U.S. government has designated China a CPC, indicating the gravity of the religious freedom abuses occurring there. However, the Secretary of State has determined that pre-existing sanctions satisfied IRFA requirements for a significant response. Although technically permissible under the statute, this is not a defensible policy. Reliance on pre-existing sanctions provides little incentive for the government of China to reduce or end severe violations of religious freedom. It is time for the State Department to use the full range of policy tools available under IRFA and take additional actions with respect to China.

The U.S. Congress regularly funds multi-million dollar programs to promote democracy, the rule of law, and “respect for religious freedom” in China. The State Department should provide Congress with an evaluation of the impact these programs have had in promoting religious freedom and other human rights in China. Such information is important for Congress to determine how these appropriations should be spent in the future. In addition, the U.S. government should enhance its public diplomacy efforts, focusing serious attention on the plight of Uighur Muslims and Tibetan Buddhists. Radio Free Asia and Voice of America broadcasts should be expanded, and exchanges facilitated between Tibetan and Uighur and U.S. scholars, religious leaders, students, NGOs, and appropriate government officials.

The United States should also sponsor and promote a resolution to censure China at the 60th session of the U.N. Commission on Human Rights beginning in March 2004. China must know that the U.S. government will continue to raise human rights, including religious freedom, as part of its bilateral relations with China—and seek multilateral support for this effort—until the Chinese government signifi-

cantly improves its protections of international standards of human rights and fully complies with its international obligations.

The Commission attempted to travel to China twice in the past year but was thwarted in both attempts by unacceptable limits imposed by the Chinese government. The Commission recently visited Hong Kong, but continues to seek a visit to other regions of China.

#### *Actions in Response to CPC Designations*

Under IRFA, the designation of a severe violator of religious freedom as a CPC is not by itself sufficient action by the U.S. government. In fact, CPC designation carries an obligation that one or more of certain actions specified in section 405 of IRFA be taken, unless the President determines that pre-existing sanctions are adequate or otherwise waives the requirement. Yet, for every country named a CPC to date, the only official actions taken have been to invoke already existing sanctions rather than taking additional action to advance religious freedom pursuant to IRFA. We strongly urge the U.S. government to engage these governments in as many ways as possible in order better to promote religious freedom in these countries, and particularly encourage use of the means outlined in Section 405 of IRFA.

#### *USCIRF Watch List*

In addition to its CPC recommendations, the Commission has established a Watch List of countries where religious freedom conditions do not rise to the statutory level requiring CPC designation but which require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments. Egypt, Indonesia, Nigeria, and Uzbekistan remain on the Commission's Watch List due to concerns about the serious abuses in these countries, and because the governments have either not halted repression and/or violence against persons amounting to severe violations of freedom of religion, or failed to punish those responsible for perpetrating those acts. Because religious freedom continues to be sharply curtailed in Cuba, and due to the deteriorating religious freedom conditions in Belarus and Georgia, the Commission has decided to place those countries on its Watch List. As a result of the continuing religious freedom problems in Laos, that country has also been placed on the Commission's Watch List.

#### ENSURING THE RIGHTS OF EVERY INDIVIDUAL: ESSENTIAL TO PROMOTING FREEDOM AND DEMOCRACY

In the 2003 *Annual Report*, the State Department recognizes the importance of advancing religious freedom as "a cornerstone of democracy [and] a central tenet of United States foreign policy." The Commission agrees. Indeed, one of the most critical components of any democratic society is the guaranteed protection of individual rights and freedoms, including the individual right to freedom of religion or belief. The Commission cannot stress strongly enough the importance of securing protections for individual rights, as affirmed in international human rights documents. Recognizing the rights and freedoms of groups does not go far enough, not least because it leaves open the possibility that a small minority within any group will usurp the power to define—or limit—the fundamental freedoms of everyone in that group.

#### *Afghanistan*

The Commission is concerned that this fundamental aspect of freedom is not getting the attention it warrants by officials in the Administration. A case in point is Afghanistan. Advancing human rights, including religious freedom, is critical to the reconstruction of Afghanistan into a state that no longer promotes terrorism and regional instability. The United States can have an enormous impact on the process of democracy building and ensuring that individual rights and freedoms are institutionally guaranteed.

In January of this year, Afghanistan adopted a new Constitution, one that was lauded by many as "one of the most enlightened constitutions in the world." It is true that the new Constitution's explicit recognition of equality between men and women and the reference to Afghanistan's commitment to its international human rights obligations represent important steps forward in the creation in Afghanistan of a democratic system that respects the human rights of its citizens.

Yet, there is a crucial—and potentially fatal—flaw in Afghanistan's new Constitution: the absence of a guarantee of religious freedom for individual Afghan citizens. Though the Constitution provides for the freedom of non-Muslim groups to exercise their faith, it does not contain explicit protections for the right to freedom of thought, conscience, and religion for individual Muslims in Afghanistan, the overwhelming majority of the country's population. This flaw is compounded by a

repugnancy clause that states that “no law can be contrary to the beliefs and provisions of Islam,” and provisions for a judicial system empowered to enforce the repugnancy clause and apply Hanafi jurisprudence to cases where there is no other law on point.

With no guarantee of the individual right to religious freedom and a judicial system able to enforce Islamic principles and Islamic law, the new Constitution does not fully protect individual Afghan citizens against, for example, unjust accusations of religious “crimes” such as apostasy and blasphemy. There are also fewer protections for Afghans to debate the role of religion in law and society and to question interpretations of Islamic precepts without fear of retribution. These are not hypothetical situations, as there have been examples in the past year of blasphemy charges being used against religious and political moderates, including a sitting government minister, in order to silence them. As Afghanistan continues its transition process, the United States should take every opportunity to insist that individual human rights guarantees be instituted in Afghanistan.

It is important to note that constitutional guarantees of this kind of religious freedom and other rights exist in the constitutions of several other countries where Islam is the religion of the state.

#### *Iraq*

The Commission strongly urges U.S. officials to work vigorously to ensure that what happened in Afghanistan is not repeated in Iraq. It is the task of the United States to see that democracy is established in Iraq; indeed, it is the President’s stated goal.

Although the people of Iraq are now experiencing many religious freedoms for the first time in more than two decades, some prominent individuals and groups in Iraq have been demanding the implementation of Islamic law (Sharia) in a manner that would constitute a potential threat to the freedom of thought, conscience, or religion of all the citizens of Iraq.

Moreover, a draft of Iraq’s Transitional Administrative Law (TAL) recently posted on the Internet by the Arab press indicates that a limited group right to religious freedom is provided for non-Muslims only. The individual right to freedom of religion and belief is not mentioned as one of the fundamental freedoms or human rights set forth in the draft document.

We urge the U.S. government to make every effort to ensure that the TAL and Iraq’s permanent constitution contain an explicit guarantee that “everyone has the right to freedom of thought, conscience, and religion” as affirmed in article 18 of the Universal Declaration of Human Rights. Without such a guarantee, the rights of all individuals in Iraq, whether women or disfavored or non-conformist Muslims, will be at risk. The TAL should also contain a statement that the principles of democracy, pluralism, social justice, rule of law, and Iraq’s international obligations are to be fundamental sources for legislation, in addition to Islam or better still, “the basic principles of Islam.” Taking into account Islamic values and principles should be left to the legislative branch of government and not be judicially enforceable. Otherwise, judges believing in the primacy of Islamic law may use their positions to enforce decisions based on their own interpretations that are in contravention of international human rights standards.

Now is the time, when U.S. influence in Iraq is at its height, to ensure that protections for individual rights become institutionalized in Iraq. This is the best protection we can leave the Iraqi people. In the future, when debates on contentious issues involving religion, such as family law, inevitably arise, the people of Iraq will have tools in the TAL and the permanent constitution to prevent their democratic rights and freedoms from being rolled back.

#### THE ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM

Many of the individual country reports in the 2003 *Annual Report* are comprehensive and up to date, for example, those on India, Indonesia, Pakistan, and Russia. In some cases, however, questionable conclusions have been reached. The reports on Russia, Bangladesh, and China conclude that religious freedom conditions have essentially remained the same, yet the reports themselves appear to belie that conclusion. In the case of Egypt, the report concludes that the situation has improved, with little evidence to back up such a claim.

Other individual reports, while adequate on the whole, nevertheless contain significant errors or omissions. For example, in the report on Sudan, there continues to be no mention of the role of oil development in the government’s previous policies of forced displacement of people from oil areas. The report on Saudi Arabia states that “the local press rarely printed articles or commentaries disparaging other religions,” when the government-run media in Saudi Arabia regularly vilifies other reli-

gions and members of other religions, including Jews, Christians, and non-Wahhabi Muslims. A particularly glaring omission in that report is the absence of any mention of reports of the Saudi export of an intolerant and hate-filled religious ideology. The report on Uzbekistan reads as if it accepts with little question the Uzbek government's view that its crackdown on religious freedom, which has swept up many observant Muslims who wish to practice independently of the state sanctioned Muslim establishment, is only a campaign against terrorists or extremists. That report also downplays the problem of torture in Uzbekistan, despite the fact that there has been no indication that the problem, described in detail last year by a report of the UN Special Rapporteur on Torture, has improved to any degree. Similarly, the executive summary of the report on Turkmenistan, a country run by a despotic dictator, seems to suggest that there is some validity to President Niyazov's concerns about political dissent as a justification for his repressive religious freedom policies.

We would also like to express concern about Appendix E of the report, the "Overview of U.S. Refugee Policy." One function of the religious freedom report is to serve as a resource for officials adjudicating refugee and asylum claims.<sup>3</sup> Appendix E, however, contains information that can mislead these officers, and does not adequately explain the linkage between the refugee program and religious freedom. One example is the East Asia paragraph, which simply states "Most countries in the region permit freedom of worship." There is no mention at all of Burma, China or North Korea—each of them a CPC—nor of Vietnam, which the Commission has recommended for CPC status.<sup>4</sup>

#### RELIGIOUS PERSECUTION AND THE U.S. REFUGEE PROGRAM

Consistent with sections 601 and 602(d) of IRFA, the international religious freedom report includes a refugee section, and the Refugee Admissions Report to Congress contains sections on religious freedom. Neither document, however, adequately details the response of the refugee program to refugees who have fled religious persecution in general, or CPCs in particular. Several steps should be taken to improve the institutional linkages between religious persecution and access to the U.S. Refugee Program. These include: 1) better training of refugee and consular officers in the field on refugee and asylum adjudications and human rights, particularly religious freedom, as required by sections 602 and 603 of IRFA; 2) a systematic effort to improve access to resettlement for those who have fled CPCs and other countries where there are severe violations of religious freedom, and (3) the implementation of the operational requirements imposed on the refugee program by IRFA.<sup>5</sup>

It should be noted that the processing of religious minorities from Iran is inaccurately characterized in the 2003 *Annual Report*, which states that "Iranian refugees who belong to religious minorities are able to apply directly for U.S. resettlement."<sup>6</sup> In fact, an Iranian may not "directly" apply to the United States for resettlement without first obtaining a visa to Austria. Austria, however, recently stopped issuing visas to Iranian Christians, citing the high denial rate of this group by U.S. refugee adjudicators. In January of this year, Congress responded by passing the Specter Amendment, which clarifies the adjudication standard for refugee applications from members of Iranian religious minorities. Nonetheless, we understand that the United States and Austria may soon require Iranian Jews, Baha'is, and Christians to complete a "preliminary questionnaire" at the Austrian Embassy in Iran explaining the persecution that they face in Iran. The Commission is concerned that this procedure will be administered, at least in part, by Iranian nationals em-

<sup>3</sup>IRFA Section 601.

<sup>4</sup>In other regional sections, there is little indication of the serious problem of intra-religious persecution, but there is instead an almost exclusive focus on inter-religious strife. Moreover, there is no mention whatsoever of refugee-source countries such as Eritrea and Afghanistan, where serious religious freedom problems persist. Saudi Arabia and Pakistan, which the Commission has recommended be designated as CPCs, are cited in the refugee section for their mistreatment of religious minorities. However, the section does not indicate how the U.S. Refugee Program has been responsive to this mistreatment. Indeed, the U.S. admitted only 18 refugees from Pakistan last year and none from Saudi Arabia.

<sup>5</sup>Of the programs put in place in response to IRFA's training requirements, the Asylum Corps has distinguished itself with its enthusiastic compliance. The Commission urges the other refugee and asylum decision-making entities—the Consular Service, the Executive Office for Immigration Review, and the nascent Refugee Corps—to comply with IRFA requirements by emulating the Asylum Corps' basic training and continuing education programs. The Commission is ready to support and participate in such training efforts. The importance of training adjudicators, judges, and consular officers, who have the authority to refer refugees to the Department of Homeland Security for an interview, cannot be over-emphasized in ensuring protection for those who are fleeing religious persecution.

<sup>6</sup>Appendix E.

ployed at the Austrian Embassy. Such a procedure is not only potentially dangerous for those members of religious minorities seeking asylum, but is now entirely unnecessary with the passage of the Specter Amendment.

CONCLUSION

Thank you again for holding this important hearing and inviting the Commission to testify. I am happy to answer any questions that you may have regarding my statement.

Mr. GALLEGLY. Thank you very much for the statement, Ambassador, and forgive the expedited manner in which we are having to operate, but we have 4 minutes to get to the Floor for a vote. We have three votes. We will recess this hearing until such time as the votes are completed. And it should be approximately at 7 p.m. Thank you very much.

[Recess.]

Mr. GALLEGLY. I call the hearing back to order. Our first witness appearing on behalf of the Institute for Religion and Public Policy is Mr. Joseph K. Grieboski. Mr. Grieboski founded the institute in 1999 and is the current President. He held leadership posts in both the public and private sectors and has multifaceted experience in high level political diplomatic and religious activity. Mr. Grieboski is a faculty member at Boston University's Institute on Religion and World Affairs. He is also the President of the Grieboski LLP, a consulting firm on political foreign policy and national security issues. Welcome Mr. Grieboski.

**STATEMENT OF JOSEPH K. GRIEBOSKI, FOUNDER AND  
PRESIDENT, INSTITUTE ON RELIGION AND PUBLIC POLICY**

Mr. GRIEBOSKI. Thank you, Mr. Chairman. Thank you for inviting me to testify at today's hearing. I would ask your permission that my full testimony be introduced in the record and that I be allowed to provide a summary for the sake of time.

Mr. GALLEGLY. Without objection.

Mr. GRIEBOSKI. Before beginning, I do wish to express my deep gratitude for your leadership in holding these important hearings on the status of religious globalization and for your personal dedication to ensuring that human rights and religious freedom remain at the forefront of U.S. foreign policy. Promoting freedom of religion and belief globally is vital to our national security in two ways: First, it promotes democracy and therefore strengthens internal and regional stability and encourages economic prosperity. Second, it helps fight the war on religion-based terrorism. I am not aware of a single regime in the world that both respects religious freedom and poses a security threat to the United States. A governments' guarantee of religious freedom indicates acceptance of the premise of democracy, that every individual has value and worth and that the State is constituted to serve society, not vice versa.

It is in this sense that religious freedom serves as the cornerstone of democracy. Where freedom of religion and belief is protected by governments and valued by citizens, religion-based terrorism will not take root. It may take advantage of an open society, but sustained support will not emerge. In this sense, freedom of religion is an antidote to terrorism, especially religion-based terrorism, because it encourages a theological and political awareness of the need to accept the other.

To discriminate against religious beliefs or to discredit religious practice is exclusion contrary to respect for fundamental human dignity that will eventually destabilize society by creating a climate of tension, intolerance, opposition and suspicion not conducive to social peace. It is indeed a fine and fragile balance that needs to be maintained between a state's secular nature and the positive role of believers in public life. A systematic and systemic discrimination and persecution of any minority, particularly a religious minority creates security, economic and social consequences for the state itself, its neighbors and the international system.

The estrangement of one sector of a state's population by the government or by another segment of the population with the government's active or passive support establishes resentment and alienation among those groups. Religion-based discrimination and persecution by a government actively or passively serve to create a security dilemma for said state among its neighbors, and may escalate to raise the attention of other interested states and international organizations. The security dilemma caused by a lack of religious freedom is amplified when religious repression and lack of religious freedom serve as an impetus for acts of violence and terrorism by religious minorities. These acts against a government are not and can never be justified, but may seem to the perpetrators as the only recourse to a regime that represses their fundamental religious rights.

Denial of the fundamental right of religious freedom can indeed directly impact the states own security. The respect of every expression of religious freedom is therefore seen to be a most effective means for guaranteeing security and stability within a state. It is very important to emphasize that freedom of religion must not be confused with freedom from religion. A policy of secularism should not be promoted in any way as a cover for unintentional intolerance and atheism as a state policy.

Mr. Chairman, we see today before us an ongoing regression and devolution of religious rights globally. Most dangerously, we are sadly observing many former havens of freedom and religious expression becoming new and subtle arenas for religious discrimination. The bill passed this morning by the lower house of the French Parliament to ban the wearing of religious garb is an example of this new and potentially dangerous trend. The exercise of the right of religious freedom cannot be considered a dispensation granted by the state to its citizens or its residents. Additionally, the assurance of this right cannot be deemed an exception. Therefore, it is atypical that more limiting legal or administrative procedures should be implemented with regard to religious beliefs and institutions than those for which the Juridical system provides it organization in general.

In areas of the world where American influence is most direct and pervasive, religious freedom may be lost. In particular, Afghanistan, Iraq and Kosovo. You will see in my full testimony the grave and serious threats to religious freedom and security in those areas. The establishment of a secular system with respect for and equal treatment of all religious faiths under the law is a fundamental imperative of any democracy, and should certainly be desired for Iraq and Afghanistan. The time has come for the Iraqi

and Afghani people to enjoy the same benefits and vitality that freedom of religious pluralism and practice promote and ensure. On the contrary, the creation of an Islamic system in Iraq will inevitably lead to conflict over authority to interpret Islam and oversight of its enforcement by the state.

The transitional constitution must not permit the use of language that could be interpreted as establishing an Islamic state. On the brighter side, there do exist around the globe models of developing secular predominantly Muslim states that respect, protect and promote religious freedom. My written testimony highlights two such models, Morocco and Kazakhstan. It is vitally important that the United States encourage and advance such states as alternative models to those of Saudi Arabia, Sudan, Pakistan, Turkmenistan and Iran, whose suppression of religious rights and pluralism are pervasive. In order to encourage and advance such alternative models and to establish consistency in the U.S. policy regarding international religious freedom and in consistency with the categories of countries already established under the International Religious Freedom Act and the *International Religious Freedom Report*, I would recommend that the International Religious Freedom Act be amended in such a way that the President shall designate each country in the world into categories such as those below.

Totalitarian or authoritarian attempts to control religious belief or practice, state hostility toward minority or non approved religions, state neglect of the problem of discrimination against or persecution of minority or non approved religions, discriminatory legislation or policies disadvantaging certain religions, stigmatization of certain religions by wrongfully associating them with dangerous cults or sects, significant improvement in the area of religious freedom and significant protection and promotion of religious rights. Domestically religious freedom issues enjoy tremendous grassroots and political support. It is perhaps the only human rights issue that attracts widespread interest among Americans. It is also the human rights issue with the most support interest on Capitol Hill as evidenced in the unanimous passage of the International Religious Freedom Act. In recent years, in conclusion the United States Government has increased its advocacy on behalf of religious freedom worldwide.

However, these efforts are too often uncoordinated, inefficient and marginalized from the rest of U.S. foreign policy. Some important steps need to be taken to integrate more fully freedom of religion into overall U.S. foreign policy. The United States government must accept its awesome responsibility of both protecting American vital interests and promoting American values in its bilateral relationships and discussions as well as in multilateral fora. The U.S. Government must remind the international community of its commitments regarding freedom of conscience and protection of minority rights.

Furthermore, the United States must have a flexible foreign policy that allows it to hold its allies to the same human rights and religious freedom criteria levels to which it holds its opponents. Thank you very much, Mr. Chairman.

Mr. GALLEGLY. Thank you very much, Mr. Grieboski.

[The prepared statement of Mr. Grieboski follows:]

PREPARED STATEMENT OF JOSEPH K. GRIEBOSKI, FOUNDER AND PRESIDENT,  
INSTITUTE ON RELIGION AND PUBLIC POLICY

Thank you, Mister Chairman, for inviting me to testify at today's hearings on the 2003 State Department Report on International Religious Freedom.

Before beginning, I wish to express my deep gratitude for your leadership in holding these important hearings on the status of freedom of religion and belief globally and for your personal dedication to ensuring that human rights and freedom of religion and belief remain at the forefront of U.S. foreign policy.

BACKGROUND

Religious freedom is a principal reason for the success of the American republic. It is the "first freedom" of the Bill of Rights, the first sixteen words of which—by guaranteeing free exercise and banning establishment—were designed to encourage the religious enterprise. The first amendment is based on the conviction that believers can and will do good things for themselves, their co-religionists, and America, and that they should be encouraged to do so. Most important, however, the first amendment also protects the rights of those who choose not to believe. Our founders did not see religion as a "private matter" with no relationship to public policy. Rather, they saw religion and religious people as the cornerstone of our democracy and representative of our vitality as a nation.

By the same token, American foreign policy has always drawn on the impulses provided by the first amendment. Promoting religious freedom as a core element of our foreign policy is not only "being true to our character as a people," but also deeply rooted in America's security interests.

Religious liberty, in the full sense of the term, is the first human right. It is, therefore, a liberty that should not be confined to the private sphere only.

In Central Asia, China, the Indian sub-continent, the Middle East and elsewhere, the state's repressive actions empower radicals by criminalizing non-threatening behavior. For this reason, it is vitally important that governments around the world nurture environments of free expression so that moderate views may predominate.

DEMOCRACY AND SECURITY

Promoting freedom of religion and belief globally is vital to our national security in two ways. First, it promotes democracy and therefore strengthens internal and regional stability, and encourages economic prosperity. Second, it helps fight the war on religion-based terrorism. I am not aware of a single regime in the world that both respects religious freedom *and* poses a security threat to the U.S.

A government's guarantee of freedom of religion indicates acceptance of the premise of democracy: that every individual has value and worth, and that the state is constituted to serve society, not vice versa. It is in this sense that freedom of religion serves as the cornerstone of democracy.

A guarantee of religious freedom also supports the other fundamental human rights necessary to democracy: because it is grounded in the universal dignity of the human person, religious freedom encourages other related rights. A government that denies the right to freedom of religion and belief is far more likely to deny other rights central to human dignity, such as freedom from torture or murder. The reverse is also true. Freedom of religion and belief is also closely connected to other civil and political rights necessary to democracy. Religious individuals and groups need and deserve freedom of speech, freedom of assembly, and the right to be secure in their homes from unwarranted government intrusion.

In many countries with religious minorities, the most that is thought to be achievable is a commitment to religious tolerance. True religious freedom, however, is more than mere tolerance. It constitutes an embracing of universal human dignity because of—rather than in spite of—one's religious convictions. The great project of the 21st century is to encourage and empower religious communities—especially Muslims—who have this view, i.e., that adapting to non-Muslim religions within Islamic societies is not a compromise of Islam but a deepening and clarifying of it. This case cannot be limited exclusively to Islam, as other religious traditions are susceptible to the kinds of intolerance that leads to violence. We see this, for example, in the rise of Hindu nationalism in India, and growing religious tensions in Eastern Europe and Central Asia. U.S. religious freedom policy should be at the forefront of this project.

Where freedom of religion and belief is protected by governments and valued by citizens, religion-based terrorism will not take root. It may take advantage of an

open society, but sustained support will not emerge. In this sense, freedom of religion is an antidote to terrorism, especially religion-based terrorism, because it encourages a theological and political awareness of the need to accept the “other.” To discriminate against religious beliefs, or to discredit religious practice, is exclusion contrary to respect for fundamental human dignity that will eventually destabilize society by creating a climate of tension, intolerance, opposition, and suspicion not conducive to social peace.

It is indeed a fine and fragile balance that needs to be maintained between a state’s secular nature and the positive role of believers in public life. To avoid such a twist is as necessary as it is to prevent the misuse of the concept of freedom. This corresponds, among other things, to the demands of a healthy pluralism and contributes to the building up of authentic democracy.

As Pope John Paul II recently stated, “When States are disciplined and balanced in the expression of their secular nature, dialogue between the different social sectors is fostered and, consequently, transparent and frequent cooperation between civil and religious society is promoted, which benefits the common good.”

A systematic and systemic discrimination and persecution of any minority, particularly a religious minority, create security, economic, and social consequences for itself, its neighbors, and the international system. The estrangement of one sector of a state’s population by the government or by another segment of the population with the government’s active or passive support establishes resentment and alienation among those groups.

Religion-based discrimination and persecution by a government, actively or passively, serve to create a security dilemma for said state among its neighbors, and may escalate to raise the attention of other interested states and international organizations.

Social and political tensions and conflicts created by feelings of inadequacy potentially lead to coercive measures and imposition of tougher laws. One such law is under consideration in France as we speak. There could be no real power in laws that so many religious believers will resent or will try to circumvent. Alienating people and making them feel unwelcome is not the solution. The state has a responsibility for the common good, social peace and coexistence within the nation. Consequently, it has the duty and responsibility to guarantee these benefits by respecting pluralism.

Such feelings of isolation, separation, and inadequacy—created by inequitable social, economic, educational and other standards based solely on differences in religion—in addition to actual incidents of state-sponsored or supported persecution, are cause for entire migrations of targeted peoples. Such migrations create internal displacement and potential refugee issues for neighboring states.

Mass movements of populations across borders potentially become a security threat to states neighboring a religiously repressive state. This can grow to be a true security dilemma if the religiously repressive regime chooses to use force against religious minorities. While the situation in North Korea is horrific all the way around, the treatment of North Korean refugees by Chinese authorities provides an adequate example of concern for such an issue.

The security dilemma caused by a lack of religious freedom is amplified when religious repression and lack of religious freedom serve as an impetus for acts of violence and terrorism by religious minorities. These acts against the government are not and can never be justified, but may seem to the perpetrators as the only recourse to a regime that represses their fundamental religious rights. Denial of the fundamental right of religion freedom can indeed directly impact the state’s own security. The respect of every expression of religious freedom is, therefore, seen to be a most effective means for guaranteeing security and stability within a state.

It is very important to emphasize that freedom of religion must not be confused with freedom from religion. A policy of secularism should not be promoted in any way as a cover for unintentional intolerance and atheism as a state policy.

#### CURRENT CONCERNS

Mr. Chairman, we see today before us an ongoing regression and devolution of religious rights globally. Most dangerously, we are sadly observing many former havens of freedom and religious expression becoming new and subtle arenas for religious discrimination. The bill under discussion by the French Government to ban the wearing of religious garb is an example of this new and potentially dangerous trend.

Similarly, the creation of blacklists of minority religious and spiritual movements by the French and Belgian parliaments severely restricts the rights of their members and all religious communities, since such lists—no matter how misconceived

and steeped in misinformation—have been and continue to be considered authoritative by both government and private sector bodies.

European democracies such as France, Belgium and Germany ought to be models for states seeking to develop into full-fledged democracies, yet instead we find China citing France's actions against minority faiths as a justification for its own treatment of the Falun Gong and Christian groups. Germany, in the wake of 9/11, has enacted amendments to its Association Law that give the government full discretion to simply shut down religious organizations that it considers a threat to national security without due process. Governmental actions of this kind by European democracies limit and restricts the rights of all people from practicing their beliefs according to the dictates of their consciences, and serves as a dangerous model for other states worldwide.

The exercise of the right of religious freedom cannot be considered a dispensation granted by the state to its citizens or residents. Additionally, the assurance of this right cannot be deemed an exception. Therefore, it is atypical that more limiting legal or administrative procedures should be implemented with regard to religious beliefs and institutions than those for which the juridical system provides its organization in general.

In areas of the world where American influence is most direct and pervasive, religious freedom may be lost. Article Two of the Afghan Constitution states, "The religion of Afghanistan is the sacred religion of Islam. Followers of other religions are free to perform their religious rites within the limits of the provisions of law." Such a statement, while seeming to respect the rights of all religious believers in Afghanistan, in fact only allows the right of worship, not the right of freedom of religion. While the state certainly has the right to limit religious expressions that safeguard public security, order, health, and moral standards, these limitations cannot be arbitrary or applied in such a way as to make the interventions of government so restrictive that the very substance of freedom of religion becomes insignificant.

Furthermore, the new Afghan constitution enshrines the supremacy of a particular interpretation of Islam over individual rights and freedoms. Article Three clearly states, "In Afghanistan, no law can be contrary to the sacred religion of Islam and the values of this Constitution." Sharia law has been established as the law of the land in Afghanistan with the mandate that no law be in opposition to Islamic law.

Senator Rick Santorum clearly and unequivocally pointed out in a January 16, 2004 letter to Ambassador Paul Bremer a grave and growing threat to religious freedom in Iraq: "The most immediate threat to religious freedom lies in proposals to overturn the religious neutrality of Iraq's interim constitution." The interim constitution must be completed by February 28, 2004 and cannot be amended until replaced by a permanent constitution in mid-2005. The November 15 agreement requires that the interim constitution contain religious freedom as an essential element.

The establishment of a secular system with respect for and equal treatment of all religious faiths under the law is a fundamental imperative of any democracy and should certainly be desired for Iraq. The time has come for the Iraqi people to enjoy the same benefits and vitality that freedom of religious pluralism and practice promote and ensure. On the contrary, the creation of an Islamic system in Iraq will inevitably lead to conflict over authority to interpret Islam and oversight of its enforcement by the state. The transitional constitution must not permit the use of language that could be interpreted as establishing an Islamic state.

Almost five years ago, the United States led NATO into a war to liberate the peoples of Kosovo-Metohija from the oppression of Slobodan Milosevic's regime. Five years later, Kosovo's Serbian Orthodox have become second-class citizens in their own country, deprived of their basic human rights. Under the eye of tens of thousands of NATO troops, including Americans, over 115 churches and monasteries have been leveled—more than half dating back to the Middle Ages; priceless frescos and icons have been desecrated; monks and priests have been attacked as they walk the streets of now-ethnically pure Albanian cities and towns.

Mr. Chairman, the situation is intolerable and it is happening under our watch. Two-thirds of the pre-war Kosovo Serbian Orthodox population has been cleansed from the province, their homes burnt to the ground. And thousands have been murdered. Those Orthodox who remain live in ghettos, segregated from the mainstream of Kosovo society. No one has been held responsible for this human rights catastrophe.

Kosovo's Serbian Orthodox feel that America is permitting all this destruction and violence to take place. They see that Albanians hang our flag everywhere, and they see those same Albanians continue to attack them and their religious heritage. We must pressure Kosovo's Albanian leadership to prosecute those in their midst who

commit these atrocities. Inaction on our part makes us moral accomplices to these crimes. Ignoring the horrors in today's Kosovo empowers those who oppose democratic values of religious freedom in places like Afghanistan and Iraq to stand up to us, and this we cannot allow.

On the brighter side, there do exist around the globe models of developing, secular, predominantly Muslim states that respect, protect, and promote religious freedom.

Morocco is a tremendously important model as an Arab Muslim state that recognizes the integrity and importance of religious freedom as a national policy. The promotion and advancement of the religious rights of all religious minorities by the Moroccan government distinguish it as a unique paradigm in the Arab Muslim world. While the King of Morocco also serves as head of religion, no one is persecuted or denied their rights because of their religious beliefs. No discrimination or privileges based on affiliation or rejection of affiliation to a religion is acceptable to the King or the Government.

Kazakhstan as a predominantly Muslim, non-Arab state should be recognized for its contributions to the discussion of respect for religious rights. The Kazakh Government under President Nursultan Nazarbayev has promoted the global inter-religious dialogue and cooperation as a means to combat religious intolerance and violence. Further, the Kazakh Government has taken steps to improve human rights standards and practices in Kazakhstan itself. All citizens and residents are entitled to equal protection against any discrimination in violation of their rights, thanks to the establishment of a human rights ombudsman, standards of civic governance, and other measures. The government respects the equality and rights of all religious believers before the law and all are entitled without discrimination to equal protection of the law.

It is vitally important that the United States encourage and advance such states as alternative models to those of Saudi Arabia, Sudan, Pakistan, and Iran, whose suppression of religious rights and pluralism are pervasive.

In order to encourage and advance such alternative models and to establish consistency in the U.S. policy regarding international religious freedom, and in consistency with the categories of countries already established under the State Department Annual Report on International Religious Freedom, I would recommend that the International Religious Freedom Act Section 402 << NOTE: 22 USC 6442. >> (b) (1) (A) be amended in such a way that the President shall designate each country in the world into categories such as those below:

- Totalitarian or Authoritarian Attempts to Control Religious Belief or Practice;
- State Hostility Toward Minority or Nonapproved Religions;
- State Neglect of The Problem Of Discrimination Against, or Persecution of, Minority or Nonapproved Religions;
- Discriminatory Legislation or Policies Disadvantaging Certain Religions;
- Stigmatization of Certain Religions by Wrongfully Associating Them With Dangerous "Cults" or "Sects";
- Significant Improvement in the Area of Religious Freedom
- Significant Protection and Promotion of Religious Rights.

Expanding the categorization of countries serves to advance the cause of religious freedom and of overall United States foreign policy, as well as to more clearly establish consistency within United States foreign policy.

First, the expansion of the list into more defined categories allows the United States to hold its allies and friends to the same standards of freedom of religion and belief to which it holds its opponents and enemies

Second, it clears the charge of duplicity in U.S. foreign policy often raised by foreign governments and actors.

Next, the expansion of the list allows the United States to engage all nations on equal footing, without focusing on the most egregious actions, therefore not losing sight of discrimination and other factors, which can lead to persecution. It provides an opportunity to demonstrate distinctions in and recognition of difference in treatment of religious rights.

Finally, such expansion also allows the United States to recognize positive changes in countries, an action not often taken in U.S. human rights policy, which can serve as a very positive carrot to many states.

#### CONCLUSION

Domestically, religious freedom issues enjoy tremendous grassroots and political support. It is perhaps the only human rights issue that attracts widespread interest

among Americans. It is also the human rights issue with the most support and interest on Capitol Hill, as evidenced in the unanimous passage of the International Religious Freedom Act.

In recent years, the United States Government has increased its advocacy on behalf of religious freedom worldwide. However, these efforts are too often uncoordinated, inefficient, and marginalized from the rest of U.S. foreign policy. Some important steps need to be taken to integrate more fully freedom of religion into overall U.S. foreign policy. The United States Government must accept its awesome responsibility of both protecting American vital interests and promoting American values in its bilateral relationships and discussions, as well as in multilateral fora. The U.S. Government must remind the international community of its commitments regarding freedom of conscience and protection of minority rights. The United States must have a flexible foreign policy that allows it to hold its allies to the same human rights and freedom of conscience criteria and levels to which it holds its opponents.

Mr. GALLEGLY. Our next witness is Tom Malinowski, Washington advocacy director for Human Rights Watch. Prior to joining Human Rights Watch he served as Special Assistant to the President and Senior Director for Foreign Policy Speechwriting at the National Security Council during the Clinton Administration. From 1994 to 1998, he was a speech writer for Secretaries of State Christopher and Albright and a member of the State Department Policy Planning staff. Mr. Malinowski appears frequently as a radio television and op ed commentator on U.S. human rights policy worldwide. Welcome Mr. Malinowski.

**STATEMENT OF TOM MALINOWSKI, WASHINGTON ADVOCACY  
DIRECTOR, HUMAN RIGHTS WATCH**

Mr. MALINOWSKI. Thank you very much, Mr. Chairman, and thank you for inviting me to testify. Like everyone, I have a longer written statement which I would like to ask appear in the record.

Mr. GALLEGLY. Without objection.

Mr. MALINOWSKI. And I will abbreviate. We have before us the State Department report, and I agree with every other witness that it is an excellent report. It is honest, it is candid, it pulls no punches, whether with respect to allies or adversaries of the United States, and Ambassador Hanford and the Department deserve a lot of credit for pulling it together.

But I think we should all agree that a report by itself is not a policy. To make a difference, the words that we have all heard need to be backed by a strategy that is consistently and effectively applied. And I think our focus therefore ought to be on how the Administration is using these reports. Is it employing the tools that you and the Congress have given it to try to make a difference in the fight for religious freedom and human rights around the world, and is respect for these values truly a serious and consequential element of America's relationships with countries around the world. Now, what are the tests of that kind of seriousness? I will try to mention just a few.

One test I think that is particularly important right now, and that I go into more in my written testimony, is how we respond to countries that are trying to piggy-back on the war on terrorism to try to justify abuses of religious freedom around the world. One such country, obviously a big one is China, which has tried to justify its crackdown on Muslims, Uighurs, in its western provinces as part of America's war on terrorism. It has claimed the support of the United States for that crackdown. And it is something that Ad-

ministration and the Congress need to speak out on very consistently and at a very high level so that we do not associate a legitimate struggle against terrorism with these cruel repressive practices that the Chinese are engaged in which actually undermine the credibility of the war.

Another very important test others have mentioned is Afghanistan precisely because the United States has such a profound influence right now on that country. And like other witnesses, I share concerns about the new Afghan constitution and about the role that Islamic law may end up playing, once again, in that country. Whether the human rights standards in this Constitution are pre-eminent or Islamic law is something that remains to be seen. And then there is the question of what happens in all the parts of the country that are not even under the sway of the new constitution or the central government, but rather under the sway of these warlords who are brutally repressing their people.

And the answer to that question, that problem is, of course, not a State Department report, but whether or not the United States adds its muscle to the Karzai government to try to restore security and the rule of law for all the people of the country by expanding the security forces in that country.

That is really the test of whether we truly care about these issues.

But what I want to talk about the most is this whole issue of CPCs, Mr. Chairman, and whether we are applying them to the right list of countries. I think the whole premise of the CPC designation is that there are a group of countries around the world that do not want to be shamed by being named so much so that they are willing to take some steps to improve their behavior to avoid being named.

But logically, I think that assumption is only going to hold true for countries that value their relationships with the United States. Putting North Korea or Iran on the list is great. But if you are already a member of the axis of evil, you are not going to care so much about being added to another top 10 list. Putting an American ally or a country that is close to the United States on that list could make a difference.

In other words, these are countries that will be particularly concerned to be named countries of particular concern. And those are the countries that we ought to be focusing on. Now, I want to focus on two such countries that I think deserve our attention. One has been mentioned and that is Saudi Arabia. As others have suggested and pointed out, the State Department has consistently said that religious freedom does not exist in Saudi Arabia. It has been able to make such a categorical statement about only two countries in the world, Saudi Arabia and North Korea.

These are the worst of the worst, and yet it has never been designated and this obvious contradiction completely undermines, I think, the credibility of this process because you know you would have to be from Mars to not understand why Saudi Arabia is not designated. It may be the people at the State Department don't use the word "oil." you know it is crude to talk about oil, no pun intended. But it is clearly a particularly important country in a very sensitive part of the world, and it just has not been confronted this

way. And it is especially urgent that we do so now because President Bush has announced to his great credit this new American approach to Arab countries that is going to emphasize human rights and religious freedom far more than in the past, and if we are going to do that credibly, we need to begin by speaking honestly about these countries. That has got to be the fundamental test of that policy.

A second country that I think deserves to be added that no one has mentioned today is Uzbekistan, Mr. Chairman. It is a profoundly important country, the heart of central Asia, on the front lines of the war on terrorism, important for a dozen reasons. It is a Muslim country in which the government has basically taken the old Soviet Union's approach to religion. It regulates what religion exists, and anything that is not regulated and controlled by the state is forbidden. And there are about 6,000 mostly young men in Uzbekistan rotting away in prison because they have tried to worship outside of this state-controlled system, and these people are subjected to the most brutal and ruthless torture, which is really comparable to what we saw in Saddam Hussein's Iraq.

And these policies aren't just cruel but they are dangerous. They have shut down the space in which a moderate Islam can exist in this country. It gives people really no choice but either to go to the stale state-run mosques where they can't—they have to praise the President of the country and pledge loyalty to the state, or to go to the sort of shadowy underground radical organizations that are banned and which provide them the only opportunity to dissent against this repression.

So you can see the danger there. It is potentially fueling the very danger of radicalism that all of us want to see avoided in that part of the world. And you know in the past the State Department has raised these concerns with the Uzbek government. They have been rebuffed on point after point despite the aid Uzbekistan is getting, despite the good relationship it has. And so I think it is very, very important that as we look at the CPC list we look at Uzbekistan as a country that needs to be singled out. There needs to be sent a very clear message that if you are an ally of the United States in the war on terrorism, you don't shut down the right of Muslims to express their religion peacefully, legitimately and lawfully. In this way, Mr. Chairman, and in a lot of other ways, I think the findings of the report are a call to action. They shouldn't represent the final word but the opening salvo of a consistent American strategy to support religious freedom and human rights throughout the world. And I am grateful to you and the Committee for your oversight of the process; happy to take any questions you may have.

Mr. GALLEGLY. Thank you very much, Mr. Malinowski.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR,  
HUMAN RIGHTS WATCH

Mr. Chairman:

Thank you for holding this hearing and for inviting me to testify.

If you would like us to analyze the State Department's annual report on religious freedom around the world, then you've given us a relatively easy task. I believe that the report does what the Congress intended and required when it passed the International Religious Freedom Act in 1998. It gives us a comprehensive picture of violations of religious freedom around the world. It does so honestly, pulling no

punches in its description of abuses by America's friends and foes alike. And it recognizes that promoting religious freedom is in America's national interest, in part because it "dampens the appeal of religious extremism and religion-based terrorism."

The State Department, and particularly Ambassador Hanford and his team, deserve great credit for publishing this kind of candid report on human rights violations around the world. At times, however, the Department has acted as if merely describing such problems is enough. Time and again, American diplomats, when asked "what are you doing" about human rights violations in a particular country, have responded: "We put out an excellent human rights report or religious freedom report—doesn't that prove we care?" But of course, a report is not a policy. To make a difference, words must be backed by actions. And those actions must follow from a coherent strategy, consistently pursued.

Our focus, therefore, should be on how the administration is using these reports. Is it applying the tools Congress has given it to combat the abuses described in the report? Is respect for religious freedom truly a consequential issue in America's bilateral relationships with governments that restrict religious freedom? How seriously, in other words, does the State Department take the very serious concerns it raises in this report?

A critical test of the Department's seriousness is its response to countries that try to justify the suppression of religious freedom by claiming it is part of the struggle against terrorism. One such country is China, which has repeatedly sought—and claimed—American support for its crackdown against Muslims suspected of separatism in its western province of Xinjiang, asserting that all those it is persecuting are terrorists. As the State Department report makes clear, authorities in Xinjiang have in fact cracked down on all independent manifestations of faith by Muslims. Officials have prohibited the building of new mosques and the teaching of Islam to children, and forbidden teachers, professors and university students from practicing their religion openly. The administration needs to make equally clear, at the highest possible level, that this kind of persecution is wrong, and that it undermines any legitimate struggle against terror, and that it will hurt China's relationship with the United States.

Another key test this year will be Afghanistan, if only by virtue of the U.S. military presence in that country and the extraordinary influence the United States has on its fate.

Afghanistan recently adopted a new Constitution. It is a solid framework for Afghanistan's future. It seeks to protect human rights. It shows how determined Afghans are to settle their problems with words instead of guns. But the institutions needed to protect the Afghan people's rights, including their right to religious freedom, are still weak. And the Constitution does not adequately address the role of Islamic law, and its relationship to human rights protections. The Constitution will be interpreted by the Afghan Supreme Court. And there are powerful factions in Kabul who, if given the chance, may try to stack the Court with justices who will implement conservative interpretations of Islam that are rejected by the majority of Afghans and that may violate human rights.

Meanwhile, outside Kabul, much of the Afghan countryside remains under the control of warlords, some of whom have been supported by the United States, who have free rein to abuse the Afghan people. In the western province of Herat, for example, which is ruled by the warlord Ismail Khan, some of the most oppressive practices of the Taliban era have been recreated. Girls cannot attend university classes with boys. Religious police patrol the streets. Women have been detained and subjected to forced virginity tests.

The solution to these problems cannot be provided by a State Department report. The key is for the United States to use its muscle to help the Afghan central government stand up to unelected, authoritarian forces, and to establish security and the rule of law throughout the country. This will require, at a minimum, expanding the NATO-led international security force in Afghanistan so that it covers all the key areas of the country, as the Bush administration has promised, but not delivered.

But perhaps the most obvious test of the administration's seriousness this year, as in past years, will be its willingness to add the world's worst violators of religious freedom to its list of "Countries of Particular Concern" (CPC) under the International Religious Freedom Act.

The CPC list can be a powerful tool. But we should remember that it is primarily a symbolic tool, because it does not automatically lead to the imposition of sanctions. The premise behind the CPC list is that many countries would be shamed to be named—so much so that they would be willing to change their behavior to avoid designation.

Logically, however, that assumption holds true only for countries that value their relationships with the United States and that do not want to see them suffer. Putting North Korea or Iran on the list, for example, is certainly the right thing to do. But it is probably not going to have much impact in the short run on countries such as these, which are already estranged from the United States over other issues. When you're already in the Axis of Evil you probably don't worry much about getting on yet another top ten list. Putting a U.S. ally on the list, on the other hand, would make a difference, because such a designation would represent a significant change in the quality of its relationship with the United States.

In that respect, I want to focus on two U.S. allies that haven't been named CPC's in the past, but which clearly merit designation.

The first is Saudi Arabia.

As the State Department has comprehensively documented, the government of Saudi Arabia forbids all demonstration of religious faith that is not consistent with the state-sanctioned interpretation of the Sunni branch of Islam. Shi'a Muslims, who constitute about eight percent of the Saudi population, face severe discrimination in employment and education. Their books are banned, their religious ceremonies discouraged, their most basic rights violated because judges are officially permitted to ignore their testimony in court. Many Shi'a leaders have been imprisoned. One cleric, Sheikh Ahmed Turki al-Saab, was sentenced last year to flogging and 7 years in prison after making comments critical of the government to the Wall Street Journal.

Saudi Arabia also completely forbids all public non-Muslim religious activities. Non-Muslim clergy are prohibited from visiting the country. The distribution of Bibles is banned. Many Christians have been imprisoned or deported for practicing their faith. The Saudi authorities have even punished private religious expression, raiding homes where private worship was taking place and arresting the participants. In one such case reported by the State Department, 2 Filipino Christian residents were sentenced to 30 days in prison, 150 lashes, and deportation in April of 2002 for conducting a Roman Catholic prayer group in their home.

The Departments Religious Freedom Report is crystal clear in its judgment of Saudi Arabia's record. It concludes, simply, that "freedom of religion does not exist" in Saudi Arabia. The State Department has been able to make such a categorical statement about only two countries in the world: North Korea and Saudi Arabia.

And yet Saudi Arabia has never been among the countries the State Department designates as "of particular concern." This obvious contradiction undermines the credibility of the entire CPC process, especially because you would have to be from Mars not to understand the reason why Saudi Arabia has escaped designation—because it is a particularly close ally of the United States in a sensitive part of the world.

Fixing this problem is particularly urgent now because President Bush has, to his credit, promised a new kind of American foreign policy in the Arab world—a policy that would place the promotion of human rights, including religious freedom, front and center in America's relationships with governments that have not heard this message from Washington in the past.

Reasonable people can differ about the best ways to promote respect for political and religious freedoms in this extraordinarily complex part of the world. But at a minimum, we should all be able to agree that what President Bush has called a "forward strategy of freedom" in the Middle East requires the United States to speak candidly when freedom is denied. Designating Saudi Arabia a CPC provides an opportunity to do just that, and I believe it would encourage the Saudi government to take steps to improve its record. Failing to designate Saudi Arabia would send exactly the wrong message to governments in the region: that whatever President Bush may say, their relationships with the United States still protect them from real scrutiny.

A second country that should be added to the CPC list is Uzbekistan.

The government of Uzbekistan has essentially carried on the policy towards religion that it inherited from the Soviet Union. It is a policy based on a simple, uncompromising premise: that which is not controlled is forbidden. Uzbekistan is a primarily Muslim country, in which the government seeks to supervise religious worship and belief, by overseeing the Islamic hierarchy, the content of Imams' sermons, and the substance of their religious materials. Throughout the past year, the Uzbek government has continued to persecute and detain those who practice Islam outside of this government-controlled system.

Over 6,000 such people remain in prison in Uzbekistan. That is a huge number in such a small country—imagine if over 60,000 Americans were imprisoned for practicing their faith, and you will have some sense of the impact this persecution has had on Uzbek society.

Those who are imprisoned for practicing their faith outside state-controls are often subject to the most horrific forms of torture: electric shock, asphyxiation with gas masks or plastic bags, injections of psychotropic drugs, beatings with batons or metal rods, hanging from the ceiling by the wrists or ankles, rape and sodomy. As in Saddam Hussein's Iraq, relatives of those imprisoned have been detained and tortured in front of their loved ones. Often such torture is used to punish prisoners for attempting to worship inside prison.

For example, at the end of September 2003, guards at Navoi prison 64/29 beat "Sherzod S." (a pseudonym) on the soles of his feet until he lost consciousness as a punishment for praying. When he regained consciousness, the authorities sent him to a punishment cell, warned him not to make a complaint, and tried to force him to bow in prayer to the deputy head of the prison. In a separate incident in September, the head of the operations section of the prison apparently ordered that all water containers be taken from the religious prisoners and burnt. The prisoners understood this to be a means of stopping them from carrying out their daily ablutions, a ritual that many Muslims believe they must carry out before performing prayers.

On April 26, 2003 a guard at Karshi prison 64/49 put "Bakhrom B." (a pseudonym) into a punishment cell and savagely beat him as punishment for praying. Bakhrom's father told Human Rights Watch that he later complained to the United Nations Special Rapporteur on Torture about the incident. Apparently in response to this complaint, on September 12, the prison authorities called Bakhrom to meet with the deputy head of the prison and a procurator. They forced him to sign a statement saying that he had not been beaten. Since then he has been subjected to further violent treatment.

In November 2002, religious prisoners were punished for fasting during Ramadan. Keston News Service reported on November 19, 2002, that one hundred and fifty prisoners in Karshi prison 64/61 were put into punishment cells for observing the fast.

The Chirchik City Court added three years to the sentence of Tolib Khaidarov after he had refused prison authorities' demands that he abandon his religious beliefs. The case was decided in a closed court hearing on August 8, 2003. Khaidarov had no defense counsel and no witnesses for the defense were presented. Khaidarov was a religious prisoner, accused of non-violent activities (anti-constitutional activities, article 159, and belonging to an illegal religious organization, article 216). He was due to be released under the terms of his sentence on July 17, 2003. Prior to his expected release, prison authorities demanded that he reject his previous religious beliefs. He replied, "I don't reject Islam." He was subsequently told that he was being charged with breaching internal prison rules. The allegations included that he got up too early in the morning and that he brought food out of the breakfast hall. On this basis, he was sentenced to an additional three years. He claims that the case was fabricated against him because of his refusal to reject his faith.

The Uzbek authorities not only punish religious prisoners for their faith, but other prisoners who chose to associate with them. On September 19, 2003, guards at Navoi prison 64/29 beat four prisoners in front of many observers on the way out of the dining hall at lunch time because they had spoken to religious prisoners during lunch.

On May 15, Orif Eshanov died in pre-trial custody in the city of Karshi, apparently from torture after being detained by the National Security Service some days earlier on suspicion of belonging to a banned Islamic organization. Although there has been coordinated and sustained international pressure to conduct an independent investigation into the circumstances surrounding Ershanov's death, the authorities have thus far refused to do so.

In the first six months of 2003, Human Rights Watch's Tashkent office documented ninety-three convictions or new arrests of Muslims for the peaceful expression of their religious beliefs. From June to August, Human Rights Watch followed seven trials against thirty men and six women, all charged with non-violent offences connected to their practice of Islam outside of government controls. In all of these trials, defendants alleged in court that law enforcement authorities had tortured them in pre-trial detention. The judges in all cases failed to adequately investigate the claims and convicted the defendants on the basis of evidence allegedly gained through the use of torture. Sentences ranged from one two-year suspended sentence to fifteen years of imprisonment. The arrests and convictions continue, with dozens of independent Muslims on trial just this week for their religious beliefs and practices.

Many of these religious prisoners in Uzbekistan, Mr. Chairman, are accused of belonging to a banned Islamic organization known as Hizb-ut-Tahrir. This organization espouses extreme views that are antithetical to human rights. It is anti-Se-

mitic, anti-woman, and profoundly anti-American. Nevertheless, it has not advocated or committed acts of violence. Its members are persecuted in Uzbekistan for their beliefs, not for their actions.

Moreover, not all religious prisoners in Uzbekistan are members of Hizb-ut-Tahrir. Some thousands are simply independent Muslims not affiliated with any organization, who are persecuted for nothing more than practicing their faith by praying at home or studying privately, or being affiliated with imams not registered or out of favor with the government. Hundreds of people have been imprisoned and tortured, for example, simply for having attended the mosque of Imam Nazarov, a registered state Imam who refused to praise Uzbek President Karimov in his sermons or to inform on members of his congregation to the Uzbek security police, and who has been missing since 1998.

These policies are not just cruel, but dangerous. They deny the Uzbek people any lawful means to practice their faith outside a co-opted, politicized, Soviet style Islamic establishment. They have shut down the space in which a genuinely moderate, independent Islam can exist in Uzbekistan. They have given Muslims who don't want to go to a state mosque and praise the President nowhere to go—except to fringe organizations, like Hizb-ut-Tahrir, which flourish in the shadows. They potentially strengthen the very forces they are ostensibly designed to weaken.

In the past year, the State Department has urged the Uzbek authorities to take a number of reasonable steps to address these problems—by holding torturers accountable, introducing the right of habeas corpus and other legal protections for detainees, and implementing legal reforms that would decriminalize independent religious observance. In response, the Uzbek government has taken no meaningful steps forward. Despite the good relationship the United States has tried to establish with Uzbekistan, despite the military and economic assistance the United States has provided, the Uzbek government has refused to budge on these U.S. concerns.

Uzbekistan cannot be a good ally for the United States in the struggle against terrorism unless it stops persecuting Muslims for the peaceful expression of their faith. CPC designation would send a clear message to the Uzbek government—that true allies allow their people peaceful avenues for expressing their beliefs, instead of driving the faithful underground. I urge the Committee to press the administration to make such a designation.

I should add, Mr. Chairman, that minority religions are also subjected to government harassment in Uzbekistan. According to the State Department report, a number of Christian churches have been denied registration in Uzbekistan in the last year. Throughout the past year the Keston News Service and Forum 18 published information about the following incidents that took place in 2003: On seven occasions Christian groups were prevented from gathering due to police raids; three members of Christian groups were fined for their religious activities; two Christian groups were denied registration; seven Christians were imprisoned, six for leading or attending religious gatherings at private homes and one for “inciting religious hatred.”

Uzbekistan is not the only Central Asian nation that restricts religious freedom and that merits CPC designation. Another such country is Turkmenistan. My understanding is that the State Department is seriously considering designating Turkmenistan a CPC this year, and I would urge the Committee to encourage such a decision as well.

Turkmen law permits only Sunni Islam and the Russian Orthodox Church to operate in Turkmenistan. According to the Russian rights group Memorial, even these confessions operate under strict government control, and their situation has worsened during the past year. Memorial points, for example, to the government's implementation of restrictions stating only ethnic Turkmen can serve as imams, even in official mosques. The group reported that this September authorities ordered the removal and replacement of an imam from a mosque in Dashauz province because he was an ethnic Uzbek. The government has also denied the right of the Russian Orthodox Church to publish its literature and to import of literature from abroad, according to Memorial. Since December 2002, the group reports, the Turkmen government has even forbidden subscriptions to the magazine of the Moscow Patriarchate, published in Russia.

The Turkmen government harshly persecutes adherents of nearly all other faiths. Memorial reports that the government subjects unofficial religious communities to ceaseless persecution with the aim of completely eliminating unsanctioned religious activity in the country. In a resolution adopted on April 16, 2003, the United Nations Commission on Human Rights cited the government “restrictions on the exercise of freedom of thought, conscience and religion, . . . including by the harassment and persecution of members of independent faith groups and the discriminatory use of the registration procedures for such groups.”

To date, the Turkmen government has made no moves toward ending this policy. A recent report by Forum 18 details government raids on minority religious faiths, and official harassment, discrimination, and intimidation endured by their adherents throughout the year.

The Turkmen government further curtailed religious freedom in November by promulgating a new religion law. The new law added criminal penalties for “illegal” unregistered religious activity, with the potential for imprisonment and hard labor in prison camps.

In all these cases, Mr. Chairman, and in many others, the findings of this report, are a call to action. They should represent not the final word but the opening salvo of a consistent American strategy to support religious freedom and human rights throughout the world. I’m grateful to this Committee for its oversight of this process, and would be happy to take any questions you may have.

Mr. GALLEGLY. At this time I would ask the Ambassador to rejoin the panel. I know Mr. Ambassador, that you have a commitment and are only going to be able to be with us for another 10 or 15 minutes, so I appreciate your being able to be here this long with us. I would also like to mention before we go to questions that Ambassador Robert Seiple was invited to testify at tonight’s hearing, but due to our scheduling change he was not able to be with us. Ambassador Seiple served as the Ambassador-at-Large for the Office of International Religious Freedom, and is currently the Founder and Chairman of the Board of the Institute for Global Engagement. His written testimony will be submitted and be made a part of the record in its entirety.

[The prepared statement of Ambassador Seiple follows:]

PREPARED STATEMENT OF THE HONORABLE ROBERT A. SEIPLE, CHAIRMAN OF THE BOARD, INSTITUTE FOR GLOBAL ENGAGEMENT

It is both a pleasure and an honor to be here today. There is no *déjà vu* in this hearing—not even, in Yogi Berra’s immortal phrasing, *déjà vu* all over again—because the Report on International Religious Freedom has changed over the years. It now boasts greater clarity, stronger scholarship, more comprehensive inputs, and, most importantly—significantly more impact.

The beginning of wisdom is calling something by its proper name. The Report does that. “Truth without surprise” continues to be the mantra of compilation. The Report reconstructs reality and holds accountable those who need to stand in its harsh glare. The annual exercise of producing such a report has done more to institutionalize the issue of religious freedom than any other single activity. Hundreds of Foreign Service Officers, the Human Rights Community, international NGOs, the press, foreign governments—all continue to make contributions to this ongoing process of reporting. We now have five years of historical markers. Simply put, there is nothing quite like the Report.

Of course, such a product will always have detractors. We comment on 194 countries around the world. America is not one of them. The hubris and arrogance this conveys to the rest of the world, however unintentional, works against the effective implementation of IRFA.

Then, too, an annual report, by definition, is faced with the artificial restraints of time. The development of religious freedom takes time. Linear timelines are almost non-existent. “Two steps forward, one step back” dominates this work. Twelve-month cycles may not explain where a country was or, more importantly, where it is going. Unfortunately, this sometimes hinders our ability to applaud small steps.

Additionally, the Report should be used to articulate more intentionally the United States’ goals regarding this issue as well as to provide a rationale for the importance of this agenda. Many of the countries that have the most difficulty with religious freedom are those experiencing massive poverty, high illiteracy rates, reconstruction efforts from nasty military activities, diminished trade opportunities, and so on. Religious Freedom may be at the top of our agenda. It won’t be for them. Annual Reports tend not to be patient with endemic problems. Greater clarity concerning long-term goals would be helpful.

A word about designating sanctions for the most egregious offenders of religious freedom. The emphasis placed on *punishment*—in an Act designed, after all, to *promote* international religious freedom—has always been problematic. The fascination

with “the list” seems to unfairly trivialize the enormous amount of work that goes into the Report. I have been consistently clear concerning sanctions—i.e., “blunt instrument checkered career”—but since “9/11” something has happened to make me revisit this issue.

We are now engaged in a worldwide battle against terrorism. Security has claimed the top spot in our hierarchy of values. Countries that help us in this battle, even if they more than qualify for designation and sanctions because of religious freedom violations, are given a “pass.” Security and religious freedom are no longer seen as compatible and the conflict between them is represented as a zero sum game.

How shortsighted! Time does not permit a long discourse on this point, but consider the following from the International Crisis Group’s 1 March 2001 Report, focusing on Central Asia:

Treat religious freedom as a security issue, not just a human rights issue, and advocate unequivocally that regional security can only be assured if religious freedom is guaranteed and the legitimate activities of groups and individuals are not suppressed.

Show me a country that jails believers and I will show you a country that is insecure. Governments that suppress minority beliefs cannot claim security for the majority. The curtailment of religion in the name of security only diminishes both.

Our long-term goals should be the development of a values-based civil society here and abroad. This is the coin of the realm—and the two sides of that coin are religious freedom and legitimate security. To take this freedom “off the table” for the sake of security concerns demonstrates a profound misunderstanding of each issue. Religious freedom and its undergirding rationale connect the moral imperative with *realpolitik*, provide the nexus point between national values and national interests, and allow for both individual security and institutional stability.

It has never been more necessary to highlight religious freedom than today. I am grateful for the Report, an annual process for drawing attention to this issue here and around the world. Again, it is my honor and privilege to be here.

Mr. GALLEGLY. Ambassador Young, how could the State Department and other government agencies further raise the profile of this whole issue of religious freedom?

Mr. YOUNG. Mr. Chairman, that is—I am sorry. Is that on? Can you hear me? I think in many ways that really is the heart of the issue, which is what can we do. And I think the International Religious Freedom Act is not a bad start. It lists at least 15, depending on how you count, or more, different kinds of policy tools that are available. What I think is central to the discussion, however, is that one needs to start from this report, identify the countries in which there are serious problems, and that is not hard to do and largely been done, then look at the U.S. relationship with those countries and integrate in a consistent coherent way our interaction with those countries based on a very simple idea.

And the simple idea is that countries that give some scope for freedom of religion, that sort of understand the great Lockean principle are countries that are both going to be, in the long run, closer to the United States, and also ones that within their own country are going to have less of the kind of dissent. And we ought to be looking at in very broad sweeping ways, looking at the activities of Radio Free Europe, Radio Free Asia for many more broad cases. We ought to be looking for ways to provide support to the moderates within these different societies, the moderate religious leaders, the moderate political leaders.

We ought to be enfranchising them, finding ways to bring them to the United States and help them understand ways in which they could advance that in their own country. We ought to look at our military relations with these countries and make sure that when we are providing training and assistance it is directed in ways that

is calculated to have robust consideration of human rights training as part of any of that kind of training that goes on, not merely training relating to how to use the truncheons and the guns.

We ought to be looking at our economic aid packages, targeting those aid packages, removing nonhumanitarian aid when we see that there needs to be a signal sent to the government, deploying the non humanitarian and other kind of aid in ways that reward countries for making movements in the direction they should be moving. It is a—the tools are there. It is a question of the focus and the will.

Mr. GALLEGLY. There was mention of Uzbekistan, Mr. Malinowski. How would you characterize recent trends in religious freedom there? Obviously, it is not positive.

Mr. MALINOWSKI. It is not positive. I think some of us were hopeful after September 11th when Uzbekistan developed this very close relationship with the United States that there would be opportunities for progress there. And indeed, Uzbekistan, last year, the last couple of years has made a number of explicit commitments to the United States Government, written commitments that it would improve respect for human rights, democratic freedom, religious freedom across the board. And U.S. diplomats have been working pretty assiduously to try to get the Uzbeks to keep those commitments.

Unfortunately, they have hit a brick wall in the last year and we have not seen the kinds of basic reforms in that system that are needed to combat torture and to create space for people to just be able to worship and express themselves politically, religiously openly. And we are hitting this crunch point right now where we think a very strong signal needs to be sent.

Mr. GALLEGLY. Mr. Sherman.

Mr. SHERMAN. I would like to address first the nongovernmental witnesses. What can we add to the list of sanctions to put some more teeth into the law?

Mr. GRIEBOSKI. Mr. Sherman, one thing that I would like to suggest is that as the United States Government provides foreign aid, that we look at whether or not human rights standards should be established for U.S. foreign aid. Very often we provide aid, particularly now after the war on terror to states which do repress the rights of religious believers, and we should take into consideration whether or not providing aid, particularly military aid in the war on terror is in keeping with our own values and with the values expressed and carried out by these states.

Mr. SHERMAN. If I can interrupt, so we will list one and that is focus in foreign aid additions. Do you or your colleagues have anything else to list?

Mr. MALINOWSKI. Well, I think the list of sanctions on the books is pretty comprehensive. I mean it goes from, you know, raising the issue diplomatically all the way to, you know economic embargoes at the opposite extreme. I would say that the issue is are we going to apply the CPC designation to any countries that are not already under sanction.

Mr. SHERMAN. I get your point and want to move on. Should we—you know, you listen to the dial, radio dial here in America you hear a lot of religious broadcasts and it occurs to me that

disfavored religious groups in these countries have no opportunity to broadcast. Would it be a good idea or would it—or would it taint certain religious groups to give them ½ hour of broadcast time every week on one of the Voice of America or Radio Farga or whatever?

Mr. GRIEBOSKI. I am not sure, Mr. Sherman, if putting on American radio in these countries is going to be helpful to them. My fear is that if they are seen to be supported by American money and American governmental influence that that may cause a greater persecution of that group.

Mr. SHERMAN. Moving on, what can we in America do in a—to get the French to think twice about their head scarf bill.

Mr. GRIEBOSKI. If I could just make a quick point about that, sir. What we need to do is not just look at this the issue of the head scarf and Muslims post 9/11, but I would like to take the lens back a little bit. And this is just the latest step in an ongoing process of devolution of religious rights in France and western Europe, which goes back even to 1996 when the French established a sect list which Ambassador Hanford referred to earlier.

One hundred and seventy-six groups are on this list, including Hasidic Jews and mainstream Protestant organizations. The question is whether or not the United States Government will take the political will to speak to one of its allies in the same way that it will speak to one of its opponents.

Mr. SHERMAN. We will put the word “allies” in quotes and move on.

Mr. MALINOWSKI. That is the problem.

Mr. SHERMAN. Okay. Can you gentlemen think of countries that are listed as CPCs that have been better in terms of religious freedom than Saudi Arabia? Can you list one or two? I won't ask Ambassador Young to do that because that is criticizing his own department, perhaps. I will ask Mr. Young, Chairman Young as well. All three of you, please name a country, if you can, where religious tolerance is not quite so bad as Saudi Arabia, but it is still listed as a CPC. I mean, there are probably five or 10 countries you could list that should be listed as CPCs.

Mr. MALINOWSKI. All of them, except for North Korea by the State Department's own language. I mean, there are only two countries in the world of which they say that religious freedom does not exist, period: North Korea and Saudi Arabia.

Mr. SHERMAN. So you think Saudi mistreats religious dissidents to a worse degree than, say, Iran.

Mr. MALINOWSKI. I think there is more, you know, it is a difficult question because, you know, you don't want to praise the status of freedom in any of these other countries, certainly not Burma, certainly not Iran. But I think—I cannot think of any country where the space is so completely closed for religious worship for, you know, any nonrecognized religion than Saudi Arabia and north Korea, which is not a compliment to Iran.

Mr. YOUNG. Mr. Sherman, I wonder, just to clarify, I am, actually, our commission is an independent advisory commission. I am happy to report that I am no longer with the State Department as much as I enjoyed my service there, but we are an independent, so we are free to criticize the State Department.

Mr. SHERMAN. Criticize away.

Mr. YOUNG. But we do try to do in a constructive way. And let me turn your question around just a bit, if I may. I think one of the real questions that might be asked with respect to Saudi Arabia is not so much who is worse and who is better. It is complicated but Saudi Arabia certainly is in the top three. It must be. The real question is where could we have an impact of all those countries on the list. And it seems to me that the one we are closest to with which we have the deepest pattern of interaction has to be Saudi Arabia, which means we have the most foreign policy tools at our disposal.

So whether or not Iran tortures a bit more than Saudi Arabia, our capacity to affect Iran is more limited, to be sure. But it is greater in the case of Saudi Arabia, and that warrants itself an opportunity to pay more attention to Saudi Arabia.

Mr. SHERMAN. I see you nodding heads rather than additional comments, and our time is short. I yield back.

Mr. GALLEGLY. Mr. Ambassador you said you had a commitment at 7:30. If we have no other questions for Ambassador Young, I would like to thank him for his participation. And did you have any other questions for Mr. Malinowski or Mr. Grieboski.

Mr. YOUNG. Could I add—

Mr. GALLEGLY. By all means.

Mr. YOUNG [continuing]. One further observation to Mr. Sherman's very good question about what other sanctions one might use. Now that I am not part of the government, I can actually opine on that as well. I think one interesting tool we don't use very much and could use much more profitably would be benchmarks. It is possible to look exactly, as Mr. Malinowski suggested, and count the number of prisoners in Uzbekistan. We count them in other countries, to look at the number of arrests to look at, I mean, we can set very specific precise benchmarks, measure the behavior of these countries and act appropriately and rather than simply say we talked to them and they promised us this and we asked that, you could actually set measurable goals and standards and predicate our relationship and interaction with those countries on those.

And that is something we have failed and failed miserably I think to do. The broadcast itself, we don't need to do religious broadcasts either. I mean, we at the moment, we met for about 4 hours with members of the Iranian community in Los Angeles last week, an enormously interesting meeting. And one of their main points was we are spending millions, tens of millions of dollars on broadcasts into Iraq and Afghanistan, countries that we have much more capacity to disseminate information, and something like a million dollars a year broadcasting into Iran. It just makes no sense.

And those kinds of things are measurable, observable and can be changed with only focus and will, and so I thank you very much and I do apologize for having to leave.

Mr. SHERMAN. If I could just comment, I believe the Committee understands how important it is to increase our broadcasting into Iran. And even if we don't have a religious program, we can at least give news coverage to situations in which human rights and religions rights are denied.

Mr. GALLEGLY. Before I let you get away, I would like to ask one quick question. I will throw it out to anyone or all, and it has to do with Pakistan and what is the transition there. What, if any, indications do you see that the Pakistani government is taking action to reverse legislation that has been identified as fostering an atmosphere of religious intolerance. Mr. Grieboski, you seemed to perk up on that one.

Mr. GRIEBOSKI. Mr. Chairman, there has been on the books in Pakistan, if you look in the Pakistani constitution an article, article 8 and article 20 within the Pakistani law books which says that a, Ahmadi Muslims are not Muslims and are therefore persecuted. And ordinance 20 within the Pakistani law creates a law called the blasphemy law but does not define what blasphemy is, and is, therefore, held against Christians by virtue of being Christian. We have seen no steps taken since both of those items were added into Pakistani law that would indicate that there would be an easing of that problem.

Mr. GALLEGLY. Any reversing?

Mr. GRIEBOSKI. No, sir, as a matter of fact we have seen things get worse.

Mr. GALLEGLY. Mr. Malinowski.

Mr. MALINOWSKI. I agree. And of course it is part of the larger problem of the suppression of democratic freedoms in Pakistan, which I think has the impact of strengthening some of the more rigid conservative elements in the Pakistani government at the expense of more moderate secular forces in society that might help resolve these kinds of problems, and that is an issue that has got to be on the bilateral agenda with Pakistan front and center.

Mr. GALLEGLY. Thank you very much. And I would like to, again, thank you all for being here. I would like to congratulate our staffs on doing a good job and getting such talented and qualified witnesses. I am sure there are going to be many days ahead where we are going to look to you for some words of wisdom because your experience and your obvious knowledge in these areas are invaluable, and I thank you all for being here today. The hearing stands adjourned.

[Whereupon, at 7:42 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

---

### MATERIAL SUBMITTED FOR THE HEARING RECORD

LETTER FROM MICHAEL K. YOUNG, CHAIR, UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, TO THE HONORABLE COLIN L. POWELL, SECRETARY OF STATE, U.S. DEPARTMENT OF STATE

UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM,  
*Washington, DC, February 3, 2004.*

Hon. COLIN L. POWELL, *Secretary of State,  
United States Department of State,  
Washington, DC.*

DEAR SECRETARY POWELL: In compliance with the International Religious Freedom Act of 1998 (IRFA), the United States Commission on International Religious Freedom, an independent federal agency, has assessed the evidence, including that contained in the State Department's 2003 *Annual Report on International Religious Freedom*, regarding especially severe violations of religious freedom around the world. The Commission has focused particularly on countries whose governments are responsible for or have tolerated systematic, ongoing, and egregious violations of religious freedom. As a result of this examination, the Commission recommends that you designate the following 11 countries as countries of particular concern (CPCs): **Burma, Democratic People's Republic of Korea (North Korea), Eritrea, India<sup>1</sup>, Iran, Pakistan, People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, and Vietnam.**

The Commission respectfully requests a meeting with you prior to your CPC determinations to discuss the Commission's full findings and recommendations on these proposed CPCs. We would also like to discuss the actions planned toward those countries that are officially designated as CPCs.

In March 2003, you designated **Burma, China, Iran, Iraq, North Korea, and Sudan** as CPCs. It is the opinion of the Commission that, with the exception of Iraq, nothing has changed to warrant the removal of these countries from the list of CPC designations.

In light of the fall of Saddam Hussein's Ba'athist regime in **Iraq** in April 2003 and the policies established under the new Governing Council, the Commission no longer recommends Iraq for CPC status. However, the Commission urges the U.S. government to remain highly engaged in the process of restoring freedom and building democracy in Iraq, including in the development of a new constitution for that country that will guarantee every individual's right to freedom of thought, conscience, and religion, and other human rights. Although the people of Iraq are now experiencing many religious freedoms for the first time in more than two decades, some prominent individuals and groups in Iraq have been demanding the implementation of Islamic law (Sharia) in a manner that would constitute a potential threat to the freedom of thought, conscience, or belief of all the citizens of Iraq.

The Commission remains especially concerned about the situation in **China**, where repression of religious freedom continues to be a deliberate policy of the Chinese government. In the past year, Chinese authorities have intensified their violent campaign against religious believers, including Evangelical Christians, Roman Catholics, Uighur Muslims, Tibetan Buddhists, and other groups, such as the Falun Gong. This campaign has included imprisonment, torture, and other forms of ill treatment. As you know, the Commission attempted to travel to China twice in the past year but was thwarted in both attempts by unacceptable limits imposed by the Chinese government that prevented such a visit. The Commission recently visited Hong Kong, but continues to seek a visit to other regions of China.

In addition to the five countries previously designated by you as CPCs, the Commission finds that the governments of **Eritrea, India<sup>1</sup>, Pakistan, Saudi Arabia, Turkmenistan,** and **Vietnam** have engaged in or tolerated particularly severe violations of religious freedom, and recommends that they be designated as CPCs this year.

- According to the State Department, religious freedom does not exist in **Saudi Arabia**. The Saudi government forcefully bans all forms of public religious expression other than that of the government's interpretation of one school of Sunni Islam. There are serious reports, which warrant official U.S. government investigation, that Saudis are funding efforts to propagate globally a religious ideology that promotes hate, intolerance, and other human rights violations toward non-Muslims and disfavored Muslims.
- For the second year in a row, the State Department has reported that religious freedom has deteriorated in **Turkmenistan**. The Turkmen government effectively bans religious activity other than that of the government-controlled Sunni Muslim Board and the Russian Orthodox Church. Religious freedom conditions in Turkmenistan are likely to decline even further after the passage of a new religion law that criminalizes "illegal" religious activity.
- Repressive policies to control religious activity continue in **Vietnam**, where key religious dissidents continue to be imprisoned and members of religious minorities in the northwestern provinces and Central Highlands face intensified official efforts to renounce their faith or face beatings, arrests, relocations, or the loss of government services.
- In **Pakistan**, there continues to be an inadequate government response to vigilante violence frequently perpetrated by Sunni militants against Shi'as, Ahmadis, and Christians. Official government policies result in other religious freedom violations, including imprisonment under the anti-Ahmadi and blasphemy laws.
- In **India<sup>1</sup>**, violence, including fatal attacks, against Muslims and Christians continues, and the government has yet to address adequately the killing of an estimated 2,000 Muslims in the state of Gujarat in 2002. Several central government ministers from the ruling Bharatiya Janata Party, or BJP, have publicly allied themselves with extremist Hindu organizations, known collectively as the Sangh Parivar, whose members regularly employ hate speech against religious minorities, have been implicated in violence against them, and seek legislation to prohibit the religious conversion of Dalits and others from Hinduism.
- The government of **Eritrea** in the past two years has cracked down on members of various religious groups, including through the closure of all churches not belonging to officially recognized religious denominations, the arrest of participants at prayer meetings and other gatherings, and the imprisonment of armed forces members found in possession of certain religious literature. The State Department reports that over 300 persons are in jail because of their membership in unregistered religious groups.

Summaries of conditions in all of the countries that the Commission has recommended be designated as CPCs are attached.

We respectfully draw your attention to the fact that under IRFA, the simple designation of a severe violator of religious freedom as a CPC is not sufficient action by the U.S. government. CPC designation carries an obligation that one or more of certain actions specified in § 405 of IRFA be taken, unless the President determines that pre-existing sanctions are adequate or otherwise waives the requirement. Yet, for every country named a CPC to date, the only official actions taken have been to invoke already existing sanctions rather than taken additional action to advance religious freedom pursuant to IRFA. We strongly urge you to engage these governments in as many ways as possible in order better to promote religious freedom in these countries, and particularly encourage use of the means outlined in Section 405 of IRFA. Moreover, the Commission has made specific policy recommendations on China, India, North Korea, Pakistan, Saudi Arabia, Sudan, Turkmenistan, and Vietnam, and we encourage you to give special attention to those recommendations, which can be found in the attached country summaries.

<sup>1</sup>Commissioners Bansal, Gaer, and Young dissent from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, attached to this letter as Appendix A. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

In addition to its CPC recommendations, the Commission has established a Watch List of countries where religious freedom conditions do not rise to the statutory level requiring CPC designation but which require close monitoring because of the nature and extent of violations of religious freedom engaged in or tolerated by the governments. **Egypt, Indonesia, Nigeria, and Uzbekistan** remain on the Commission's Watch List due to concerns about the serious abuses in these countries, and because the governments have either not halted repression and/or violence against persons amounting to severe violations of freedom of religion, or failed to punish those responsible for perpetrating those acts. Because religious freedom continues to be sharply curtailed in **Cuba**, and because of the deteriorating religious freedom conditions in **Belarus** and **Georgia**, the Commission has decided to place those countries on its Watch List. A summary of religious freedom conditions in each of the Commission's Watch List countries is also attached to this letter for your consideration.

As there continue to be serious religious freedom problems in **Laos**, that country has also been placed on the Commission's Watch List. Several problematic government policies remain in place in **Laos**, including Decree 92, the law on religion, which reportedly is being used to impede the activities of certain religious groups. Since the Commission last issued its CPC recommendations, however, many known religious prisoners in Laos have been released; reportedly, forced renunciations have largely ceased; and the government has pledged to allow the reopening of a number of churches that it had closed in recent years. Although periodic arrests by local officials continue in certain Lao provinces, including almost two dozen Christians in two incidents in December 2003, those detained have been released in a matter of days. In these cases, the Lao government appears to have been responsive to concerns raised by the U.S. Embassy.

The Commission strongly urges serious U.S. engagement with the governments of these Watch List countries. The Commission has made policy recommendations on Belarus, Indonesia, Laos, and Uzbekistan, and respectfully draws your attention to them.

IRFA sets forth that the policy of the United States is to oppose particularly severe violations of religious freedom. The designation of CPCs and actions taken in response to such designations are among the most significant responsibilities conferred under IRFA. The Commission looks forward to discussing its recommendations with you.

Thank you.

Respectfully yours,

MICHAEL K. YOUNG, *Chair*.

cc: Richard L. Armitage, *Deputy Secretary of State*  
 Marc Grossman, *Undersecretary of State for Political Affairs*  
 Paula J. Dobriansky, *Undersecretary of State for Global Affairs*  
 Condoleezza Rice, *National Security Advisor*  
 Shirin Tahir-Kheli, *Senior Director for Democracy, Human Rights, and International Operations*  
 John V. Hanford, III, *Ambassador-at-Large for International Religious Freedom*  
 Lorne W. Craner, *Assistant Secretary of State for Democracy, Human Rights, and Labor*

---

#### APPENDIX A

##### SEPARATE OPINION OF COMMISSIONERS BANSAL, CHAPUT, GAER, AND YOUNG WITH RESPECT TO INDIA

"We remain deeply concerned over incidents of religiously-based violence in Gujarat and other parts of India that have resulted in loss of life, physical abuse, displacement, and other abuses. Moreover, we are very concerned that justice has not been done for the victims of the violence against Muslims that took place in Gujarat in early 2002, and that incidents of mob violence against Christians, Muslims, and other religious minorities have continued in parts of the country, but we respectfully dissent from the decision to recommend that India be named a CPC.

"As noted in the dissent last year, India, unlike the other countries on the Commission's recommended CPC or Watch List, is a respected constitutional democracy with manifold religious traditions that coexist and flourish under extreme economic and other conditions; has a judiciary which is independent, albeit slow-moving and frequently unresponsive, that can work to hold the perpetrators responsible; contains a vibrant civil society with many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports about the Gujarat government's handling of the situation and the rise of religiously-

motivated violence; and is home to a free press that has widely reported on and strongly criticized the situation on the ground in Gujarat and the growing threats to a religiously plural society within India. In fact, some of the most vociferous critics of the Gujarat government's handling of the 2002 situation and the prosecutions thereafter have been Indian governmental bodies—including the National Human Rights Commission, the National Commission on Minorities, and the National Commission for Women, and much of the source material for critical analysis of the state of religious freedom in India derives from publications of the Indian media and of nongovernmental and other civil society groups within India.

“Moreover, since last year, national governmental bodies have taken a number of significant steps to reign in excesses or to correct insufficient action at the state level. The Indian Supreme Court has forcefully denounced Gujarat state authorities' handling of certain prosecutions, halted key trials, and paved the way for changes of venue to ensure justice. With such visible and proactive intervention, the Supreme Court has made clear that it will take action to ensure justice. In addition, initial convictions and life sentences for a dozen perpetrators of the Gujarat violence have been handed down recently. Justice has been done this year in the state of Orissa in the widely reported case involving the 1999 murder of an Australian missionary and his sons, with a death sentence having been rendered against the main perpetrator of that violence.

“Perhaps most notably, a series of actions by Indian officials during the past year have prevented similar outbreaks of large-scale religiously motivated violence in several volatile locales. In August 2003, twin deadly bombings in Mumbai by groups seeking to avenge the previous year's violence in Gujarat were followed by official statements seeking to defuse potential violence, and silent, rather than violent, marches in response. Most recently, arrests and diversion of thousands of demonstrators and deployment of troops in Ayodhya in October 2003 prevented a widely-expected potentially violence-inciting rally by religious nationalists.

“We remain very concerned about growing threats to the religiously plural foundations of Indian society. The pace of prosecutions against individual perpetrators of the Gujarat and other religious violence is slow. This is a moment when Indian government officials need to act in defense of religious freedom by forcefully denouncing and taking concrete steps to redress religious-based violence in order to preserve their own legitimacy with respect to human rights. Nonetheless, despite our concerns, we feel that adding India to the CPC list of nations is inappropriate at this time. India has the legal and democratic traditions to deal with religious intolerance and should be strongly encouraged to do so.”

#### BURMA

Repression by the military regime in Burma is widespread and continues systematically to include severe violations of religious freedom and other abuses. The government exercises strict control over many religious activities, imposes restrictions on certain religious practices, and, in some areas of the country, forcefully promotes Buddhism over other religions.

Members of minority religious groups, especially those in the ethnic minority areas, face serious abuses of religious freedom and other human rights on account of their religion. In some localities, the military reportedly has forcibly conscripted members of religious minorities as porters and killed those who have refused. Christians have been forced to engage in the destruction of churches and graveyards for the purpose of clearing sites for military camps. Christians, as well as Muslims and Buddhists, reportedly have also been forced to “donate” labor to build and maintain Buddhist pagodas and monasteries. In addition, local officials have separated Christian children from their parents, with the children receiving instruction in Buddhism without their parents' knowledge or consent.

The government has prohibited public Christian religious expression and persuasion among ethnic minorities and has enlisted the cooperation of pro-government Buddhist monks to convert members of ethnic minorities to Theravada Buddhism. In at least one instance, Christian clerics were beaten to discourage attempts at religious persuasion.

The Burmese military has also instigated violence by the Buddhist majority against Christians and Muslims. In the past few years, tensions between the Buddhist and Muslim communities in Burma resulted in several outbreaks of violence involving members of the Buddhist community who attacked shops, restaurants, and homes owned by Muslims. During one particular outbreak, police and soldiers reportedly stood by and did not attempt to halt the violence against the Muslims until they began to fight back.

The government of Burma has severely discriminated against members of minority religious groups in education, publishing, building permits, and access to public sector services and jobs. Christian and Islamic groups continue to report difficulties in obtaining permission to build new churches and mosques. These groups also have had difficulties importing religious literature since the 1960s.

The majority Buddhist religion is not protected from government repression. Throughout the 1990s, the government imprisoned more than 100 Buddhist monks for advocating democracy and encouraging dialogue between the government and the pro-democracy forces. Many members of the Buddhist clergy remain in prison; though a precise number is unavailable, credible sources report that this number has risen since May 2003, when the Burmese government, after organizing an attack on her motorcade, placed Aung San Suu Kyi under “protective custody.”

The military regime is suspicious of all organized, independent religious activity because clergy and religious followers of Buddhism and minority religions have been politically active in opposition to the regime. Some ethnic minorities for whom Christianity and Islam are a defining feature have been, or continue to be, involved in armed insurgencies against the government. Buddhist monks have also been active in the pro-democracy movement.

#### CHINA

The Chinese government continues to engage in particularly severe violations of religious freedom. The State Department has stated publicly that conditions of human rights, including religious freedom, deteriorated in 2003. Moreover, the Chinese government has not made any progress in fulfilling commitments it had undertaken during the December 2002 U.S.-China Bilateral Human Rights Dialogue. The releases in 2002 of prominent individuals, particularly Tibetan Buddhists, as well as renewed contact between China and the Dalai Lama’s representatives have not brought any change in the government’s overall policy of control over religious belief and practice. By most accounts, prominent religious leaders and laypersons alike continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religion or belief. Groups subject to such repression include Protestant Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and others, such as members of Falun Gong, that the government has labeled “evil cults.” Chinese government officials continue to claim the right to control, monitor, and restrain religious practice, purportedly to protect public safety, order, or health. However, the government’s actions to restrict religious belief and practice go far beyond legitimate protection of security interests and exceed what is permissible under international law.

During the past year, and particularly since the December 2002 Bilateral Human Rights Dialogue, conditions for unregistered Protestant Christians have worsened. Pastor Gong Shengliang of the unregistered South China Church—sentenced to death after the adoption of the 1999 “evil cult” law—continues to languish in prison, and he is reportedly denied proper medical care. In September 2003, Henan provincial officials arrested two of his associates, one of whom was charged with “subverting the national government.” The two were released in October 2003 as a result of international pressure. Chinese officials continue to engage in the destruction of “illegal” religious buildings, particularly in Zhejiang province, where local officials destroyed as many as 3,000 churches, temples, and shrines in November–December 2000. In July 2003, local officials raided a house church in Zhejiang and arrested six church leaders. The government also continues its repression of the Roman Catholic Church in China. At least 10 Roman Catholic bishops, including Bishop Su Zhimin, whose whereabouts are unknown, are imprisoned, in detention, under house arrests, or under surveillance. In July 2002, three priests affiliated with the Roman Catholic Church were sentenced to three years in a labor camp after having been convicted of practicing “cult” activities. In October 2003, Hebei provincial officials reportedly arrested 12 Roman Catholic priests and seminarians who were attending a religious retreat.

In largely Muslim Xinjiang province, religious freedom is severely curtailed by the government, which often links Uighur Muslim religious expression with “separatist” or “terrorist” acts. Since September 11, 2001, the government has used concerns about international terrorism as a pretext for an ongoing crackdown in Xinjiang, where Uighur Muslim clerics and students have been detained for “illegal” religious activities and “illegal religious centers” have been closed. This campaign against Muslims in Xinjiang intensified in January 2003, when the region’s Communist Party Secretary announced the government’s aim of eliminating “religious extremists,” “splittists,” and “terrorists,” resulting in the arrest of many more Uighur Muslim clerics.

The Chinese government retains tight control over religious activity and places of worship in Tibet. Hundreds of Tibetan Buddhist monks and nuns remain in prison and are reportedly subject to torture and other extreme forms of punishment. In January 2003, at the conclusion of the December 2002 Bilateral Human Rights Dialogue, a local court sentenced Tenzin Deleg Rinpoche, a Tibetan Buddhist monk, and Lobsang Dondrup to death for their alleged involvement in a bombing incident in Sichuan province in April 2002. On the day of the sentencing, Lobsang Dondrup was executed, while Tenzin Deleg Rinpoche was given a suspended sentence. The execution was carried out despite assurances to senior U.S. officials that the two cases would be referred to China's Supreme Court. In October 2003, another monk, Nyima Dragpa, died as a result of repeated torture while serving a nine-year sentence for advocating Tibetan independence. In addition, the Chinese government continues to deny repeated requests for access to the 12-year-old boy whom the Dalai Lama recognizes as the 11th Panchen Lama. Government officials have stated that he is being "held for his own safety," while also claiming that another boy is the true Panchen Lama.

The Chinese government maintains that the Falun Gong movement as a "cult," effectively banning that organization and "justifying" its ongoing brutal crackdown against the movement and its followers. According to Falun Gong practitioners in the United States, in the last four years, over 100,000 practitioners have been sent to labor camps without trial, and over 1,000 have been tortured in mental hospitals, including 430 who have been killed as a result of police brutality. According to the Falun Gong, the Chinese government has continued to pressure foreign businesses in China to discriminate against its followers. Many local officials in foreign countries also stated that they had received warnings from Chinese diplomatic personnel to withdraw their support of Falun Gong and its practitioners.

With regard to China, the Commission has recommended that the U.S. government should:

- ensure that efforts to promote religious freedom in China are integrated into the mechanisms of dialogue and cooperation with the Chinese government at all levels, across all departments of the U.S. government, and on all issues, including security and counter-terrorism;
- urge the Chinese government to end its current crackdown on religious and spiritual groups throughout China, including harassment, surveillance, arrest, and detention of persons on account of their manifestation of religion or belief; the detention, torture, and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement; and the coercion of individuals to renounce or condemn any religion or belief;
- urge the Chinese government to change its system of laws, policies, and practices that govern religious and spiritual organizations and activities, and hold accountable violators of the right to freedom of religion and belief and the human rights of religious believers;
- urge the Chinese government to respect fully the universality of the right to freedom of religion and belief and other human rights and ratify the International Covenant on Civil and Political Rights;
- undertake to strengthen scrutiny by international and U.S. bodies of China's human rights practices and the implementation of its international obligations;
- prohibit U.S. companies doing business in China from engaging in practices that would constitute or facilitate violations of religious freedom or discrimination on the basis of religion or belief;
- raise the profile of the conditions of Uighur Muslims by addressing religious freedom and human rights concerns in bilateral talks; by increasing the number of educational opportunities in the United States available to Uighurs; and by increasing radio broadcasts in the Uighur language;
- endeavor to establish an official U.S. government presence, such as a consulate, in Lhasa, Tibet and Urumqi, Xinjiang, in order to monitor religious freedom and other human rights; and
- speak directly to the Chinese people on U.S. policy to promote freedom of religion and use U.S. programs to support those in China advocating rule of law and respect for China's international human rights obligations.

#### ERITREA

Since gaining independence from Ethiopia in 1993 after a 30-year war, Eritrea has struggled to implement political and economic reforms. Beset by internal polit-

ical problems and violent confrontations with neighbors Ethiopia and Sudan, the ruling Popular Front for Democracy and Justice (PFDJ) has become increasingly repressive, cracking down on political opponents and members of religious groups it perceives as undermining national unity. Since the PFDJ cancelled the 2001 elections, it has moved to jail political dissidents, curtail free speech and free assembly, and impose severe restrictions on religious freedom.

The Eritrean government officially recognizes the Orthodox, Roman Catholic, and Lutheran-affiliated Evangelical Church of Eritrea, as well as Islam. The government has close ties to the Orthodox Church and is suspicious of religious groups without a long history in the country—in particular, the Protestant evangelical and Pentecostal denominations, among others. Eritrea's 1,600 Jehovah's Witnesses were the first religious group to experience repression. Negative official and popular views about the Witnesses developed as a result of their refusal to take part in the 1993 independence referendum or to serve the obligatory tours of military service. Although members of the Jehovah's Witnesses are currently allowed to meet publicly and in private homes, members still experience official harassment ranging from prolonged detention for refusing military service to the revocation of trading licenses and dismissal from the civil service. Some Witnesses who refused to serve in the military have been in jail for 10 years.

Recently, Protestant evangelical and Pentecostal churches, or "Pentes" as they are collectively known in Eritrea, have begun to experience difficulties. The Orthodox Church first called attention to the growth of what it considers "heretical" newer denominations, and the loss, particularly of its younger members, to these denominations. Tensions between Orthodox and Pente churches started in provincial areas and eventually moved to the capital, Asmara. In 2001, Orthodox Church leaders sanctioned an attack on Pente prayer groups in which many people were beaten, their property vandalized, and Bibles and other religious material burned. In the interest of "maintaining national cohesion," the PFDJ banned religious organizations from involvement in politics and from commenting in detail on political matters. Fear of the destabilizing effect of proselytism by either Muslims or Evangelicals also caused the government to impose serious restrictions on international non-governmental organizations (NGOs) that have all but ended their activities in Eritrea.

In late 2002, the Eritrean government issued a decree requiring registration for all religious groups, with the exception of the four government-sanctioned groups: the Orthodox, Roman Catholics, Muslims, and members of the Evangelical Church of Eritrea. By stipulating that without registration, no religious activities, including worship services, could be held, the decree effectively shut down all other religious communities in Eritrea, including other Christian groups, Baha'is, and others. To date, no other religious groups have gained government registration, even though some groups submitted applications over one year ago, with the result that all except the four government-sanctioned religious groups operate without a legal basis.

Government authorities have also informed Pente groups that they would not allow gatherings of more than five persons in private homes. Government spokespersons began comparing "Pentes" to Islamists, branding them a danger to national security. According to some religious groups and aid workers, it is now almost impossible for Pente Christians to meet without fear of arrest or harassment.

Religious repression is said to be particularly severe in the armed forces. During the war with Ethiopia, many Eritrean soldiers embraced various forms of Protestantism, reportedly alarming government officials and leading to the banning of prayer meetings among armed forces members. Attendance at such meetings is punishable by imprisonment. Moreover, anyone found in possession of a Bible faces severe punishment, and there are unconfirmed reports that two soldiers were shot for reading the Bible. According to several human rights organizations, 54 people were detained in August 2003 and locked in metal container boxes after authorities found Bibles in their possession at a military training camp. The PFDJ denied the International Committee of the Red Cross access to these makeshift prisons.

The most recent estimate of religious prisoners runs as high as 300. Aid workers report that the number might be higher, since an unknown number of soldiers and military conscripts are being held incommunicado. In the past year, Pente Christians, Jehovah's Witnesses, and members of Orthodox splinter groups have been jailed, beaten, and threatened with death by security forces. Those arrested are often asked to sign a commitment to deny their faith in order to be released. Parents and family members have been refused access to the prisoners unless they agree to persuade them to sign the "confession."

According to U.S. State Department sources, the Eritrean government has, until very recently, refused to discuss religious freedom, considering it a matter of "national security." U.S. officials who have proposed traveling to the country have been

told they could not discuss religious freedom concerns with Eritrean government officials.

#### INDIA<sup>2</sup>

Unlike other countries recommended for CPC designation, India has a democratically elected government, is governed essentially by the rule of law, and has a tradition of secular governance that dates back to the country's independence. Despite these democratic traditions, however, religious minorities in India continue to be subject to violent attacks, including killings, in what is called "communal violence." Those responsible for the violence are rarely held responsible for their actions. This violence against religious minorities has coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of Hindu extremist nationalist organizations that view non-Hindus as foreign to India and aggressively press for national governmental policies to promote the "Hinduization" of culture. The ascent to power in 1998 of the Sangh Parivar's political wing, the Bharatiya Janata Party (BJP), the current ruling party in the national government coalition, has helped to foster a climate in which extremists believe that violence against religious minorities will not be systematically punished.

At the end of February 2002, in the town of Godhra, a mob of Muslims set fire to a train resulting in the death of 58 Hindus. Within days, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 fled their homes and, in the end, as many as 2,000 were killed. Many Muslims were burned to death; others were stabbed or shot. India's National Human Rights Commission (NHRC), an official body, found evidence in the killings of premeditation by members of Hindu extremist groups; complicity by Gujarat state government officials; and police inaction in the midst of attacks on Muslims. The NHRC also noted "widespread reports and allegations of well-organized persons, armed with mobile telephones and addresses, singling out certain homes and properties for death and destruction in certain districts—sometimes within view of police stations and personnel," suggesting the attacks may have been planned in advance. Christians were also victims in Gujarat, and many churches were destroyed. There have been cases of retaliatory violence against Hindus, including in September 2002, when Muslim gunmen opened fire at a Hindu temple in the town of Gandhinagar, killing 32 people. Unlike in Godhra, however, after this incident the Indian government called on citizens to refrain from taking the law into their own hands and further violence was averted. In August 2003, bombings in Bombay killed over 50 people; those arrested in connection with the bombings claimed that they carried out their actions "in revenge for the state-assisted killings of Muslims in Gujarat."

The BJP-led state government in Gujarat led by Minister Narendra Modi has been accused of being reluctant to bring the perpetrators of the killings of Muslims to justice. After almost two years, few persons have been arrested and held to account for the deaths; most of those initially arrested were released without charge. What is more, state officials have been accused of failing to protect witnesses in cases against Hindu extremists believed to have taken part in the attacks. In one instance, 21 Hindu defendants accused of killing 14 men, women, and children were acquitted in June 2003 after the main prosecution witness changed her evidence after receiving several death threats. According to news reports, key witnesses were "pressured by a local BJP politician to recant their testimony." In response to the alleged failures of the Gujarat government, the high court of Gujarat admitted an amended criminal appeal filed by the state government seeking a retrial of those acquitted. In October 2003, police in Gujarat registered a case against a state BJP legislator and four others for allegedly intimidating witnesses in the incident. Also in October, after declaring that it had "no faith left" in the state's handling of the investigations, India's Supreme Court instructed the Gujarat state government to appoint new prosecutors to examine the religious violence of the previous year. In November, a court in Gujarat convicted 15 Hindus of the murder of 14 Muslims during the anti-Muslim rioting.

Since 1998, there have been hundreds of attacks on Christian leaders, worshippers, and churches throughout India. These attacks have included killings, torture, rape and harassment of church staff, destruction of church property, and disruption

<sup>2</sup> Commissioners Bansal, Gaer, and Young dissent from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, attached to the letter to Secretary of State Colin L. Powell on February 4, 2004. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

of church events. In January 2003, armed members of a Hindu extremist group attacked an American missionary and seven others with swords; two activists from the Rashtriya Swayamsevak Sangh (RSS), a part of the Sangh Parivar, were later arrested in the state where the attack took place. In a noted development, in September 2003—after years of reported stalling by the prosecutors involved—Dara Singh was found guilty, along with 12 others, of the 1999 murder by an extremist mob of Graham Staines, a Christian burned to death in his car along with his children.

Though there have been some convictions of a few perpetrators of the Gujarat violence and attacks on Christians, and though the BJP-led central government may not be directly responsible for instigating the violence against religious minorities, it is clear that the government does not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups. India's two most senior leaders, Prime Minister Atal Bihari Vajpayee and Deputy Prime Minister Lal Krishna Advani, are both members of the RSS and have never renounced its militant Hindu ideology. The severe violence in Gujarat provided the national government with adequate grounds—under the Constitution and existing laws to counteract communal violence—to invoke central rule in the state, yet the BJP government did not do so, despite many requests and the fact that the killing of Muslims continued (on a lesser scale) for many weeks. Prime Minister Vajpayee did not condemn the massacre of Muslims unequivocally until more than one year after the violence occurred. Quicker action to forestall Hindu-Muslim violence was taken by the Vajpayee government in October 2003, when police arrested 1,500 members of a militant Hindu group rallying in the town of Ayodhya and demanding a temple on the site where a mosque once stood, until it was torn down by a Hindu mob in 1992.

In March 2003, the Gujarat government passed a bill against religious conversions. (Though Article 25 of India's Constitution provides for "the right to freely profess, practice, and propagate religion," in 1977, the Indian Supreme Court ruled that the constitutional right to propagate religion did not include a right to convert (or attempt to convert) another.) The Gujarat bill, which is modeled on similar laws in the states of Tamil Nadu and Orissa, requires government officials to assess the legality of conversions and provides for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. Though worded to prohibit only "forced" religious conversions, observers contend that the bill is targeted against conversions generally of Hindus to Christianity and Islam. To date, however, there are no reports of persons having been arrested under this law.

With regard to India, the Commission has recommended that the U.S. government should:

- urge the BJP leadership to denounce RSS militancy that supports violence and discrimination;
- make clear its concern to the BJP-led government that virulent nationalist rhetoric is fueling an atmosphere in which perpetrators believe they can attack religious minorities with impunity;
- persistently press the Indian government to pursue perpetrators of violent acts that target members of minority religious groups;
- urge the government of India to oppose any attempts to interfere with or prohibit ties between religious communities inside India and their co-religionists outside the country, and any government efforts to regulate religious choice or conversion;
- urge India to allow official visits from foreign government agencies concerned with human rights, including religious freedom; and
- take into account, in the course of working toward improvements in U.S.-Indian economic and trade relations, the efforts of the Indian government to protect religious freedom, prevent and punish violence against religious minorities, and promote the rule of law.

#### IRAN

The government of Iran engages in or tolerates systematic, ongoing, and egregious violations of religious freedom, including prolonged detention and executions based primarily or entirely upon the religion of the accused. The Constitution of the Islamic Republic of Iran proclaims Islam, particularly the doctrine of the Twelver (Shi'a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria. The Head of State, Ayatollah Ali Khamene'i, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces,

and the judiciary. The Council of Guardians, half of whose members are appointed by the Supreme Leader, reviews all legislation passed by the Majles (parliament) for adherence to Islamic and constitutional principles. The Constitution grants the Council of Guardians the power to screen and disqualify candidates for elective offices based on an ill-defined set of requirements, including candidates' ideological and religious beliefs. In recent years, dozens of prominent liberal Islamic activists and dissidents have been sentenced by the Revolutionary Court to up to 10 years in prison, ostensibly on charges of seeking to overthrow the Islamic system in Iran; others have been arrested and detained for blasphemy and criticizing the nature of the Islamic regime.

Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics and bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sunni and Sufi Muslims also report widespread official discrimination. Even Shi'a clerics are affected, as a number of senior Shia religious leaders who have opposed various religious and/or political tenets and practices of the Iranian government have also reportedly been targets of state repression, including house arrest, detention without charge, unfair trials, torture and other forms of ill treatment.

The primacy of Islam and Islamic laws and institutions also adversely affects the rights and status of non-Muslims. While all religious minorities suffer, severe violations are principally directed towards the 300,000 to 350,000 followers of the Baha'i faith in Iran. Baha'is are often viewed as "heretics," and may face repression on the grounds of "apostasy." Government authorities have killed more than 200 Baha'i leaders in Iran since 1979, and more than 10,000 have been dismissed from government and university jobs. Baha'is may not establish houses of worship, schools, or any independent religious associations. In addition, Baha'is are denied government jobs and pensions as well as the right to inherit property, and their marriages and divorces are not recognized. Their cemeteries, holy places, and community properties are often seized and some have been destroyed. Members of the Baha'i faith are not allowed to attend university. Despite some reported improvements in 2000 and 2001, according to the State Department, restrictions on the Baha'i community intensified after the UN Commission on Human Rights ended formal monitoring of the human rights situation in the country in the spring of 2002. Credible sources report that a Baha'i who had been imprisoned from June 1999 to May 2000 and held in solitary confinement and beaten, was imprisoned again in March 2003 by a judgment of the Revolutionary Court in Mashhad for "taking part in Baha'i activities." Four Baha'is remain in prison on account of their religious beliefs.

The Constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who have autonomy over their own matters of personal status (e.g. marriage, divorce, and inheritance) and who may worship freely. However, members of these groups are subject to legal and other forms of official discrimination, particularly in education, government, and the armed services. Over the past 13 years, at least eight evangelical Christians have been killed at the hands of government authorities and between 15-23 are reported missing or "disappeared." According to the UN Special Representative's report, some are said to have been convicted of apostasy. In addition, evangelical Christians in Iran continue to be subject to harassment and close surveillance; many are reported to have fled the country. Jews have been singled out on the basis of their "ties to Israel," whether real or perceived. The July 2000 conviction of 10 Jews on widely disputed charges of espionage in secret revolutionary (closed) courts that did not afford minimal due process guarantees raised concerns in the international community about the future of the Iranian Jewish community. All have since been released after having served reduced sentences or being pardoned, although in some cases the releases may be conditional. Non-Muslims may not engage in public religious expression and persuasion among Muslims and face restrictions on publishing religious material in Persian.

The government's monopoly on and enforcement of the official interpretation of Islam, as well as other abuses of the right to freedom of religion, negatively affect the fundamental rights of women in Iran, including their right to freedom of movement, association, religion, and freedom from coercion.

#### DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK/NORTH KOREA)

Religious freedom is essentially absent in North Korea, where the government severely represses public and private religious activities and enforces a policy of actively discriminating against religious believers. The Commission has received reports that DPRK officials have arrested, imprisoned, tortured, and sometimes exe-

cuted North Korean citizens who were found to have ties with overseas Christian evangelical groups operating across the border in China, as well as those who engaged in unauthorized religious activities such as public religious expression and persuasion. According to testimony delivered at the Commission's hearing on North Korea in January 2002, access to updated information about North Korea remains extremely limited. There is no evidence that there has been any improvement in the conditions for religious freedom in the past year.

In recent years, the government has formed several religious organizations that it controls for the purpose of severely restricting religious activities in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshipping at "official" North Korean temples. Most of the remaining temples that have escaped government destruction since the Korean War are regarded as cultural relics rather than religious sites. Similarly, the Korean Christian Federation restricts Christian activities. Following the reported wholesale destruction of over 1,500 churches during Kim Il Sung's reign (1948–1994), two Protestant churches and a Roman Catholic church, without a priest, opened in Pyongyang in 1988. However, the absence of a priest for Roman Catholics means that Mass cannot be celebrated and most sacraments cannot be performed. Several foreign residents have reported that they regularly attend services at these churches and that it is clear that whatever public religious activity exists, such as services at these churches, is staged for their benefit.

Persons found carrying Bibles in public or distributing religious literature, or engaging in unauthorized religious activities such as public religious expression and persuasion are arrested and imprisoned. There continue to be reports of torture and execution of religious believers. Although the practice of imprisoning religious believers is apparently widespread, the State Department has been unable to document the number of religious detainees or prisoners. According to a press report from 2001, an estimated 6,000 Christians are incarcerated in "Prison No. 15" located in the northern part of the country. The Commission learned from testimony at its January 2002 hearing that prisoners held on the basis of their religious beliefs are treated worse than other inmates. For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, these religious prisoners are reportedly beaten and have died following torture.

Officials have stratified North Korean society into 51 specific categories on the basis of family background and perceived loyalty to the regime. Religious adherents are by definition relegated to a lower category, receiving fewer privileges and opportunities, such as education and employment. Persons in lower categories have reportedly been denied food aid.

Thousands of North Koreans have fled to China in recent years. Refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason; those found to have had contacts with South Koreans or Christian missionaries are subjected to severe punishment, including the death penalty.

With regard to North Korea, the Commission has recommended that the U.S. government should:

- develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues, including by expanding or developing broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia;
- use multilateral diplomacy to advance the protection of human rights in North Korea, including by raising human rights violations in North Korea in appropriate international fora, urging the Republic of Korea and Japan to press for improvements on religious freedom and other human rights in their talks with the DPRK, and urging the European Union to include religious freedom concerns as part of its human rights discussions with the North Korean government;
- urge China, Russia, and other members of the international community to grant refugee status to North Koreans;
- urge the Chinese government to allow South Korean and international non-governmental organizations greater access to northern China and greater capacity to serve the needs of North Korean refugees;
- use all available contacts to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with

their family members in the DPRK, ensuring that the delivery of all humanitarian assistance to North Korea is adequately monitored; and

- work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

In addition, the U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source, establish a congressional caucus to focus on human rights in North Korea, and expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.

#### PAKISTAN

Successive governments have severely violated religious freedom in Pakistan. Discriminatory legislation has helped to create an atmosphere of religious intolerance and eroded the social and legal status of religious minorities. Government officials provide fewer protections from societal violence to non-Muslims than to members of the majority Sunni Muslim community. Perpetrators of attacks on minorities are seldom brought to justice. Belated efforts to curb extremism by reforming Pakistan's thousands of Islamic religious schools appear to have had little effect thus far. Many of these schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad.

Sectarian and religiously-motivated violence, much of it committed against Shi'a Muslims by Sunni militants, is chronic in Pakistan. Religious minorities such as Ahmadis and Christians have also been targeted by Sunni extremist groups. Attacks on Shi'a worship services in February and July 2003 produced multiple fatalities, the July attack alone leaving over 50 dead. In October 2003, gunmen on a motorcycle opened fire on a bus carrying Shi'a Muslims, killing at least five. In the last two years, there has been an upsurge in anti-Christian violence, including fatal attacks on churches and other Christian institutions. In September 2002, armed men killed seven people on the premises of a Christian charitable organization; in December, three children were killed and 14 injured in a grenade attack on a Christian church in Chianwala village in Sialkot; and in January 2004, a church compound that includes a Christian school for girls was bombed. Police protection appears ineffectual, and no one has yet been successfully prosecuted for these crimes. Perpetrators of attacks on minorities are seldom brought to justice. The case of the brutal murder of American journalist Daniel Pearl, whose Jewish background was highlighted in a video of his decapitation by his Islamic extremist killers, is not yet fully resolved.

Ahmadis are prevented by law from engaging in the full practice of their faith. The Constitution of Pakistan declares members of the Ahmadi religious community to be "non-Muslims," despite their insistence to the contrary. Barred by law from "posing" as Muslims, Ahmadis may not call their places of worship "mosques," worship in non-Ahmadi mosques or public prayer rooms (otherwise open to all Muslims), perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Quran, or display the basic affirmation of the Muslim faith. These acts are punishable by imprisonment of up to three years. It is illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, and disseminate their religious materials. These acts are also punishable by imprisonment of up to three years. Ahmadis have been arrested and imprisoned for all of the above acts, and they are reportedly subject to ill treatment from prison authorities and fellow prisoners. Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. There is no indication that the current government intends, or has even seriously considered, changes to the anti-Ahmadi laws.

Prescribed penalties for blasphemy include death for whoever "defiles the sacred name of the Holy Prophet Muhammad" and life imprisonment for whoever "willfully defiles, damages, or desecrates a copy of the holy Quran." Blasphemy allegations, which are often false, result in lengthy detention of and sometimes violence against Christians, Ahmadis, and other religious minority members, as well as Muslims on account of their religious beliefs. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats are credible, as they have sometimes been followed by actual violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several accused under the blasphemy laws have been attacked, even

killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are forced to flee the country. Others have died in police custody under allegedly suspicious circumstances. Following an abortive attempt in 2000 at introducing procedural reforms, the Musharraf government has made no further effort to reform, much less repeal, the blasphemy laws.

Pakistan's Hudood Ordinances provide for harsh punishments such as amputation and death by stoning for violations of Islamic law. Although these extreme corporal punishments have not been carried out in practice due to high evidentiary standards, lesser punishments such as jail terms or fines have been imposed. Rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. The Hudood laws apply to Muslims and non-Muslims alike.

The Commission's May 2001 report on Pakistan recommended that the United States, in its bilateral relations with Pakistan, take the position that Pakistan's system of separate electorates for religious minorities was inconsistent with democratic principles and the protection of political rights without discrimination on the basis of religion. In January 2002, the Commission welcomed the decision of the government of Pakistan to abolish the system of separate electorates. The continuing requirement for voters to identify themselves as Muslims or non-Muslims serves, however, to disenfranchise many Ahmadis, who object, on religious grounds, to being designated as non-Muslims.

With regard to Pakistan, the Commission has recommended that the U.S. government should:

- take the position that the existence and enforcement of laws targeting Ahmadis that effectively criminalize the public practice of their faith violate the right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- urge the government of Pakistan to implement procedural changes to the blasphemy laws that will reduce and ultimately eliminate their abuse;
- urge the government of Pakistan to take effective steps to prevent sectarian violence and punish its perpetrators, including disarming militant groups and any religious schools that provide weapons training; and
- support, in conjunction with other donors: (a) improvements in the public education system; (b) judicial reform and law enforcement training; (c) legal advocacy to protect the right to freedom of religion; and (d) educational programs in religious tolerance.

#### SAUDI ARABIA

The Commission agrees with the State Department's conclusion in successive religious freedom reports that freedom of religion "does not exist" in Saudi Arabia. The ongoing and egregious violations of religious freedom by the Saudi government include: torture and cruel and degrading treatment or punishment imposed by both judicial and administrative authorities; prolonged detention without charges and often incommunicado; and blatant denials of the right to liberty and security of the person, including coercive measures aimed at women and the wide jurisdiction of the religious police (*mutawaa*), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others. Credible reports also indicate that Saudis are funding, directly and indirectly, efforts to propagate globally, including in the United States, a religious ideology that promotes hate, intolerance, and other human rights violations, including violence, toward members of other religious groups, both Muslim and non-Muslim.

The government of Saudi Arabia vigorously enforces its prohibition against all forms of public religious expression other than those that follow the government's interpretation and presentation of the Hanbali school of Sunni Islam, despite the fact that there are large communities of non-Muslims and Muslims from a variety of doctrinal schools of Islam residing in Saudi Arabia, including Shi'as, who make up 8–10 percent of the population. The government tightly controls even the religious activity it permits—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. Prominent Shi'a clerics and religious scholars continue to be arrested and detained without charge for their religious views; several remain in prison and reportedly have been beaten or otherwise ill-treated. Several imams, both Sunni and Shi'a, who have spoken in opposition to government policies or against the official interpretation of Islam, have been harassed, arrested, and detained. In the past and reportedly until

now, spurious charges of “sorcery” and “witchcraft” have been used by the Saudi authorities against non-Wahhabi Muslims. Saudi authorities occasionally have arrested and detained Ismaili clerics for allegedly practicing sorcery.

Restrictions on public religious practice, for both Saudis and non-Saudis, are enforced in large part by the *mutawaa*, public enforcers of religious behavior. The *mutawaa* have in the past and continue to be involved in raids on worship services, including those in private homes. They have also harassed, detained, and even meted out extrajudicial punishments to individuals deemed to stray from “appropriate” dress and/or behavior, including any outward displays of religiosity, such as wearing non-Wahhabi Muslim religious symbols.

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 continue to be harassed, arrested, imprisoned, tortured, and deported by the authorities, and forced to go to great lengths to conceal private religious activity from the authorities. Even diplomatic personnel from Western countries face difficulties in their religious practice; these difficulties are compounded for foreign contract workers who have no diplomatic standing and little or no access to private religious services conducted at diplomatic facilities. Moreover, the Saudi government does not allow clergy to enter the country in order to perform private religious services for foreigners legally residing in Saudi Arabia.

Evidence calling into question actual Saudi policy on private worship includes a series of arrests of Christian foreign contract workers in Jeddah in 2001 and 2002. Between June and September 2001, 14 Christians were arrested for worshipping privately, and all were deported by the end of March 2002. In April and May 2002, more than 30 Christian foreign workers were detained in raids on religious worship services, and by September, most had been deported. In April 2003, two Christian foreign workers were arrested for worshipping privately; in June 2003, the Ethiopian was deported, but as of this writing, the Eritrean remains in prison.

The government’s monopoly on the interpretation of Islam and other abuses of the right to freedom of religion adversely affect the fundamental rights of women in Saudi Arabia, including their right to freedom of speech, movement, association, and religion, freedom from coercion, their access to education, and their full equality before the law.

In addition to naming Saudi Arabia a country of particular concern, or CPC, the Commission has recommended that the U.S. government should:

- press for immediate improvements in respect for religious freedom, including: (1) establishing genuine safeguards for the freedom to worship privately, (2) dissolving the *mutawaa*, (3) permitting non-Wahhabi places of worship in certain areas and letting clergy enter the country, (4) reviewing cases and releasing those who have been detained or imprisoned on account of their religious belief or practices, (5) permitting independent non-governmental organizations, and (6) excluding offensive and discriminatory language from textbooks and the school curriculum.
- use the leverage that it has to encourage implementation of reforms in Saudi Arabia by: (1) raising human rights concerns, including religious freedom, both publicly and privately, (2) expanding human rights assistance, public diplomacy and other programs and initiatives—such as MEPI—to include components specifically for Saudi Arabia, and (3) taking steps to overcome obstacles to broadcasting Radio Sawa.
- undertake a public study to determine whether and how—and the extent to which—the Saudi government, individual members of the royal family, or Saudi-funded individuals or institutions are funding the propagation globally, including in the United States, of a religious ideology that explicitly promotes hate, intolerance, and human rights violations, in some cases violence.

In addition, the U.S. Congress should hold biannual hearings at which the State Department reports on what issues have been raised with the Saudi government regarding that government’s violations of religious freedom and what actions have been taken in light of the Saudi government’s response.

#### SUDAN

Religious conflict has been a major factor in Sudan’s ongoing civil war, which began in 1983. The U.S. Commission on International Religious Freedom has identified Sudan as the world’s most violent abuser of the right to freedom of religion and belief. The Commission has stated that the Sudanese government has committed genocidal atrocities against civilian populations in the South and in the Nuba Moun-

tains. In the Sudan Peace Act of 2002, Congress found that the Sudanese government has committed acts of genocide.

Current and previous governments in Khartoum have attempted forcibly to convert non-Muslims to Islam and to impose Sharia law on Muslims and non-Muslims alike. Opposition to these coercive policies has fueled support for armed resistance by non-Muslim and non-Arab populations in the South, the Nuba Mountains region, and elsewhere. The current regime in particular has used appeals to Islam, including calls by senior government officials for “jihad,” to mobilize northern Muslim opinion in support of the war effort. Religious prejudice, incited by government officials, contributes to the horrific human rights abuses perpetrated by government security forces and government-backed militias.

In the context of the civil war, which has resulted in two million deaths, predominantly of non-Muslims, government and allied forces have committed egregious human rights abuses, such as forced starvation as a result of the denial of international humanitarian assistance; abduction and enslavement of women and children; the forcible displacement of civilian populations (e.g., from oil-producing regions); and aerial bombardment of civilians, church property, and humanitarian facilities. Sites bombed have included clearly identifiable hospitals, schools, churches, markets, and relief organization compounds. Many of these abuses appear to have been the result of deliberate government policies. The need for accountability for these crimes is not diminished by progress in the Sudan peace process, encouraged by the United States and other interested parties.

In early 2004, the Government of Sudan and the major rebel group, the Sudan People’s Liberation Movement/Army, appeared close to a comprehensive peace agreement. In the past, however, commitments have been violated, however, by the government in Khartoum. Close U.S. monitoring of compliance, and sanctions for non-compliance, will be necessary to ensure a just and lasting peace.

The government of Sudan severely and systematically violates the religious freedom of Christians and followers of traditional African religions, as well as of Muslims who are associated with opposition groups or who dissent from the government’s interpretation of Islam. Proselytizing of non-Muslims by Muslims is allowed in government-controlled areas, but public religious expression and persuasion of Muslims by non-Muslims is forbidden. Conversion from Islam is regarded as apostasy, a crime punishable by death. In practice, suspected converts are subjected to intense scrutiny, intimidation, and even torture by government security personnel.

Religious groups must be registered by the government to operate legally. Unregistered groups cannot build places of worship or meet in public. Approval can be difficult to obtain, and even registered groups face difficulties. Although permits are routinely granted to build mosques, permission to build churches is routinely denied. For over 30 years, the government has denied permission to construct Roman Catholic churches in areas under its control.

Some children from non-Muslim families captured and sold into slavery by pro-government militias reportedly have been forced to convert to Islam. There are similar reports of coerced conversion in government-controlled camps for internally displaced persons, as well as among prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors. The government has also allegedly tolerated the use of humanitarian assistance to induce conversion to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

The Commission has made a series of recommendations regarding U.S. policy toward Sudan, including that the U.S. government appoint a national prominent individual to bring about a peaceful and just settlement of the war in Sudan. In September 2001, President Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan, energizing the Sudan peace process.

With regard to Sudan, the Commission has recommended that the U.S. government should:

- oppose the application of Sharia law to non-Muslims wherever they may reside in the country; insist that national institutions such as the military, law enforcement, and the highest level of the judiciary be secular institutions;
- urge the government of Sudan to (a) allow all religious groups to conduct their activities freely; (b) ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment; and (c) repeal any laws that punish changing one’s faith or encouraging another to do so;

- prevail upon the government of Sudan to provide needed humanitarian access to international relief organizations and increase U.S. humanitarian assistance delivered outside the Operation Lifeline Sudan system;
- quickly disperse funding for humanitarian purposes, to build civil society, and to promote economic development in southern Sudan;
- hold the government of Sudan accountable for significant violations of agreements it has made with the Sudan People's Liberation Movement/Army;
- continue to keep in place existing sanctions on Sudan and refrain from upgrading diplomatic relations;
- build upon the work of the International Eminent Persons Group to combat and end the terrible practice of abduction and enslavement by government-sponsored militias; and
- work to increase human rights and media reporting on abuses in Sudan and promote grassroots reconciliation among Sudanese.

#### TURKMENISTAN

Turkmenistan is among the most repressive states in the world today and engages in particularly severe violations of religious freedom. It has been ruled since 1985 by Saparmurat Niyazov, who, after the country gained independence, systematically began to assume complete control through an aggressive "cult of personality." Niyazov's all-pervasive authoritarian rule has effectively prevented any form of opposition from operating within the country. Religious freedom is severely proscribed in Turkmenistan and there is no evidence that the situation has improved in the past year. In fact, the overall human rights situation deteriorated significantly after November 2002, when, in response to an alleged assassination attempt, Niyazov began arresting hundreds of relatives or associates of leading dissidents, many of whom have been sentenced to as many as 25 years in prison. Moreover, religious freedom conditions may decline even further after the passage of a new law on religion in November 2003. According to reports, penalties for breaking the new law will lead to criminal punishments and religious groups will have to coordinate all contacts with co-religionists abroad with the Turkmen government.

President Niyazov has promoted a state-controlled version of Islam as part of Turkmen identity, and his monopoly of power and absolute control over Turkmen society renders independent religious activity, whether Muslim, Christian, Baha'i or otherwise, a potential threat to that control. Since independence, religious groups have been required to register with the government in order to engage in religious activities. A 1997 version of the religion law effectively banned all religious groups except the Sunni Muslim Board and the Russian Orthodox Church, though religious worship, instruction, or education outside of the officially approved structures even for these two religions is not allowed. All but one madrassa, or Islamic school, have been closed by Niyazov. Imams have been instructed by the government to repeat an oath of loyalty to the "fatherland" and the President after each daily prayer. Niyazov has strengthened his personality cult with the publication of his three-volume work, *Ruhnama*, containing his "spiritual thoughts," which is required reading for all schoolchildren. Copies of *Ruhnama* are now reportedly required in mosques, placed in equal prominence to copies of the Koran. Opposition on religious grounds to the reverence demanded by the Turkmen leader is considered a grave affront to his power.

Even before the passage of the new law on religion, the 1997 version of the religion law made it all but impossible for religious minorities to register and function legally. Turkmen security forces routinely interrogate and intimidate believers, especially those attempting to fulfill the registration requirement. Members of unregistered religious communities—including Baha'is, Baptists, Hare Krishnas, Jehovah's Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists—have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed. Members of some religious minority groups in Turkmenistan have been forced to renounce their faith publicly, swearing an oath on a copy of *Ruhnama*. Security officials regularly break up religious meetings in private homes, search homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation. Family members of detained religious leaders have been subjected to harassment and internal exile. Even the registered Russian Orthodox community has been affected by the repressive policies of Niyazov, who in September last year

issued a decree banning residents of Turkmenistan from receiving Russian publications by mail, a ban that included the Journal of the Moscow Patriarchate.

In addition to recommending that Turkmenistan be designated a country of particular concern, or CPC, the Commission has recommended that the U.S. government should:

- immediately suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism;
- scrutinize all aspects of any remaining assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations, and look for opportunities in U.S. government programs to promote respect for human rights, including religious freedom;
- withhold support for efforts to facilitate Turkmenistan's sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, until the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan;
- identify specific steps, that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs, including: the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely, the end to harassment and deportation of religious leaders, and the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents; and
- suspend all state visits between the United States and Turkmenistan until such time as religious freedom conditions in the country have improved significantly.

#### VIETNAM

Already poor religious freedom conditions had deteriorated significantly in the last 18 months. During that time, key religious dissidents have been imprisoned; some remain in prison or under house arrest. In addition, the government continued its crackdown on religious minorities in the northwestern provinces and Central Highlands. Abuses included harassment and surveillance, forced church closings, and renunciations of faith. These abuses are authorized at the highest levels of the Vietnamese government, according to documents obtained by human rights and non-governmental organizations.

The Unified Buddhist Church of Vietnam (UBCV) is currently facing the worst period of repression since it was banned in 1981. Despite promises by Prime Minister Pham Van Khai in March 2003 that arrests would decrease, 26 of the UBCV's leaders continue to be detained under house arrest, including its founders, the Most Venerable Thich Huyen Quang and the Very Venerable Thich Quang Do. There is concern for Thich Huyen Quang's failing health and access to medical care while under detention.

The Vietnamese government has also broadened its campaign of harassing Christians among its ethnic minority population. According to documents smuggled out of Vietnam, Hmong Christians in the far northwest provinces of Vietnam are still being pressured to renounce their faith. The documents allege that government officials with the Ministry of Public Security have entered places of worship, denounced believers, and forced them to sign confessions and take part in traditional animist rituals. If they refuse, they face harassment, beatings, imprisonment, or loss of access to government services. For example, in August 2002, a Hmong Protestant in Lai Chau province reportedly died after being beaten several times by Vietnamese officials who tempted to force him to renounce his faith. In December 2002, officials in the same province reportedly used noxious gas to attack Hmong Christians during a house church worship service. Persons who were found to have provided religious training and literature to ethnic minorities have in the past been arrested and imprisoned.

Significant numbers of religious adherents are in prisons or under some form of detention, including house arrest. A Hoa Hao Buddhist organization in the United States states that 18 Hoa Hao Buddhists are reportedly in some form of detention, including Le Quan Liem. Twenty Hmong Protestants are reportedly in prison, along with dozens of Montagnard Christians in the Central Highlands, both groups having been detained in connection with the government's crackdown on religious minori-

ties in 2001. There are at least 10 Catholic priests and lay adherents still imprisoned, including Father Thaddeus Nguyen Van Ly, who was detained after he submitted testimony to the Commission. Fr. Ly's prison sentence was reduced by five years in June 2003. His niece and nephews, however, were sentenced in September 2003 to between 3–5 years in prison for passing information to human rights organizations about their uncle's arrest.

Vietnamese government officials arrest and detain individuals for engaging in "illegal religious activities." Unofficial house church Protestants and ethnic minority Protestants are two groups most subject to this type of harassment. For example, Montagnard Protestants in the Central Highlands have been detained or imprisoned for engaging in religious and other independent activities that are not permitted by government authorities.

These particularly severe violations of religious freedom have taken place as the government continues to control and place restrictions on all religious groups, registered or otherwise. Communist party and government officials also interfere in the internal affairs of organized religious communities. For example, the government places restrictions on Roman Catholics by imposing limits on the number of candidates allowed to study for the priesthood. In addition, the government controls the appointment and assignments of Catholic clergy and also plays an active role in the selection of the bishops, effectively vetoing those papal appointments of which it disapproves.

The Constitution of Vietnam, along with a 1999 decree on religious activities, permit extensive government control over and interference in religious worship, education, publishing, leadership, charitable activities, and church building.

In addition to recommending that Vietnam be designated a country of particular concern, or CPC, the Commission has recommended that the U.S. government should:

- make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to:
  - halt the arrest, detention, imprisonment, and intimidating surveillance of persons on account of their manifestation of religion or belief, including members of ethnic minorities in the Central Highlands and the northwestern provinces;
  - cease practices that coerce individuals to renounce any religion or belief;
  - cease bans on religious gatherings in ethnic minority areas, and permit religious groups to gather for observances of significant religious holidays; and
  - repeal the 1999 Administrative Decree on Religion and ensure that any new law on religion meets international standards;
- withhold its support for loans to Vietnam from international financial institutions, except those providing for basic human needs, until the government of Vietnam agrees to make substantial improvements in the protection of religious freedom;
- urge the Vietnamese government to provide U.S. and other foreign government officials, human rights and humanitarian groups, international organizations, and journalists regular and unhindered access to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and
- overcome the jamming of Radio Free Asia broadcasts and support, through U.S. assistance and exchange programs, including the Vietnam Education Foundation, individuals in Vietnam who advocate religious freedom, the rule of law, and legal reform.

In addition, the U.S. Congress should pass the Vietnam Human Rights Act of 2003 and, in conjunction with the Commission, review Vietnam's human rights practices, including particularly severe violations of religious freedom, as a part of the annual Congressional review of the Jackson-Vanik waiver for Vietnam.

#### BELARUS

Belarus has a highly authoritarian government that does not respect the human rights of its citizens. According to the 2003 International Religious Freedom report issued by the U.S. State Department, respect for religious freedom has worsened during the period covered by its report. Almost all political power is concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The regime under Lukashenko has been widely accused of serious human rights

abuses, including involvement in the “disappearances” of several opposition figures as well as the imprisonment of journalists and other controls on the media. The freedoms of speech, assembly, and association are heavily restricted, and the government has repressed the few institutions of civil society that had emerged after the country gained independence in 1991. In late 2003, the Belarusian authorities stepped up their campaign against all independent actors in their country, including media outlets, trade unions and non-governmental organizations.

Since coming to power in 1994, Lukashenko has constructed a set of regulatory and bureaucratic obstacles that make legitimate religious activities impossible for many religious communities. Some minority religious groups have been attacked in the state-run media, experienced violent attacks against their persons and property, religious services have been broken up by police, and religious leaders have faced arrest, heavy fines, and other forms of harassment. In October 2002, Lukashenko signed new legislation on religion that threatens to restrict further religious freedom in Belarus. Although the law purports to codify protections for religious freedom, in fact, it provides government officials with tools to repress and control religious activities without providing any clear mechanisms to check abuses by these officials.

Considered by many observers to be the most repressive religion law in Europe, the new law essentially prohibits: all unregistered religious activity by organized groups; religious communities with fewer than 20 members; foreign citizens from leading religious activities; and religious activity in private homes, with the exception of small, occasional meetings. The new law accomplishes this in part by establishing a three-tiered system of registration, and restricting the activities of the groups on the lowest rung. The law also requires all religious organizations to apply for re-registration within two years. The registration criteria laid out in the law is vague, thus facilitating continued abuse by government officials. According to the new law, religious publishing and education will be restricted to religious groups that have 10 registered communities, including at least one that was in existence in 1982. This requirement of at least 20 years existence in Belarus is particularly onerous, since the cutoff date of 1982 falls during the Soviet period of religious repression when few religious groups were able to operate openly. Moreover, all religious literature is now subject to compulsory prior censorship by the government.

Almost one year after the passage of the law, there are reports that only a small number of even previously registered religious groups have been able to re-register. Because the new law bans registered religious communities from using residences as their legal addresses without specific authorization, the many communities that currently meet in private homes because they are unable to rent or buy meeting space face the risk of being unable to re-register or even being liquidated by the courts.

Attacks on Jews or Jewish property continue to be prevalent in Belarus, with little attempt made by the authorities to hold the perpetrators to account. Memorials, cemeteries, and other property are regularly subject to violence; though President Lukashenko sometimes condemns the attacks, the perpetrators are not pursued. According to one Belarusian Jewish leader, inaction on the part of the authorities enables those responsible to attack with impunity.

Since 1994, President Lukashenko has openly pursued a policy of favoring the Russian Orthodox Church, a policy that frequently results in discrimination against other religious communities. The relationship between the Russian Orthodox Church and the Belarus government has created particular problems for many Protestant groups, which have sometimes been denied registration or permission to build a worship space by regional authorities who have been influenced by local Orthodox leaders, as well as several “independent” Orthodox churches, i.e., those that do not accept the authority of the Orthodox Patriarch in Moscow. These include the Autocephalous Orthodox Church and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s. Both Orthodox Churches have been denied registration, before and since the new law was passed. In June 2003, the Belarus government and the Russian Orthodox Church signed a concordat codifying the Orthodox Church’s influence in government affairs and other facets of public life.

With regard to Belarus, the Commission has recommended that the U.S. government should:

- use every measure of diplomacy to advance the protection of human rights, including religious freedom, in Belarus, including enhanced monitoring and public reporting, especially in light of the Organization for Security and Cooperation in Europe’s weakened monitoring mandate inside Belarous;

- urge the Belarus government to take immediate steps to end repression, including: repeal of the highly repressive religion law; an end to the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status; the right to conduct religious education and distribute religious material; a halt to government attacks on the persons and property of minority religious groups; a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and
- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify the impairment of the rights of members of other religious groups.

In addition, the Commission has recommended that the U.S. Congress pass the Belarus Democracy Act, and that the activities to promote democracy outlined in the Act should include programs that explicitly promote religious freedom and religious tolerance.

#### CUBA

Cuba remains a hard-line Communist state, with a poor record on human rights that deteriorated significantly in 2003. After seizing power in 1959, President Fidel Castro declared the Cuban “revolution” to be socialist in orientation, and since that time, Castro has maintained strong, centralized control of all facets of life in Cuba. While parliamentary, judicial, and executive institutions exist in name, all are under his control, and there is no legal or political avenue of dissent. Individuals who engage in dissent are beaten, harassed, and jailed. The human rights situation deteriorated significantly in 2003, when the Cuban government began a massive crackdown on independent journalists, leaders of independent labor unions and opposition parties, and other democracy activists, including those supporting the Varela Project and the Christian Liberation Movement. One human rights activist called the recent crackdowns and executions “the most intense wave of repression in the history of Cuba.”

Since Castro came to power, the government has sought to suppress religion as being “counterrevolutionary.” Though the Cuban government aims to present an image to the outside world of ample religious freedom in Cuba, in fact, government authorities have long feared the influence of religion as a threat to the government’s pervasive ideology. In the early years of the Castro regime, government and Communist Party officials forced priests, pastors, and others into labor camps or exile and systematically discriminated against and marginalized persons who openly professed their faith by excluding them from certain jobs. In the past decade, however, the state made a *rapprochement* with religious believers. For example, the government abandoned its official atheism in the early 1990s, Castro welcomed a visit from Pope John Paul II in 1998, and after 2000, the Christmas holiday was reinstated. The Pope’s visit sparked great hopes inside the religious communities in Cuba, as well as among democratic activists who saw this as a softening of government policy.

Despite hopes that religious freedom would improve, violations have continued, as has the government’s strong degree of control and generally hostile attitude toward religion. In early 2001, the Communist Party in Havana prepared a report that criticized inroads made by churches, particularly the Catholic Church, into Cuban society, and asserted that the social work of the churches violated laws and regulations. Reportedly, Communist Party officials apologized to the Catholic Church hierarchy after the report was leaked. Nevertheless, Havana’s Roman Catholic Cardinal recently gave an interview in which he asserted that “restrictions on religious freedom are returning,” in Cuba, representing a “return to the ideology” of repression.

The government’s main interaction with, and control of, religious denominations is through the Office of Religious Affairs of the Cuban Communist Party. The Cuban government also requires churches and other religious groups to register with the provincial Registry of Associations within the Ministry of Justice. Currently, there are approximately 50 state-recognized religions, primarily Christian denominations, half of which are members of the government-recognized Cuban Council of Churches. Reportedly, the government in recent years has not granted recognition to any new denomination, although it has tolerated the presence of various new faiths, such as the Baha’is.

The government does not permit the construction of new churches. Thus, those churches that are not recognized or those without adequate space are forced to meet in private homes or other similar accommodations, commonly known as “house churches.” Permission for such meetings may be granted from the state if the

church is from one of the recognized or official faiths, but permission is usually denied to those the government deems to be “an independent religious movement” (not recognized). House churches outside the recognized religious faiths feel the brunt of this regulation, since, because they are not registered, their meetings are in violation of the law. If a complaint is made against a house church meeting, it can be broken up and the attendees imprisoned.

In the past year, both registered and unregistered religious groups continued to experience varying degrees of official interference, harassment, and repression. There are reports that house church pastors are routinely questioned and detained for several days by police and security forces. The Department of State also reports that Interior Ministry officials engage in efforts to control and monitor the country’s religious institutions, including surveillance, infiltration, and harassment of religious professionals and laypersons.

Other means by which the government restricts religion include: enforcement of a regulation that prevents any Cuban or joint enterprise (except those with specific authorization) from selling computers, facsimile machines, photocopiers, or other equipment to any church at other than the official—i.e. exorbitant—retail prices; an almost total state monopoly on printing presses; prohibition on private religious schools; and a requirement that religious groups receive permission from local Communist Party officials before being allowed to hold processions or events outside of religious buildings. Refusal of such permission is often based on the decision of individual government officials rather than the letter of the law.

In light of the recent government crackdown on democracy activists, religious freedom conditions are likely to decline further in the midst of a generally deteriorating situation.

#### EGYPT

Egypt has a poor overall human rights record that includes repressive practices that severely violate freedom of thought, conscience, and religion. The government maintains tight control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially acceptable interpretation of Islam. Religious minorities, including Christians, Jews, and Bahá’ís, face discrimination and even violence. Islamists, including groups such as the Muslim Brotherhood, who believe in or seek to establish an Islamic state in Egypt based on their interpretation of Islamic law, face extra-legal harassment, arrest, systematic torture and prolonged detention. Though some of these groups advocate and have used violence to achieve their aims, including the assassination of President Anwar al-Sadat in 1981 and the murder of foreign tourists, the scope of the government’s campaign against Islamists sometimes results in the arrest and detention of those not affiliated with any group and not accused of perpetrating violence. In recent years, there has also been an increased number of arrests among small Muslim groups accused of defaming Islam.

Serious problems of discrimination against a number of minority religious groups remain widespread in Egypt. Coptic Christians face ongoing violence from vigilante Muslim extremists, including members of the Muslim Brotherhood, many of whom act with impunity. Egyptian authorities have been accused of being lax in protecting Christian lives and property. For all Christian groups, government permission must still be sought to build or repair a church, and the approval process for church construction is time consuming and inflexible. Christians are rarely promoted to high levels in the government or military and are frequently discriminated against by private employers in hiring and promotion.

At the end of December 1999, communal violence in the village of al-Kosheh resulted in the deaths of 20 Coptic Christians and one Muslim. In February 2001, a criminal court acquitted 92 of 96 defendants (both Muslims and Christians) suspected of crimes committed while participating in that violence. None of the four convicted, all Muslim, was convicted of murder. Coptic religious leaders and families of the victims criticized the verdict and the General Prosecution quickly lodged an appeal. In July 2001, the Court of Cassation quashed the verdict and ordered a retrial of all the defendants, which opened in November 2001. In February 2003, the Sohag Court again acquitted 92 of the 96 defendants arrested in connection with the Al-Kosheh killings; of the other four who were convicted, one was sentenced to 15 years for the killing of the sole Muslim victim, and the other three men, all Muslims, received two and one year sentences.

During the past two decades, including as late as 2003, several dozen Christians who were accused of proselytizing or had converted from Islam were harassed by police or arrested for violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or “insulting heavenly religions” or inciting sectarian strife.

Neither the Constitution nor the Civil and Penal Codes prohibit proselytizing or conversion. At least two couples who had converted to Christianity were charged and imprisoned in 2003. In late 2002 and 2003, authorities charged several converts from Islam to Christianity with violating laws prohibiting the falsification of documents. In such instances, converts, who fear government harassment if they officially register the change from Islam to Christianity, have themselves altered their identification cards and other official documents to reflect their new religious affiliation. According to Amnesty International, several Egyptians who converted to Christianity over the past year reported arbitrary detention and torture or ill-treatment. Particular problems often arise in the case of Christian women or girls who convert to Islam.

Baha'is have been arrested and imprisoned because of their religious beliefs and charged with insulting Islam. Material vilifying Jews and Baha'is appears frequently in the state-controlled and semi-official media. In November and December 2002, Egypt aired on state television a series based on the forged and notorious anti-Semitic tract, the Protocols of the Elders of Zion. Clerics in state-run mosques also routinely spread virulently anti-Semitic views.

In March 2002, a State Security Emergency Court convicted eight Muslims from the city of Mataria near Cairo of holding "unorthodox Islamic beliefs and practices." Sentences ranged from three years in prison to one year suspended sentences. In September 2002, a State Security Emergency Court in Nasr City (in greater Cairo) convicted another 21 persons of "insulting religion due to unorthodox Islamic beliefs and practices." One person was sentenced to three years in prison, another to one year, and the rest to one year suspended sentences.

All mosques must be licensed by the government, which seeks to control them in an official effort to combat extremists. The government appoints and pays the salaries of the imams who lead prayers in mosques and also monitors their sermons. In June 2002, the Minister of Awqaf (Religious Endowments) announced that of the more than 80,000 mosques in Egypt, the government administratively controls 60,000 regular mosques and 15,000 mosques located in private buildings. The Minister said that the government hoped eventually to control and administer all mosques in the country.

#### GEORGIA

After gaining independence from the Soviet Union in 1991, popular protests forced Georgia's first president to flee, leading to civil war. During the same period, two violent separatist conflicts in the autonomous regions of Abkhazia and South Ossetia displaced some 300,000 people. In 1992, former Soviet Foreign Minister Eduard Shevardnadze was invited to return to Georgia. Though he was elected president in 1995 and again in 2000, Shevardnadze's rule was marked by territorial disputes, rampant corruption, and poverty. In November 2003, faced with mass popular discontent over what were seen as rigged parliamentary elections, Shevardnadze resigned his office, and in January 2004, Mikheil Saakashvili was elected president. Although Georgia has a lively civil society, with many non-governmental organizations, political parties and a largely free press, since 2000, the human rights situation has worsened, especially after the government's repeal of judicial reforms. According to the 2003 Religious Freedom report issued by the Department of State, religious freedom conditions "remained poor" in Georgia.

The 1995 Constitution guarantees religious freedom and forbids "persecution of an individual for his thoughts, beliefs or religion." In practice, however, violations of religious freedom do occur, especially at the regional level, where local officials restrict the rights of mainly non-traditional religious minorities, who in recent years have been subjected to societal violence.

In the past three years, there have been over 100 violent vigilante attacks on minority religious groups in Georgia. Since the late 1990's, members of religious minorities, particularly Baptists, Catholics, Hare Krishnas, Jehovah's Witnesses, and Orthodox churches that do not accept the primacy of the Georgian Orthodox Church (GOC). Pentecostals have been attacked; adherents have been beaten and property has been vandalized or stolen. The Jehovah's Witnesses have been especially singled out, as well as members of Orthodox churches that do not accept the primacy of the GOC Patriarchate. Local police are sometimes implicated in these attacks or often refuse to intervene to protect the victims. The main instigators of these attacks are two "renegade" members of the GOC: defrocked priest Vasili Mkalavishvili and director of the Orthodox "Jvari" Union, Paata Bluashvili. The Georgian authorities have done very little to punish those responsible for attacks on religious minorities. Few investigations have been opened, although in many cases the perpetrators are known, and there has been only one criminal trial connected to these attacks. In

June 2003, a court ordered that Mkalavishvili be held in preventive detention for three months, but he went into “hiding” and continues to act without consequence. What began in 1999 as a series of isolated attacks in Tbilisi has escalated into a nation-wide scourge of mob assaults against members of religious minorities treated with relative impunity. According to the Department of State, the number of such attacks continued to increase in 2002 and 2003.

The Georgian Orthodox Church (GOC)—to which 65 percent of the country’s population claim adherence—is granted privileges and influence not given to other religions. Article 9 of the Constitution recognizes the “special importance of the GOC in Georgian history” which, in practice, gives the GOC considerable influence in official affairs, particularly education, and it is the only religious organization given tax-exempt status. In October 2002, the Georgian government signed a concordat with the GOC. The agreement grants the Patriarch immunity, excludes the GOC clergy from military service, and allows only GOC clergy to serve in prisons and the military. The agreement also grants the GOC approval authority over construction of religious buildings and the publication of religious literature. Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah’s Witnesses and Roman Catholics informed the Norway-based religious news service Forum 18 that the GOC Patriarchate has often acted to prevent them from acquiring, building, or reclaiming places of worship. The GOC Patriarchate has also reportedly denied permission for the Pentecostals, the Salvation Army, and the True Orthodox Church to print religious literature in Georgia, although Assyrian Chaldean Catholics, Baptists, Roman Catholics, and Yezidis (an ancient Kurdish religion) have not reported difficulties in this regard. While there is no obligatory religious education in public schools, the GOC has the authority to review textbooks and has sometimes banned materials from being used. Indeed, leaders of the Assyrian Chaldean Catholics, Jehovah’s Witnesses, Pentecostals, True Orthodox, Roman Catholics and Yezidis have told Forum 18 that they believe that school religion and culture classes are in fact obligatory and solely reflect GOC views.

At present, Georgia is only the country of the former Soviet Union that does not have a religion law. Circulated drafts contain some problematic areas; for example, what is termed “improper proselytism” could give rise to criminal charges. The absence of a mechanism for obtaining legal status means that only one religious community in the country—the GOC—in effect has such status. Faced with this legal limbo—and particularly in light of the GOC’s privileged status—leaders of many religious minorities reportedly also want legal status, since that is a prerequisite for owning property and organizing most religious activities. In September 2003, the Roman Catholic Church failed to gain legal status in Georgia when the Georgian government suddenly cancelled plans to sign an agreement with the Vatican.

#### INDONESIA

In recent years, Christian-Muslim violence in the regions of the Moluccas and Sulawesi has resulted in thousands of deaths and hundreds of thousands of internally displaced persons. While many factors added fuel to these conflicts, including migration policies and local politics, the disputes coalesced around religious communities and the resulting killings, destruction of places of worship, and forced conversions were almost entirely religiously motivated. Violence was perpetrated by both Christians and Muslims, but attacks on Christians escalated significantly in the Moluccas due to the arrival in May 2000 of the Laskar Jihad, an Islamic militant group with the stated aim of ridding the area of Christians. In 2001, Laskar Jihad members also went to Sulawesi with the intention of attacking Christians, but timely action by Indonesian security forces forestalled the feared intensification of killing at that time.

As a result of efforts by the Indonesian government, peace agreements were signed in Sulawesi and the Moluccas in late 2001 and early 2002. Violence, though not on the earlier scale, continued in some areas, especially in Sulawesi, where in July 2002 and again September 2003, new attacks resulted in the deaths of dozens of Christians. The later violence did not appear to be carried out by people from those areas, but instead by members of extremist Muslim groups that opposed the peace agreements and publicly vowed to obstruct their implementation. In the case of the most recent attacks, government authorities responded quickly to apprehend the perpetrators and Muslim and Christian leaders in Sulawesi joined together to call for calm. Also in Sulawesi, in June 2003, after what appeared to be serious irregularities in the trial process, Christian leader Rinaldy Damanik was sentenced to three years in prison for illegal weapons possession. The trial court itself acknowledged that there was little evidence to support the charges. The prison sentence for Damanik and the earlier acquittal of Jaffar Thalib, the leader of Laskar

Jihad, whose group was responsible for killing thousands, suggest that inconsistencies remain in the Indonesian judicial system. Damanik appealed his conviction but in August 2003, the local High Court upheld the verdict.

After an October 2002 bomb explosion on Bali killed 188 people, the Indonesian government began to take steps regarding domestic terrorist groups. Indonesian authorities began to examine the activities of Indonesia's most well-known radical Islamic leaders, including Abu Bakr Ba'asyir, reported leader of Jemaah Islamiah, a group linked to Al Qaeda. In the weeks following the bombing, a number of radical Islamist groups, including the Islamic Defenders' Front and the Laskar Jihad, came under pressure from Indonesian authorities to cease their activities and disband. The dissolution of Laskar Jihad in particular has occurred more fully in some areas than in others. A number of other militants have been arrested in recent months, and in September 2003, Ba'asyir was sentenced to four years in prison, fewer than asked for by prosecutors but a sentence that was nevertheless described by observers as a "milestone" for Indonesia's efforts to uproot Islamic militancy.

In June 2003, Indonesia's parliament passed a controversial education bill that will force public and private schools to provide religious education for all faiths if a student demands it. Many Christian schools have a minority of Muslim students and, as a result of this bill, will be required to provide classes on Islam. Although many moderate Muslim parties, organizations, and intellectuals had opposed the legislation, it had considerable popular support. The bill has been challenged in court and as of this writing, has not yet been implemented.

A small but vocal minority is calling for implementation of Sharia law in Indonesia. Demands for the implementation of Sharia have been strongest in the secessionist-minded province of Aceh. As part of the process of addressing ongoing Acehnese demands for independence, then-President Wahid agreed to allow the province to implement Islamic law beginning in January 2002. Local officials have reportedly said that non-Muslims cannot be prosecuted in the Islamic court. After the government's decision to allow the introduction of Sharia in Aceh, several other provincial parliaments began debating whether to impose Islamic law. However, in August 2002, a similar proposal to implement Sharia at the national level was withdrawn from consideration by the national People's Consultative Assembly when it became clear it did not have sufficient support in the Assembly. Nevertheless, the issue of Sharia and its implementation in Indonesia continues to bear watching, particularly with regard to the protection of individual human rights and freedoms, including religious freedom, for all Indonesians.

With regard to Indonesia, the Commission has recommended that the U.S. government should:

- continue to press the government of Indonesia to fully disarm all outside militia forces on the Moluccas and Sulawesi and to hold the leaders and members of these groups accountable for the violence perpetrated by them;
- commend the government of Indonesia for its efforts that led to the signing of peace agreements in both the Moluccas and Sulawesi and press the Indonesian government to deepen the reconciliation work already begun;
- monitor the implementation of Sharia in Aceh to determine if individual rights and freedoms, including religious freedom, as outlined in international documents, are being guaranteed;
- ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including accepting civilian control, upholding international human rights standards, and holding members accountable for abuses; and
- earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.

#### LAOS

In the past, the government of Laos has engaged in severe violations of religious freedom against religious believers. Religious freedom abuses included arrests, detention, and imprisonment of religious minorities as well as concerted campaigns to close churches and force renunciations of faith. Local and provincial officials committed many of these violations. In the last year, however, the Lao government has taken some steps to reduce violations, reportedly in response to U.S. and international pressure. Nevertheless, problematic laws and policies remain in place and some abuses continue, particularly in Savannakhet and Attapue provinces. The Lao government maintains a suspicion of members of non-Buddhist religious communities, especially Christians.

Lao officials, primarily those at the provincial and local levels, continue to arrest and detain individuals participating in certain religious activities. In May of 2003, local authorities arrested 21 Christians in the province of Savannakhet. All were released by October. In December 2003, another group of approximately 30 Christians were arrested in Savannakhet province. All were released quickly, in response to U.S. and international pressure. In the past year, Laos has released most of its known religious prisoners.

Between 1999 and 2002, the State Department reported that campaigns of coerced renunciation of faith occurred in nearly every Lao province. The Commission, during its February 2002 visit to Laos, was told that Lao officials instructed Christians, especially those of the Khmu and Hmong ethnic groups, to sign documents renouncing their faith or face harsh penalties that included arrest, destruction of property, denial of educational opportunities for their children, and restrictions on access to other government services. Such reports have diminished significantly in the past year. However, during that time, there were scattered reports, mostly from Attapue or Savannakhet provinces, of local officials pressuring minority Christians to renounce their faith, and at least one report of villagers being forced from their homes on account of their religious beliefs.

Between 1999 and 2001, local authorities closed approximately 20 of Vientiane province's 60 Protestant churches, primarily those in Hin Hoep, Feuang, and Vang Vieng districts, and approximately 65 Protestant churches in Savannakhet and Luang Prabang provinces. Many of these churches were allowed to reopen in the past year, especially in Vientiane and Luang Prabang provinces. For the most part, the churches in Savannakhet remain closed, though State Department officials have been given specific assurances that additional churches would be re-opened in the coming year.

Restrictions on religious freedom are placed on all religious communities in Laos. The Catholic Bishop of Luang Prabang is not allowed to travel to five of the six provinces in his diocese. The Lao government does not have relations with the Holy See, and church property confiscated in 1975 has not been returned. The government limits Baha'i religious activities to four recognized centers located in major cities; as a result, Baha'is in remote areas have not been able to practice their faith. Though Theravada Buddhism has gained official support from the Lao authorities, its clergy remain under government control and, in some cases, surveillance.

Another ongoing concern is the implementation of the Lao government's 2002 decree on religious activities. During its trip to Laos in February 2002, the Commission was assured that passage of the decree would be a significant step toward improving religious freedom in Laos by legalizing religious activities and providing guidelines to local and provincial officials in order to prevent abuses by those officials. Yet a review of the decree shows that it provides a legal basis for control of, and interference with, religious activities by government officials. Many religious activities can be conducted only with government approval, and the decree contains a prohibition on activities that create "social divisions," codifying a rationale used by government officials to arrest and detain Christians in Laos.

In the past year, the Lao government has responded to U.S. and international pressure to release most of its religious prisoners and re-open churches, and has reportedly slowed campaigns of forced renunciation of faith. However, serious religious freedom violations persist.

With regard to Laos, the Commission has recommended that the U.S. government should:

- urge the Lao government to provide access to all parts of Laos by foreign diplomats, humanitarian organizations, and international human rights and religious organizations, in particular Savannakhet, Attapue, and Saisomboune Special Zone;
- urge the Lao government to ratify the International Covenant on Civil and Political Rights (ICCPR) and invite the UN Special Rapporteur on Freedom of Religion or Belief and other relevant rapporteurs to visit the country;
- initiate a bilateral human rights dialogue with the government of Laos to establish measurable goals and practical steps to eliminate violations of religious freedom and related human rights;
- continue to support and, where appropriate, to increase funding for Lao language broadcasts on Voice of American and Radio Free Asia, ensuring that the content of the Lao language broadcasts on VOA and RFA adequately includes information about the importance of human rights and religious freedom within Laos; and

- undertake an assessment of the human rights needs of Laos in order to improve assistance programs that support the goals of protecting human rights and religious freedom, including in the areas of technical assistance in the drafting and implementing of laws and regulations; human rights training programs for specific sectors of Lao society, including government officials, religious leaders, academics, and representatives of international NGOs; the development of a general education curricula for Lao society that would support efforts to combat intolerance of religious and ethnic minorities; and the promotion of exchange programs that bring a broad cross-section of Lao society to the United States.

#### NIGERIA

Nigeria continues to suffer from outbursts of violent communal conflict along religious and ethnic lines, pervasive mistrust among religious and ethnic communities, and serious lapses in the protection of human rights generally. The popular movement in several northern Nigerian states to expand the legal application of Sharia (Islamic law) to criminal matters has sparked communal violence and is a source of continuing volatility and tension between Muslims and Christians at both the national and local levels. Serious outbreaks of Muslim-Christian violence in the last few years threaten to divide further the populace along religious lines and undermine the foundations of religious freedom in Nigeria. Social, economic, and political conditions have deteriorated in the country, fostering a climate of greater tension. Several thousand people have been killed throughout the country since 1999 in a cycle of attacks or reprisals. Ethnic, religious, and sectarian violence continued in the second half of 2002 and early part of 2003.

President Obasanjo has been criticized, both inside and outside Nigeria, for not responding more decisively to the religious violence and communal tensions brought about by the Sharia controversy. He has played primarily a mediating role, stressing political negotiations rather than ordering the government to intervene. Many Christians and Muslims have been identified as perpetrators of violence over the years, but very few, if any, have been prosecuted or brought to justice.

Since October 1999, twelve northern Nigerian states have extended or announced plans to expand the application of Sharia. Although the particulars vary from state to state, each has adopted, or plans to adopt, a Sharia-based penal code and provisions to extend the jurisdiction of Sharia courts beyond personal status matters to include Sharia crimes and punishments. In practice this has meant the handing down, and in some cases the implementation of, corporal punishments such as amputation, flogging, or stoning to death, after trials that fall short of international legal standards. Defendants have limited rights of appeal and sometimes no legal representation. No stoning punishments have been carried out as of the time of this report. These new codes also generally ban the sale and distribution of alcohol as well as criminalize adultery and gambling. A recent ruling in Kano state in northern Nigeria imposes the wearing of headscarves on all females, both Muslims and non-Muslims.

Two women have faced death sentences for adultery in recent years, though after intense international pressure, Nigerian officials backed away from carrying out these punishments. One woman in Sokoto state won her appeal in March 2002. Another woman in Katsina state, after her first appeal was denied in August 2002, was acquitted in September 2003 by a higher Islamic appeals court. There remain other cases pending appeal in which sentences of death by stoning have been handed down to Muslims for various offenses. There have also been several cases of floggings and amputations that have been carried out in recent years.

In November 2002, following controversy around the Miss World beauty contest being held in Lagos, violence between Muslims and Christians broke out in the northern city of Kaduna, resulting in more than 200 deaths, most of them Christians. The violence occurred after the publication by a Lagos-based journalist of a newspaper article that some Muslims considered blasphemous. An attack by Muslims on a newspaper office gave rise to a cycle of violent reprisals by both Muslims and Christians. Nigerian security forces reportedly failed to intervene in a timely manner; some reports indicated that the security forces themselves contributed to the violence by injuring and even killing people who posed no threat to security. A few days after the violence, the Deputy Governor of Zamfara state publicly endorsed a *fatwa* calling on all Muslims to seek the death of the journalist in question. However, a spokesman for the Nigerian federal government said that the Deputy Governor's judgment was "null and void" and would not be carried out because it contravened the rule of law in Nigeria.

In addition to the Sharia controversy and the violence it has incited, Nigeria is plagued by a number of serious religious freedom problems. Christians in the northern states complain of what they view as discrimination at the hands of Muslim-controlled governments and describe their communities as “second class citizens.” Most complaints predate the recent initiatives regarding Sharia, and include allegations of official discrimination in the denial of applications for building or repairing religious institutions, education, access to state-run media, representation in government bodies, and government employment. Muslim communities in southeastern Nigeria, where Muslims are a small fraction of the population, echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially sanctioned discrimination in the media, education, and representation in government institutions.

#### UZBEKISTAN

Since Uzbekistan gained independence in 1992, fundamental human rights, including religious freedom, have not been respected. The use of torture during an ongoing government crackdown on banned religious groups is widespread and, despite promises from the government, is not declining. As recently as May of this year, two prisoners died from torture while in detention, one of whom was charged with belonging to a banned religious group.

The Uzbek government continues to exercise tight control over all religious practice in Uzbekistan. Despite the constitutional guarantee of the separation of church and state, the Karimov government strictly regulates Islamic institutions, beliefs, and practice through the officially sanctioned Muslim Spiritual Board. Over the past 10 years and particularly since 1999, the Uzbek government has arrested, tortured, and imprisoned (with sentences up to 20 years) thousands of Muslims who reject the state’s control over religious practice. In some cases, piety alone brings state suspicion and arrest. Human rights organizations report that many of the inmates were arrested on specious drug charges or for possession of offending literature. Once arrested, they frequently do not have access to a lawyer or are held incommunicado for weeks and sometimes even months. Many individuals detained for offenses related to religious practice are treated especially severely in prison; those who pray or who observe Muslim religious festivals are reportedly subjected to further harassment, beatings, and even torture.

The government of Uzbekistan does face threats to its security from certain groups that claim religious links, including the Islamic Movement of Uzbekistan, which has used violence in the past. Another group, *Hizb ut-Tahrir*, which is banned in most Muslim countries, has sanctioned violence and is intolerant of other religions but purports not to engage in violence itself. Alleged *Hizb ut-Tahrir* members make up most of the thousands in prison, and in the majority of cases, the Uzbek authorities have presented no evidence that these persons have participated in violent acts. Many arrested and imprisoned are not in fact affiliated with the group but are only accused of membership or association, sometimes by possessing the group’s literature when they are arrested. Some reportedly have the group’s literature planted on them at the time of arrest. Though security threats do exist in Uzbekistan, neither these threats nor the transitional state of development of democratic institutions can excuse or explain the scope and severity of the government’s current campaign against religious believers.

The Law on Freedom of Conscience and Religious Organizations passed in May 1998 severely restricts the exercise of religious freedom. Through a series of regulations that are often subjectively applied, the 1998 Uzbek law imposes what the State Department calls “strict and burdensome criteria” for the registration of religious groups; criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; prohibits private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. As with Muslims, pastors or other members of Protestant churches have been arrested on spurious drug or other charges. Several Christian leaders have in the past reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps. In 2003, Christian groups continued to have their churches raided, services interrupted, Bibles confiscated, and the names of individuals recorded by Uzbek officials. Several Christian leaders were imprisoned for leading religious services in private homes. Some Christian groups in Uzbekistan have been forced to operate underground. In the past year, two members of the Jehovah’s Witnesses were charged with criminal offenses, including violating the procedures on religious education; one was given a suspended sentence and the other was “amnestied” in the courtroom.

With regard to Uzbekistan, the Commission has recommended that the U.S. government should:

- continue to press forcefully its concern about religious freedom violations in Uzbekistan, consistent with the Uzbek government's obligations to promote respect for and observance of human rights;
- make contingent all U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, upon that government's taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan, steps which should include releasing persons imprisoned solely because of their religious beliefs, practices, or choice of religious association; ending torture; and halting the arrest and detention of persons because of their religious beliefs, practices, or choice of religious association;
- strongly encourage the Uzbek government to establish a mechanism to review the cases of persons detained under suspicion of or charged with religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs, practices, or choice of religious association, as well as any others who have been unjustly detained or sentenced;
- press the government of Uzbekistan to discontinue its practice of excessively regulating the free practice of religion in Uzbekistan, including the oppressive regulation of the Islamic clergy and the use of registration requirements to prevent minority religious groups from practicing their faith; and
- press the Uzbek government to ensure that every religious prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and that all prisoners are allowed to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention.

