

ANNUAL REPORT OF THE U.S. COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

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HEARING  
BEFORE THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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MAY 24, 2001  
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## ANNUAL REPORT OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

THURSDAY, MAY 24, 2001

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to call, at 11:47 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. I am very pleased to convene this hearing at which the Committee will formally receive the second Annual Report of the United States Commission on International Religious Freedom.

The Commission was created by Congress in the International Religious Freedom Act of 1998 with a very special mission: to be an early warning system for violations of the fundamental right to religious freedom around the world. The idea was to have an independent body—ultimately accountable to the President and Congress, who share the power of appointing the nine commissioners, but fully independent in its day-to-day operations and in its periodic reports—to make factual assessments about religious persecution, as well as recommendations for U.S. foreign policy responses. It is ultimately up to the Executive and Legislative branches to say “Yes” or “No” to these recommendations, but the Commission sets the agenda.

When the State Department issues its own report in September, the Commission’s report will already have been a matter of record and a subject of public discussion for 4 months. This makes it far less likely that the Department will give inadequate attention to serious violations of religious freedom because of “clientitis” at one of our embassies or country desks.

When the President decides what actions the United States must take in response to particularly egregious violations of religious freedom, the Commission’s recommendations will serve guideposts and benchmarks. This is the process created by the International Religious Freedom Act, and our experience over the past 2 years suggests that the process is working.

In particular, the Commission’s emphasis on Sudan during the last 2 years has been crucial to giving the brutal suppression of Christians and moderate Muslims in that country the high profile it deserves. This has strengthened our government’s resolve in dealing with the regime in Khartoum that continues to commit these atrocities.

Similarly, the Commission's forceful and truthful reporting on religious persecution in China, even during the time when the President and Congress were engaged in a process of extending permanent normal trade relations to that country, contributed to the President's decision to declare China a "country of particular concern" under the International Religious Freedom Act. This, in turn, made it far less likely that the extension of permanent normal trade relations would be taken as a United States seal of approval on Beijing's human rights policies.

I look forward to discussing the Commission's second annual report and its recommendations for the year to come, but I want to single out two aspects of this report for particular commendation.

The first is the report's emphasis on the brutal suppression of religious belief and practice by the government of Vietnam. During the last several years our State Department—and particularly our Embassy in Hanoi—have been single-minded in their pursuit of "normalization" with the Vietnamese government.

We hope normalization will eventually bring freedom and prosperity for the people of Vietnam. But in our zeal to get it done quickly, we risk sending a message to Hanoi that it doesn't matter how brutally they treat their own people; they will get what they want from the United States no matter what.

By shining a bright light on Hanoi's persistent pattern of arresting Catholic priests and Buddhist monks, its closing down of Protestant churches, and its violent suppression of peaceful demonstrations by members of the Montagnard ethnic minority groups who were demanding the right to practice their Christian religion, the Commission has made it clear that there must be more to the U.S.-Vietnam bilateral agenda than "dollar diplomacy." Decency and civility must be on the agenda as well.

Shortly after the issuance of the Commission's report, our new U.S. Trade Representative, Robert Zoellick, noted accurately that Hanoi's continuing crackdown on religion is a serious obstacle to speedy consideration of the U.S.-Vietnam bilateral trade agreement.

I also want to commend the Commission for its intriguing suggestion that restricting access to U.S. capital markets by entities that engage in religious persecution—as opposed to cutting off trade—is an appropriate response to such persecution. This is arguably a more calibrated and targeted response than broad-based trade sanctions, which are more likely to afflict the innocent along with the guilty. I look forward to the commissioners' discussion of this idea, and I congratulate the Commission for putting it on the table.

Finally, I just want to thank you all for your good work over the last 2 years. By helping to protect the right to religious belief and practice, you have contributed greatly to the protection of all human rights. Tyrannical governments are uniquely threatened by religious believers, because believers understand that rights are not conferred by government, nor even by international organizations; rather, they are given by God. This understanding puts governments—good ones, but especially bad ones—in their proper perspective. It cuts them down to size. That is why bad governments so often single out believers for especially vicious treatment: be-

cause governments know that religion really matters. The Commission knows this too, and has acted on it with great skill and courage.

I now am pleased to yield to my friend and colleague, the Ranking Democratic Member of the Committee, Congressman Tom Lantos.

[The prepared statement of Chairman Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

I am pleased to convene this hearing, at which the Committee will formally receive the second Annual Report of the United States Commission on International Religious Freedom.

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I now yield to my friend and colleague, the ranking Democratic member of the Committee, Tom Lantos.

Mr. LANTOS. Thank you very much Mr. Chairman. Let me first identify myself with your entire opening statement, and I would just like to add a few footnotes. I want to thank the witnesses who appear before us today.

Being able to exercise one's faith is a core human right enshrined in the U.S. Constitution, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other instruments of international law. And it is a right that ought to be protected by every government.

As some of the first commissioners ever to serve on this important Commission on International Religious Freedom, it was your responsibility to set the framework and tone for this important new initiative. And, on the whole, I believe you have done well. You have heightened awareness of the issue of religious freedom around the globe. You have come up with an important list of thoughtful policy recommendations for the Congress and for the President, and they all bear close examination.

I am particularly concerned with several countries discussed in your report, and I shall not repeat the ones that my good friend Chairman Hyde has indicated. In China, by all accounts, the persecution of religious groups has worsened over the last year including the Falun Gong and Christians. In Iran, the persecution of the Baha'i and Jewish community continues unabated. There are anti-Christian policies in a number of Moslem countries, and I think this needs to be highlighted in future reports. I am appalled that no one has been convicted of murder in the death of 21 Coptic Christians in Egypt even though 96 Egyptians were arrested for this heinous crime.

I was disturbed by a dissenting view in the report which apparently confuses protective measures against terrorism with restriction on religious freedom. Countries which are actively under threats of terrorism and acts of terrorism are fully entitled to protect themselves. And to deliberately confuse anti-terrorist measures with religious restrictions is inappropriate.

Let me finally say that I would have hoped you said more about Afghanistan. In the last few days, we were again reminded of the newest Taliban practice of having non-Moslems wear yellow identity symbols. This new policy recalls some of the darkest moments in human history and must be condemned with the utmost vigor. I urge the Commission to look closely at Afghanistan in the future.

I want to thank you for your service, and I hope that Congress will see fit to reauthorize the Commission as soon as possible. And before I close, Mr. Chairman, I want to pay public tribute to my friends Chris Smith and Frank Wolf, who played a pivotal role in the passage of this legislation.

Chairman HYDE. Thank you very much. Does anyone else have an opening statement?

[No response.]

If you do develop one, it will be made a part of the record by unanimous consent.

I am now pleased to introduce our distinguished witnesses. Rabbi David Saperstein is the Director of the Religious Action Center of Reform Judaism. He served as the first Chairman of the U.S. Commission on International Religious Freedom from June 1999 to June 2000. Described in a recent profile in *The Washington Post* as the quintessential religious lobbyist on Capitol Hill, he represents the National Reform Jewish Movement to Congress and the Administration. He has served on the boards of numerous national organizations including Common Cause, the NAACP and People for the American Way. He currently co-chairs the Coalition to Preserve Religious Liberty, comprised of more than 60 national Catholic, Protestant, Jewish, and educational groups opposing school prayer amendments and legislation. Rabbi Saperstein is also an attorney and a law professor at Georgetown University where he teaches seminars in the first amendment and in Jewish law.

Laila Al-Marayati, forgive my bumbling, is a founding member and past president of the Muslim Women's League, a Los Angeles based non-profit organization focusing on the dissemination of information about Islam and Muslims, particularly regarding women. She has participated in numerous conferences and interfaith dialogues on a variety of issues related to Muslim women and was a member of the U.S. delegation to the United Nations—sponsored Fourth World Conference on Women held in 1995 in Beijing. Dr. Al-Marayati is a board-certified obstetrician/gynecologist in private practice in Glendale, California and a clinical associate professor in the Department of Obstetrics and Gynecology at the Los Angeles County University of Southern California Women's and Children's Hospital.

Nina Shea has been an international human rights lawyer for 20 years. For the last 13 years, she has worked specifically on the issue of religious persecution. She is the director of the Center for Religious Freedom of Freedom House, America's oldest human rights group, founded in 1941 by Eleanor Roosevelt and Wendell Willkie. She is the author of a widely-acclaimed book on anti-Christian persecution around the world, *In the Lion's Den*. She is a graduate of Smith College and American University Law School.

Now, it is my understanding that Rabbi Saperstein will deliver the opening statement on behalf of the Commission and that all

three panelists will then answer questions from Members of the Committee. Rabbi Saperstein, in order to save as much time as possible for questions and answers, I would ask you to take about 10 minutes if you can for your opening remarks. And, without objection, your full written statement will be included in the record.

**STATEMENT OF RABBI DAVID SAPERSTEIN, FORMER COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM AND DIRECTOR, RELIGIOUS ACTION CENTER OF REFORM JUDAISM**

Rabbi SAPERSTEIN. Mr. Chairman, thank you and all of the Members of this Committee for their interest in and support of our work. My name is David Saperstein, and it has been my honor to serve as the first Chair of the United States Commission on International Religious Freedom. My colleague, Elliott Abrams, who served as the Chair for the second year of the Commission, was unable to be with us here today.

I wish to thank the Committee for holding today's hearing on the Commission's second annual report, and I appreciate your allowing us to submit additional statements. Perhaps, the record can remain open if we want to add additional comments at the end, sir?

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

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

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

There is no way I can adequately summarize this 200-page report in these few remarks, but let me hit on a few details. I am going to ask my two colleagues, Ms. Shea and Dr. Al-Marayati to join in the presentation here on the various countries.

The situation in China has grown worse over the past year as the government has intensified its crackdown on the Falun Gong spiritual movement, on unregistered Protestant and Catholic Christians, on Tibetan Buddhists and on Uighur Muslims. The Commission believes that the United States Government must make religious freedom a higher priority in our bilateral relations with China. We reiterate last year's recommendations, including that the U.S. Government do all it can to ensure that Beijing is not selected as the site for the Olympic Games unless there have been systemic, ongoing and significant improvements made in human rights and religious freedom. We commend congressional efforts, such as those by Congressman Lantos, to that end.

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

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

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

I will leave to the written records our comments on North Korea.

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

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

I will leave for the written record our comments on Russia and ask Ms. Shea to pick-up with our discussion of Sudan and Vietnam.

**STATEMENT OF NINA SHEA, COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, AND DIRECTOR, CENTER FOR RELIGIOUS FREEDOM, FREEDOM HOUSE**

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

Because of the close relationship between oil and the Sudanese government's human rights abuses, foreign companies involved in developing Sudan's oil and gas fields should be barred from issuing or listing securities in U.S. capital markets. And the U.S. should stop importing gum arabic from Sudan. The Commission commends the strong statements made in recent days by the President and the Secretary of State on the situation in Sudan, and welcomes the President's appointment of a special humanitarian aid coordinator for Sudan, which the President called "a first step" in addressing that situation with "more to follow."

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

ment uses the recognition process to monitor and control officially-sanctioned religious groups. The U.S. Congress should ratify the pending Bilateral Trade Agreement with Vietnam only after it passes a sense of the Congress resolution calling for the Vietnamese government to make substantial improvements in the protection of religious freedom. And the criteria, which we outline in our report, should be used in considering the normal trade relations status of Vietnam during the annual review process, in determining whether or not Vietnam should get World Bank loans, and until the Vietnamese government undertakes obligations to the U.S. to make such improvements. We have suggested a set of criteria for measuring religious-freedom conditions. Until Hanoi makes progress in this regard, the United States Government, we believe, should also withhold support for the World Bank loans to Vietnam and the IMF, except those loans for basic human needs. We note that the U.S. abstained from the recent IMF vote to approve loans to the Vietnamese government.

Now, I turn over the mic to Dr. Al-Marayati.

**STATEMENT OF DR. LAILA AL-MARAYATI, FORMER COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, AND PAST-PRESIDENT, MUSLIM WOMEN'S LEAGUE**

Dr. AL-MARAYATI. Thank you. Good morning. Due to the deadline for printing of the annual report, we were not able to include our findings and recommendations with respect to countries that several commissioners, including myself, visited in late March, namely Saudi Arabia, Egypt, and Israel. On May 14th, the Commission released an addendum to the second Annual Report, which you should have for your review.

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

Although there have been some positive developments in the promotion of religious freedom in recent years, the Commission finds serious problems of discrimination against a number of religious groups remaining widespread in Egypt. With respect to the Christian community, restrictions on church building and repair continue to exist, and religiously-based discrimination, particularly in government employment, the military and security services, remains a pervasive problem. Justice has still not been realized in

the Al-Kosheh incident, and the underlying problems that contributed to the violence there have not been adequately addressed. Recently, 19 Baha'is were arrested on account of their religion and eight are currently in prison. The Egyptian government appears to cast too wide a net in its repression of those Muslims it deems to be a threat because they are "fundamentalist", and religious activities (such as wearing headscarves, growing beards and attending religious study groups) are at times considered by the government to be indicators for both the potential for violence and, more generally, a political threat to the existing order. The press continues to engage in virulent hate speech against certain groups such as Jews and Baha'is. In light of these problems, the U.S. Government should raise religious freedom issues at the highest levels with the Egyptian government and urge them to accelerate progress in addressing those issues.

The Commission sees its study of the situation in Israel and the Occupied Territories as a complex matter requiring additional work. The commissioners did not feel they were ready to make a formal report or recommendations. However, I did issue a dissenting view which also should be available for your review.

In the course of examining the conditions of religious freedom—oh, I am sorry.

Rabbi SAPERSTEIN. That is okay.

Dr. AL-MARAYATI. I am going to continue. Sorry. In the course of examining the conditions of religious freedom and U.S. policy in several countries, the Commission has made recommendations regarding specific areas in which religious freedom can be promoted through U.S. foreign assistance. These recommendations are in line with the provisions of IRFA that explicitly endorse the use of foreign assistance funds to promote religious freedom. This can be done directly, through supporting programs such as legal advocacy, technical assistance, and human rights education; and indirectly, by supporting democracy, civil society, rule of law, professional law enforcement, and judicial independence. At the same time, the Commission is concerned that U.S. assistance should not serve to undermine the protection of religious freedom or contribute to religious intolerance, and recommends that U.S. foreign assistance not be used to support organizations that engage in violence that targets individuals on the basis of religion or that act as an instrument of official government policies of religious discrimination, or to fund programs that discriminate against recipients or beneficiaries on the basis of religion.

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

Rabbi SAPERSTEIN. Mr. Chairman, I think our views on the fact that the U.S. was not reelected as a voting member of the U.N.

Commission On Human Rights are known to this Committee. We would be glad to discuss it in the discussion period afterwards.

I do want to also express our disappointment that while the Republican House and Senate leadership have made their appointments, the White House and the Democratic leaders of the House and the Senate have not yet done so. Our terms expired on May 14th formally, and we must have a quorum of six in order to conduct official business. So, we do hope that these appointments will be made soon.

Over the past 2 years, this very religiously, politically, and professionally diverse group of people has worked together harmoniously to present, first to the Clinton Administration and now to the Bush Administration, recommendations for promoting international religious freedom. We were supported by an extraordinary staff. And our Executive Director, Steve McFarland, is sitting at the table with us. And we want to express our appreciation to the entire staff.

I think that our ability to work together and reach consensus on virtually all of our recommendations in both of our annual reports is a testimony to my fellow commissioners' devotion to the cause of religious freedom and willingness to listen with open minds to each other. I want to thank all of them for their commitment and hard work. I want to thank the staff. And I want to thank this Committee and so many others in this Congress who have expressed such interest in our work.

[The statement of Elliott Abrams, Rabbi Saperstein, Ms. Shea and Dr. Al-Marayati follows:]

PREPARED STATEMENT OF ELLIOTT ABRAMS, FORMER CHAIRMAN, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM WITH RABBI DAVID SAPERSTEIN, NINA SHEA AND DR. LAILA AL-MARAYATI

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

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

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

I should note here that the countries included in the report are not the entire list of serious violators of religious freedom, nor are all of them equally bad. Russia, despite its problems, enjoys a much larger degree of religious freedom than many of

the others. In Indonesia and Nigeria, the problem is not a central government that violates religious freedom, but a government that is not doing enough to prevent or punish violations by local or state officials and private citizens.

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

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

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

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

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

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

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

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

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

through mechanisms such as the Smith Amendment to the Foreign Operations Appropriations bill, at this critical time.

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

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

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

In *Vietnam*, the government prohibits religious activity by those not affiliated with one of the six officially recognized religious organizations. Individuals have been detained, fined, imprisoned, and kept under surveillance for engaging in "illegal" (in other words, unauthorized) religious activities. In addition, the government uses the recognition process to monitor and control officially sanctioned religious groups. The U.S. Congress should ratify the pending Bilateral Trade Agreement with Vietnam only after it passes a sense of the Congress resolution calling for the Vietnamese government to make substantial improvements in the protection of religious freedom, or after the Vietnamese government undertakes obligations to the United States to make such improvements. We've suggested a set of criteria for measuring religious-freedom conditions. Until Hanoi makes progress in this regard, the U.S. government should also withhold support for International Monetary Fund and World Bank loans to Vietnam, except those for basic human needs. We note that the U.S. abstained from the recent IMF vote to approve loans to the Vietnamese government.

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

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

Although there have been some positive developments in the promotion of religious freedom in recent years, the Commission finds serious problems of discrimination against a number of religious groups remain widespread in *Egypt*. With respect to the Christian community, restrictions on church building and repair continue to exist and religiously-based discrimination, particularly in government employment, the military and security services, remains a pervasive problem. Justice has still not been realized in the Al-Kosheh incident, and the underlying problems that contributed to the violence there have not been adequately addressed. Recently, 19 Baha'is

were arrested on account of their religion and eight are currently in prison. The Egyptian government appears to cast too wide a net in its repression of those Muslims it deems to be a threat because they are “fundamentalist,” and religious activities (such as wearing headscarves, growing beards, and attending religious study groups) are at times considered by the government to be indicators of both the potential for violence and, more generally, a political threat to the existing order. The press continues to engage in virulent hate speech against certain groups such as Jews and Baha’is. In light of these problems, the U.S. government should raise religious freedom issues at the highest levels with the Egyptian government and urge them to accelerate progress in addressing those issues.

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

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

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

Before we take any questions you might have, I’d like to make two observations. First, the Commission was gravely disappointed to learn that the United States was not reelected as a voting member of the United Nations Commission On Human Rights (UNCHR) this year. The mere fact that a country like Sudan, with its atrocious human rights record, can be and is a voting member on the UNCHR while the United States is not is a symptom of a deeper problem growing within this international body. The United States has consistently spearheaded efforts to introduce resolutions that shine a spotlight on countries that violate human rights, particularly religious freedom. These resolutions often fail to gain needed support. Considering the human rights practices of some of the members of the UNCHR, this is not surprising. However, what is even more disappointing is the conduct of traditional U.S. allies, such as members of the European Union—specifically, their failure both to support such resolutions and earlier this month to support the membership of the United States on this important commission in which it has served since its creation in 1947. If the world cannot rely on an international body such as the UNCHR to condemn human rights violations when they occur, individual countries must take a stand. I think it is safe to predict that without the United States serving as a member of the UNCHR, violations of religious freedom will be given far less attention and all too often ignored.

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

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

## EXECUTIVE SUMMARY

*I. Commission Activities*

The Commission considerably broadened its activities in its second full year, monitoring religious-freedom violations worldwide and increasing the number of countries it would study in depth. In July, the Commission wrote to the Secretary of State to recommend that Laos, Democratic People's Republic of Korea, Saudi Arabia, and Turkmenistan be added to the list of "countries of particular concern" as provided for in the International Religious Freedom Act of 1998 (IRFA). It also recommended that Burma, China, Iran, Iraq, Sudan, the Milosevic regime in Serbia and the Taliban in Afghanistan remain on the list. In addition, it wrote that India, Pakistan, Uzbekistan, and Vietnam are serious violators of religious freedom deserving careful State Department monitoring; it also expressed concerns about sectarian violence in Indonesia and Nigeria.

Commissioners testified several times before congressional committees; met with high-ranking State Department officials; held hearings on India, Pakistan, Vietnam, and Indonesia; traveled to several countries; met with foreign diplomats and officials (with State Department concurrence); interviewed numerous representatives of victims of religious-liberty violations; and received background briefings from U.S. diplomats, intelligence officials, and academic experts on the countries it studied for this report. Commissioners wrote several letters during the report period to Presidents Clinton and Bush; the Departments of State and the Treasury; the U.S. Securities and Exchange Commission; the Agency for International Development; the National Endowment for Democracy; and others making policy recommendations or requesting information on issues related to religious freedom discussed in this report.

The Commission studied the freedoms to change religion and to engage in public religious expression and persuasion and found them often under restrictions that in some cases are egregious. In several countries the law prohibits a change in one's religion, and the violator is subject to criminal penalties, including death. The Commission explored several examples and degrees of restrictions on these freedoms and the difficult challenges they pose for U.S. policymakers. The Commission believes that these restrictions merit further investigation and careful consideration and will recommend to their successors that they continue substantial efforts to study and recommend policies to protect this important aspect of religious freedom.

The Commission reported last year that it had not gained full access to cables to and from embassies because of the State Department's assertion of a legal position with which the Commission does not agree. The Department has since constructed a cumbersome and lengthy process whereby Commission staff are able to review cables after they have been redacted. The Commission has tried this system in good faith and concludes that it does not meet the Commission's needs. It can no longer acquiesce to this situation and will propose a more-expeditious process to the State Department.

The Commissioners' terms expire on May 14, 2001. They thank those who appointed them for the privilege of serving on this first Commission on International Religious Freedom and look forward to close cooperation with their successors.

*II. People's Republic of China*

In the last year, the government of the People's Republic of China (PRC or China) has expanded its crackdown on unregistered religious communities and tightened its control on official religious organizations. The government has intensified its campaign against the Falun Gong movement and its followers. It apparently has also been involved in the confiscation and destruction of up to 3,000 unregistered religious buildings and sites in southeastern China. Government control over the official Protestant and Catholic churches has increased. It continues to interfere in the training and selection of religious leaders and clergy. At the same time, the government continues to maintain tight control over Uighur Muslims and Tibetan Buddhists. Finally, cases of torture by government officials reportedly are on the rise.

*Recommendations*

1. In its bilateral relations with China, the U.S. government should persistently urge the Chinese government to take the following steps to protect religious freedom:

1.1. Establish the freedom to engage in religious activities (including the freedom for religious groups to govern themselves and select their leaders without interference, worship publicly, express and advocate religious beliefs, and distribute religious literature) outside state-controlled religious

organizations and eliminate controls on the activities of officially registered organizations.

1.2. Permit unhindered access to religious persons (including those imprisoned, detained, or under house arrest and surveillance) by U.S. diplomatic personnel and government officials, the U.S. Commission on International Religious Freedom, and respected international human rights organizations. Release persons from imprisonment, detention, house arrest, or intimidating surveillance who are so restricted on account of their religious identities or activities.

1.3. Permit domestic Chinese religious organizations and individuals to interact with foreign organizations and individuals.

1.4. Cease discrimination against religious followers in access to government benefits, including education, employment, and health care.

1.5. Ratify the International Covenant on Civil and Political Rights.

2. The U.S. government should continue to work vigorously for the resumption of a high-level unconditional human rights dialogue with the PRC government when the Chinese government demonstrates its commitment to protecting religious freedom, for example, by addressing the items listed as 1.1 to 1.5 above.

3. Until religious freedom significantly improves in China, the U.S. government, led by the personal efforts of the President of the United States, should initiate a resolution to censure China at the annual meeting of the UN Commission on Human Rights (UNCHR) and should support a sustained campaign to convince other governments at the highest levels to support it.

4. Companies that are doing business in China should be required to disclose the nature and extent of that business in connection with their access to U.S. capital markets.

5. The U.S. government should raise the profile of conditions of Uighur Muslims by addressing religious freedom and human rights concerns in bilateral talks, by increasing the number of educational opportunities available to Uighurs, and by increasing radio broadcasts in the Uighur language.

6. The U.S. government should use its diplomatic influence with other governments to ensure that China is not selected as a site for the International Olympic Games until it has made significant and sustained improvements in religious freedom and human rights.

7. The State Department should identify specific individuals and entities involved in violations of religious freedom in China.

### *III. India*

The U.S. Commission on International Religious Freedom has directed its attention to India in light of the disturbing increase in the past several years in severe violence against religious minorities in that country. The violence is especially troubling because it has coincided with the increase in political influence at the national and, in some places, the state level of the Sangh Parivar, a collection of exclusivist Hindu nationalist groups of which the current ruling party, the Bharatiya Janata Party, or BJP, is a part.

India is religiously a very diverse country that generally respects religious freedom. India has a democratically elected government and is governed by the rule of law. However, although the BJP-led government may not be directly responsible for instigating the violence against religious minorities, there is concern that the government is not doing all that it could to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility, in some quarters in India, against these minority groups. Moreover, the increase of violence against persons and institutions based entirely on religious affiliation is an alarming development in India.

#### *Recommendations*

1. The U.S. government should persistently press India to pursue perpetrators of violent acts that target members of religious groups.

2. The U.S. government should 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. While fully protecting freedom of expression, firm words and actions from the government of India are required to counteract this belief.

3. The U.S. government should support the stated policy of the BJP to oppose any move toward the nationalization of any religious institutions in India. The U.S. government should also press the government of India to oppose any at-

tempts 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.

4. As the U.S. government pursues greater engagement with India on a full range of issues, it should take advantage of new opportunities for government-to-government cooperation and communication on human rights, including religious freedom.

5. The U.S. should press India to allow official visits from government agencies concerned with human rights, including religious freedom.

6. The U.S. government should encourage and facilitate private-sector communication and exchanges between Indian and American religious groups and other non-governmental organizations interested in religious freedom. The U.S. government should also press India to allow visits from non-governmental human rights organizations and other groups concerned with religious freedom.

7. The U.S. government should allocate funds from its foreign assistance programs for the promotion of education on religious toleration and inclusiveness in India.

8. In the course of working toward improvements in U.S.-Indian economic and trade relations, the U.S. government should take into account the efforts of the Indian government to protect religious freedom, prevent and punish violence against religious minorities, and promote the rule of law. If progress is made, the U.S. should seek ways in which it can respond positively through enhanced economic ties.

#### *IV. Indonesia*

In recent years in Indonesia, numerous serious and tragic conflicts have emerged, including disputes in which religion or religious freedom is a factor. But only in the Moluccas did religion quickly become the defining factor behind the fighting that broke out in January 1999 between the Muslim and Christian communities there. Since the fighting in the Moluccas began, from 5,000 to 8,000 people, Christians and Muslims, have been killed. Houses of worship of both communities have been destroyed. More than 500,000 people, both Christians and Muslims, have been forced to flee in fear of their lives. As this has transpired, there are numerous reports that elements from the Indonesian military and local police forces have done little to stop the fighting. Rather, it is alleged that they have contributed to—and perhaps even initiated—it. In addition, in the spring of 2000, thousands of fighters from an Indonesian Muslim group, called Laskar Jihad, arrived on the islands, raising the fighting there to new and more-deadly levels. The Indonesian government has also made little effort to halt the conflict; indeed, many observers contend it has not even given it serious attention.

##### *Recommendations*

1. The U.S. government should put sustained pressure on the Indonesian government and the Indonesian military to pay serious attention to the brutal conflict in the Moluccas and to make concerted efforts to pursue a reconciliation program that ensures security for both sides and that perpetrators most responsible for the killings are brought to justice.

2. The U.S. government should press the government of Indonesia to attend to the immediate removal of all outside militia forces on the Moluccas, Muslim or Christian. The U.S. government should also press Indonesia to see that these and other groups are disarmed. Moreover, rogue elements in the Indonesian security forces must be brought under control.

3. The U.S. government should support the reconciliation efforts of indigenous or international non-governmental organizations (NGOs) in the Moluccas, including by increasing its funding for such efforts through support for USAID's democracy and good-governance programs, interreligious programs in educational institutions, and other programs in Indonesia. This should include working with respected Indonesian human rights lawyers and academics to devise an emergency program for restoring the rule of law in Indonesia, including in the Moluccas. Within its assistance program to Indonesia, the U.S. government should also increase assistance geared specifically to both Christian and Muslim victims and refugees of the conflict. The U.S. government should also press the government of Indonesia to allow more access to the Moluccas for humanitarian relief organizations, as well as for official representatives or human rights monitors from such groups as the Association of Southeast Asian Nations (ASEAN).

4. The U.S. government should ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military.
5. The U.S. government should earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.
6. The U.S. government should help support the safeguarding of a free press in Ambon and other major areas in the Moluccas.

#### *V. Iran*

The conditions of religious freedom are very poor in Iran, particularly with respect to minority religious groups that are not officially recognized by the state and those perceived to be attempting to convert Muslims. The Constitution of the Islamic Republic of Iran provides that the official religion of Iran is Islam of the doctrine of the Twelver Jaafari School and stipulates that all laws and regulations, including the Constitution itself, must be based on Islamic criteria. Members of the Baha'i community suffer the worst forms of religious persecution at the hands of the state. The Iranian government does not recognize Baha'is as a religious minority; rather in its view, Baha'is constitute a political organization that was associated with the Shah's regime, is opposed to the Iranian Revolution, and engages in espionage activities on behalf of foreign countries, including Israel. Members of the officially-recognized non-Muslim minorities—Christians, Jews and Zoroastrians—are subject to legal and other forms of official discrimination. Iranian Sunni leaders have alleged widespread abuses and restrictions on their religious practice. A number of senior Shiite 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.

#### *Recommendations*

1. The President or Secretary of State should reaffirm to the government of Iran that improvement in religious freedom and other human rights in that country is a prerequisite for the complete relaxation of sanctions by and the normalization of relations with the United States.
2. The U.S. government should consistently, continuously and vigorously press the government of Iran to improve conditions of religious freedom, and should urge its European and other allies to support advocacy for religious freedom in Iran. Voice of America Farsi-language broadcasting into Iran should include regular reporting on religious freedom in Iran and religious-freedom issues in general.
3. The U.S. administration should continue to sponsor annual resolutions of the United Nations Commission on Human Rights condemning Iran's egregious and systematic violations of religious freedom and should recruit the support of other Commission member countries, until such violations cease.
4. The United States should facilitate (through issuance of visas) and remove barriers (such as the U.S. Department of Justice policy of fingerprinting Iranians at ports of entry) to unofficial cultural exchange—e.g., academic, religious, athletic, and scientific—between the United States and Iran.

#### *VI. Democratic People's Republic of Korea*

In the Democratic People's Republic of Korea (North Korea or the DPRK), despite the difficulty of obtaining reliable information on conditions in the country, it is apparent that religious freedom is non-existent. As the State Department Annual Report on International Religious Freedom—2000 states: "Genuine religious freedom does not exist." The government has imprisoned religious believers and apparently suppresses all organized religious activity except that which serves the interests of the state. Since July 1999, there have been reports of torture and execution of religious believers, including between 12 and 23 Christians on account of their religion.

#### *Recommendations*

1. In the course of further discussions with the North Korean government, the U.S. government should strongly urge the DPRK to reaffirm publicly its commitments under the International Covenant on Civil and Political Rights.
2. The U.S. government should press the DPRK to immediately establish conditions whereby the status of religious freedom can be assessed and progress be monitored.
3. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War include provisions on religious freedom and non-discrimination in the treatment of religious minorities.

4. The U.S. government should communicate to government of the DPRK that substantial improvements in religious freedom and other human rights in North Korea is a prerequisite for the normalization of relations with and the complete relaxation of sanctions by the United States.
5. The U.S. government should communicate to the DPRK government that when any U.S. diplomatic presence is opened in North Korea, diplomatic personnel should have reasonable access within the country to assess the state of religious freedom and to monitor developments, and that a religious-freedom dialogue should begin and take place at the highest policymaking levels.
6. U.S. government officials should raise the issue of religious freedom—and the point that improvement of religious freedom is a central component of the improvement of U.S.-DPRK relations—in all high-level diplomatic exchanges with the DPRK.
7. The U.S. government should urge the Republic of Korea and Japan, as part of trilateral coordination among the United States and those two countries, to press human rights and religious freedom in their talks with the DPRK as well.

### *VII. Nigeria*

Religious life in Nigeria is public, vigorous, and diverse. Nevertheless, Nigeria continues to suffer outbursts of violent communal conflict along religious and ethnic lines, pervasive mistrust among religious and ethnic communities, and reportedly serious lapses in the protection of human rights generally. The threats to religious freedom, including reports of religious discrimination, are serious and ongoing. Moreover, recent events portend a possible deterioration in the conditions of religious freedom. Serious outbreaks of Muslim-Christian violence—exacerbated by social, economic, and political conditions that foster religious and ethnic tensions—threaten to divide further the populace along religious lines and undermine the foundations of religious freedom in Nigeria.

The movement in several northern Nigerian states to expand the legal application of Shariah has sparked communal violence and is a source of continuing volatility and tension between Muslims and Christians at both the national and local levels. The manipulation of religious doctrines and religious sentiments for political ends by any party poses real dangers to religious freedom, as ethnic, tribal, or communal violence take on more explicitly religious overtones, and religious belief, identity, and practice become more of the target.

#### *Recommendations*

1. The U.S. government should make the promotion of religious freedom a high priority in its diplomatic discussions with the Nigerian government and urge President Olusegun Obasanjo to condemn—publicly, forcefully, and consistently—religious intolerance and discrimination, and to promote religious freedom and mutual understanding between Muslims and Christians.
2. The U.S. government should urge the Nigerian government to counter religiously-based discrimination by doing the following:
  - 2.1. Investigate alleged discriminatory obstacles to establishing and repairing places of worship and work with state and local governments to remove such obstacles where they exist;
  - 2.2. Where offered in public schools, provide religious instruction on a non-discriminatory basis and without compelling any student with a religious objection to attend; and
  - 2.3. Ensure equal access to state-run radio and other government media resources to all religious groups without discrimination.
3. The U.S. government should urge the Nigerian government to monitor closely the implementation of Shariah-based criminal law in northern states: (a) to ensure that it does not apply to non-Muslims and respects the religious freedom rights of all citizens, and (b) to prevent law enforcement activities in northern states by any quasi-official or private corps of Shariah enforcers.
4. The U.S. government should urge the Nigerian government to take effective steps to prevent and contain acts of communal violence, prevent reprisal attacks, and bring those responsible for such violence to justice.
5. The U.S. government should, through its foreign assistance programs:
  - 5.1. Support programs aimed at preventing communal conflict, defusing inter-religious tensions, and promoting religious tolerance and respect for religious freedom and the rule of law; and

5.2 Support programs that foster objective, non-inflammatory, and non-biased reporting by the Nigerian media in a manner consistent with the right to free expression.

6. The U.S. government should make the promotion of religious freedom a high priority and should strengthen its information-gathering efforts throughout Nigeria, particularly in northern states and areas plagued by communal violence.

### *VIII. Pakistan*

Although the government of Pakistan does not appear to be engaged in a systematic effort to persecute religious minorities, it is clearly not doing enough to adequately protect the religious freedom of all of its citizens. Members of the Ahmadi religious community are prevented by law from engaging in the full practice of their faith. Religious minority groups (including Christians, Ahmadis, and Hindus) complain that they are politically marginalized by a system of separate electorates, and that this system exacerbates other religious-freedom problems. The criminal laws against blasphemy are abused, resulting in detention of and sometimes violence against religious minorities as well as the targeting of numerous Muslims on account of their religious beliefs. Finally, there is a substantial amount of sectarian violence, largely targeting Shia Muslims, committed by organized groups of religious extremists.

#### *Recommendations*

1. The U.S. government should urge the Pakistani government to sign and ratify the International Covenant on Civil and Political Rights.
2. The U.S. government in its bilateral relations with the Pakistani government should take the position that the separate electorate system for religious minorities is inconsistent with democratic principles, the right to equal citizenship, and the protection of political rights without discrimination on the basis of religion as provided in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. The U.S. government in its bilateral relations with the Pakistani government should take the position that the existence and enforcement of laws targeting Ahmadis that effectively criminalize the public practice of their faith violates the right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The State Department should closely monitor the application and enforcement of laws targeting Ahmadis. The U.S. government should also urge the Pakistani government to effectively prevent discrimination against Ahmadis in government and military employment, and education.
4. The U.S. government should urge the Pakistani government to implement procedural changes to the blasphemy laws that will reduce and aim at ultimately eliminating their abuse. The State Department should monitor the application and enforcement of the blasphemy laws.
5. The U.S. government should urge the Pakistani government to take effective steps to prevent sectarian violence and punish its perpetrators, including disarming militant groups and any religious schools that provide weapons training. The U.S. government should also urge the Pakistani government to establish and support mechanisms of interfaith dialogue that encompass all religious communities in Pakistan, and facilitate widespread dissemination of the work and findings of this dialogue.
6. The U.S. government should urge the Pakistani government to complete the denationalization of Christian schools and colleges in Punjab province.
7. The U.S. government should, through its own foreign assistance and in conjunction with other donors, support the following in Pakistan:
  - 7.1. teacher training and other educational programs in religious tolerance;
  - 7.2. non-governmental organizations engaged in legal advocacy to protect the right to freedom of religion, in particular defense of persons charged under the blasphemy and anti-Ahmadi laws;
  - 7.3. judicial reform and law-enforcement training;
  - 7.4. improvements in the public education system in order to promote the availability and quality of education for all Pakistanis.

### *IX. Russia*

The future of religious freedom in Russia remains uncertain at a critical moment in that nation's history. The Russian federal government has yet to articulate a policy regarding the situation created by its decision not to extend once again the dead-

line for registration under a 1997 law that required religious organizations to register in order to operate as legal entities. Thus, some 1,500 unregistered religious organizations are subject to “liquidation” by the state. In addition, the government of President Vladimir I. Putin has yet to establish an effective way to ensure that local and regional laws, policies, and practices do not abridge religious freedom.

The Putin government appears to be committed to the principle of religious freedom, and, like the government of Boris Yeltsin before it, has taken several steps to mitigate religious-freedom violations. Moreover, the Russian courts, led by the Russian Constitutional Court, have in some cases protected the right to religious freedom and provided remedies for the violation of that right, at times overturning local decisions and ameliorating some of the worst features of the 1997 law. Nevertheless, it is uncertain how vigorous the Putin government will be in dealing with Russia’s many religious-freedom problems.

#### *Recommendations*

1. The U.S. government should continue to closely and carefully monitor religious-freedom issues and raise them forcefully with the Russian government at the highest levels. The U.S. government should pay particular attention to the Russian government’s handling of:
  - 1.1. unregistered religious organizations;
  - 1.2. discriminatory laws, policies, and practices at the local and provincial level;
  - 1.3. anti-Semitic, anti-Muslim, and other extremist activities targeting religious minorities;
  - 1.4. visa, residence, and citizenship decisions regarding foreign missionaries and other religious workers;
  - 1.5. internal disputes of religious communities; and
  - 1.6. demands for a closer cooperation between any arm of the state and the Russian Orthodox Church (ROC) that would result in preferential treatment for the ROC or official discrimination against other religious communities.
2. In light of the current conditions in Russia, the Commission believes that all of its recommendations from May 2000 would still contribute to the promotion of religious freedom there, and therefore reaffirms them. They include supporting programs by Russians aimed at preventing religious intolerance and discrimination and promoting exchanges between U.S. and Russian religious leaders, as well as judges, lawyers, and legal rights organizations. Moreover, the U.S. government should make the humanitarian and human rights crisis in Chechnya a high priority issue in its bilateral relations with Russia.
3. The Smith Amendment is an effective tool for promoting religious freedom in Russia. The Commission recommends that in weighing whether to make the certification required under that law, the President should use the factors listed in Recommendation 1, above.

#### *X. Sudan*

The situation in Sudan has grown worse since the release of the Commission’s May 2000 report. The government of Sudan continues to commit egregious human rights abuses—including widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, manipulation of humanitarian assistance as a weapon of war, and severe restrictions on religious freedom. The relationship between oil and the government’s actions has become clearer. The Clinton administration did take some steps to address the situation, including successfully working to prevent Sudan from taking a seat at the UN Security Council and earmarking aid to communities in southern Sudan and to the political opposition (the National Democratic Alliance, or NDA). But the issue of Sudan for the most part remained on the back burner of U.S. policy, as the government’s own interagency report acknowledged last year. Its actions fell well short of the comprehensive, sustained campaign that the Commission believes is commensurate with the Sudanese government’s abuses. The Commission urges the Bush administration to mount such a campaign.

#### *Recommendations*

1. The U.S. government should appoint a nationally prominent individual—who enjoys the trust and confidence of President Bush and Secretary of State Colin L. Powell, and who has appropriate authority and access—whose sole responsibility is directed to bringing about a peaceful and just settlement of the war in Sudan and an end to the religious-freedom abuses and humanitarian atrocities

committed by the Sudanese government. The United States should not appoint an ambassador to Sudan at this time.

2. The U.S. government should continue to increase the amount of its humanitarian assistance that passes outside of Operation Lifeline Sudan (OLS) and should press OLS to deliver aid wherever it is needed, especially the Nuba Mountains, with or without the approval of the Sudanese government.

3. The U.S. government should increase its assistance to southern Sudan and the NDA.

4. The U.S. government should launch a major diplomatic initiative aimed at enlisting international pressure to stop the Sudanese government's bombing of civilian and humanitarian targets; ground attacks on civilian villages, feeding centers, and hospitals; slave raids; and instigation of tribal warfare.

5. The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. The U.S. should prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan. The U.S. government should not issue licenses permitting the import of gum arabic from Sudan to the United States.

6. Companies that are doing business in Sudan should be required to disclose the nature and extent of that business in connection with their access to U.S. capital markets.

7. The U.S. government should intensify its support for peace negotiations and for the Declaration of Principles, and make a just and lasting peace a top priority of this administration's global agenda.

8. The U.S. government should work to increase human rights and media reporting on abuses in Sudan, including supporting, diplomatically and financially, the placement of human rights monitors in southern Sudan and in surrounding countries where refugee populations are present.

#### *XI. Vietnam*

Despite a marked increase in religious practice among the Vietnamese people in the last 10 years, the Vietnamese government continues to suppress organized religious activities forcefully and to monitor and control religious communities. The government prohibits religious activity by those not affiliated with one of the six officially recognized religious organizations. Individuals have been detained, fined, imprisoned, and kept under close surveillance by security forces for engaging in "illegal" religious activities. In addition, the government uses the recognition process to monitor and control officially sanctioned religious groups: restricting the procurement and distribution of religious literature, controlling religious training, and interfering with the selection of religious leaders.

##### *Recommendations*

1. The U.S. Congress should ratify the U.S.-Vietnam Bilateral Trade Agreement (BTA) only after it passes a sense of the Congress resolution calling for the Vietnamese government to make substantial improvements in the protection of religious freedom or after the Vietnamese government undertakes obligations to the United States to make such improvements. Substantial improvements should be measured by the following standards:

1.1. Release from imprisonment, detention, house arrest, or intimidating surveillance persons who are so restricted due to their religious identities or activities.

1.2. Permit unhindered access to religious leaders by U.S. diplomatic personnel and government officials, the U.S. Commission on International Religious Freedom, and respected international human rights organizations, including, if requested, a return visit by the UN Special Rapporteur on Religious Intolerance.

1.3. Establish the freedom to engage in religious activities (including the freedom for religious groups to govern themselves and select their leaders, worship publicly, express and advocate religious beliefs, and distribute religious literature) outside state-controlled religious organizations and eliminate controls on the activities of officially registered organizations. Allow indigenous religious communities to conduct educational, charitable, and humanitarian activities.

1.4. Permit religious groups to gather for annual observances of primary religious holidays.

- 1.5. Return confiscated religious properties.
- 1.7. Permit domestic Vietnamese religious organizations and individuals to interact with foreign organizations and individuals.
2. If Congress ratifies the BTA and approves conditional Normal Trade Relations status for Vietnam, it should review Vietnam's progress on the protection of religious freedom as part of an annual review of that status.
3. The United States should withhold its support for International Monetary Fund (IMF) and World Bank loans to Vietnam (except those providing for basic human needs) until the government of Vietnam agrees to make substantial improvements in the protection of religious freedom, as measured by the standards itemized in 1.1 through 1.6 above.
4. The U.S. government should make the protection of religious freedom a high-priority issue in its bilateral relations with Vietnam, including in the annual human rights dialogue with the Vietnamese government and in future trade negotiations, advocating substantial improvement in the protection of religious freedom as measured by the standards itemized as 1.1 through 1.6 above. The U.S. Department of State should advise the office of the U.S. Trade Representative (USTR) on the state of religious freedom and other human rights in Vietnam, and should request that the USTR advance the U.S. government's interests in human rights in and through the negotiations and the provisions of any further trade agreement or companion agreement between the two countries.
5. The U.S. government should insist that the Vietnamese government permit domestic Vietnamese religious and other non-governmental organizations to distribute their own and donated aid.
6. The U.S. government should, through its foreign assistance and exchange programs, support individuals (and organizations, if they exist) in Vietnam that are advocating human rights (including religious freedom), the rule of law, and legal reform. It should also support exchanges between Vietnamese religious communities and U.S. religious and other non-governmental organizations concerned with religious freedom in Vietnam.
7. Until religious freedom significantly improves in Vietnam (as measured by the standards itemized as 1.1 through 1.6, above), the U.S. government should initiate or support a resolution to censure Vietnam at the annual meeting of the UN Commission on Human Rights and should engage in a sustained campaign to persuade other governments to support it.
8. The U.S. government should continue to support the Association for Southeast Asian Nations (ASEAN) Human Rights Working Group, and should encourage the Vietnamese government to join the working group.
9. The United States should continue to support Radio Free Asia broadcasts into Vietnam as a vehicle for promoting religious freedom and human rights in that country.

#### *XII. U.S. Capital Markets*

The Commission is concerned that significant and material information about companies doing business in Countries of Particular Concern (CPCs) is being withheld from the U.S. investing public. Foreign companies appear to be able to raise capital in U.S. markets without disclosing their business interests in CPCs, the risks associated therewith, and whether or not the proceeds from the sale of securities will be used to support its business in the CPC (and perhaps to support a foreign government that has been found to engage in or tolerate egregious religious-freedom violations). The problem is especially acute in the case of foreign companies because, unlike U.S. companies, foreign companies are generally permitted under U.S. law to do business in CPCs that are subject to comprehensive U.S. economic sanctions. Moreover, these companies can, in a wide range of circumstances, raise capital in U.S. markets without violating those sanctions. Thus, the issue of adequate disclosure is particularly important. Most important, however, is that reasonably prudent investors in U.S. financial markets may and should deem the information described above as material to their investment decisions.

#### *Recommendations*

1. The United States should require any U.S. or foreign issuer of securities that is doing business in a country that has been designated as a CPC under the International Religious Freedom Act of 1998 to disclose in any registration statement filed with the Securities and Exchange Commission for any new offering of securities the following information as to each such country:

1.1. The nature and extent of the business that it and its affiliates are conducting in the particular CPC, (i) including any plans for expansion or diversification and any business relationships with agencies or instrumentalities of the government of the CPC and (ii) specifying the identity of such agencies or instrumentalities;

1.2. Whether it plans to use the proceeds of the sale of the securities in connection with its business in the CPC and, if so, how; and

1.3. All significant risk factors associated with doing business in the CPC, including, but not limited to: (i) the political, economic, and social conditions inside the CPC, including the policies and practices of the government of the CPC with respect to religious freedom; (ii) the extent to which the business of the issuer and its affiliates directly or indirectly supports or facilitates those policies and practices; and (iii) the potential for and likely impact of a campaign by U.S. persons based on human rights concerns to prevent the purchase or retention of securities of the issuer, including a divestment campaign or shareholder lawsuit.

2. The United States should require any issuer that is doing business in a CPC to disclose the information specified in items 1.1 and 1.3 above in its filings with the SEC, including its annual proxy statement or annual report, in the case of a U.S. issuer, or its U.S. markets annual report, in the case of a foreign issuer.

3. The U.S. government, including Congress, should examine how the structuring of securities transactions or the manipulation of corporate relationships by non-U.S. issuers can be used to circumvent U.S. economic sanctions.

### *XIII. U.S. Foreign Assistance*

In its first two years, the Commission has found significant religious-freedom violations in some countries that receive U.S. foreign assistance. Foreign aid can be an important tool to promote religious freedom either directly or indirectly. Foreign assistance can support programs directly concerned with promoting religious freedom, such as legal advocacy, technical assistance, or human rights education. It can also support religious freedom indirectly by supporting programs that promote, for example, democracy, civil society, rule of law, professional law enforcement, and judicial independence.

#### *Recommendations*

1. No U.S. foreign assistance should be provided to any U.S. or foreign person (governmental or non-governmental) who, in a foreign country and at any time during the preceding 24-month period, has (a) committed acts of violence targeting individuals on account of their religious belief or practice, or (b) served as an instrumentality of official government policies of invidious religious discrimination. Furthermore, no U.S. foreign assistance should be provided to any program that discriminates against recipients or beneficiaries on the basis of religion.

2. The State Department, in its annual International Religious Freedom Report (or in the classified addendum) should identify (a) agencies or instrumentalities of foreign governments engaged in violations of religious freedom, and (b) non-governmental entities engaged in violations of religious freedom and describe the nature and extent of those violations.

### *XIV. The International Religious Freedom Act and the State Department's "Annual Report on International Religious Freedom—2000"*

Most of the mechanisms established by IRFA are now in their second year of existence, and in September 2000, four significant events occurred with respect to IRFA and U.S. foreign policy related to international religious freedom. First, the State Department issued its *Annual Report on International Religious Freedom 2000* (2000 Annual Report), finding that: "Much of the world's population lives in countries in which the right to religious freedom is restricted or prohibited." Second, then-Secretary of State Madeleine K. Albright announced those countries designated as "countries of particular concern" (CPC)—the most egregious violators of religious freedom. Disappointingly, only those countries named as CPCs in 1999 were so designated in 2000, despite ample evidence that others had met the statutory threshold. Third, Secretary Albright announced the actions that she would take pursuant to IRFA to promote religious freedom in those countries designated as CPCs. Again disappointingly, no additional action was taken against any CPC. And fourth, Robert A. Seiple, the first Ambassador-at-Large for International Religious Freedom,

stepped down from his office—leaving his post vacant through the date this report went to print.

The State Department has done a highly commendable job in its second annual report of telling the tragic story of religious persecution around the globe. This year's report generally shows a more complete understanding of religious-freedom issues and extensive fact-finding and verification. It reflects hard work on the ground.

In other respects as well, this year's report is an improvement over last year, and the Commission is pleased that some of the recommendations made in its first annual report appear to have been adopted by the Department. The Commission's review of the Department's instruction cable sent to the embassies earlier this year also shows that the Department incorporated many of the Commission's suggestions in what information it solicited from embassy officials.

However, problems remain. In some of the reports, the main thrust of what is happening and why is lost in detail and through omissions of important context. Another notable problem is that this year's report includes a section in the executive summary entitled "Improvements in International Religious Freedom," the contents of which is also reported in the individual country chapters. The Commission believes that the reporting of such "improvements" must be carefully handled in order to avoid misrepresentation of the conditions of religious freedom.

This report is the yardstick with which to measure the U.S. government's progress in meeting the goals of the statute. The Commission urges all those interested in promoting religious freedom to review carefully what the 2000 Annual Report says U.S. policy is toward violators of religious freedom and what the United States is doing to promote religious freedom. Unfortunately, the report shows that in several key countries—those in which significant religious-freedom violations occur—U.S. policies and actions do not reflect the gravity of the situation.

The Commission is very disappointed that the Secretary did not name Laos, the Democratic People's Republic of Korea, Saudi Arabia, and Turkmenistan as CPCs. On July 28, 2000, the Commission wrote to the Secretary concluding that the governments of each of these four countries have engaged in particularly severe violations of religious freedom and thus meet the statutory threshold for designation as CPCs. The Commission's conclusion was based on the information that was available to it at that time. The information contained in the 2000 Annual Report only confirms that these countries should be designated as CPCs.

The Commission regrets the departure in September of Ambassador-at-Large for International Religious Freedom Robert A. Seiple. The Ambassador-at-Large for International Religious Freedom is a very important part of U.S. policy initiatives to promote religious freedom abroad—the 2000 Annual Report calls his office "the fulcrum of the effort to promote religious freedom." A prolonged vacancy in this crucial position threatens U.S. progress in promoting religious freedom. The Commission has urged President Bush to move quickly to fill this vacancy.

The Commission reported last year that it had not gained full access to cables to and from embassies because of the Department's assertion of a legal position (executive privilege as to deliberative process within the administration) with which the Commission does not agree. The Department has since constructed a time-consuming, cumbersome, and lengthy process whereby Commission staff are able to review some cables after they have been redacted. This process means the Commission cannot see cables until months after they are sent, making it difficult for the Commission to formulate timely policy recommendations in fast-moving situations overseas. The Commission has tried this system in good faith and concludes that it does not meet the Commission's needs. It can no longer acquiesce to this situation and will propose a more-expeditious process to the State Department.

International religious freedom has become an important foreign-policy issue. The growing interest in the United States in the conditions of religious freedom around the globe and in the promotion of religious freedom through U.S. foreign policy is exemplified not only by the passage of IRFA but also by increasing public awareness of religious-freedom violations in countries such as China and Sudan. Secretary of State Powell has publicly stated that, in his view, the State Department has not been given adequate resources to perform its functions. The Commission believes that this is particularly true in the religious-freedom area. We further believe that in order to meet its obligations under IRFA and to ensure that the promotion of religious freedom remains a foreign-policy priority, adequate staff must be devoted to these tasks. The Commission urges the State Department to review its staffing of religious-freedom issues in U.S. embassies and in its regional and functional bureaus, particularly in the Office of International Religious Freedom, and provide an increase in staffing adequate to perform the important task of promoting international religious freedom.

Chairman HYDE. Thank you, Rabbi. And I would like the staff of this Committee to prepare appropriate letters to appropriate officials, urging the timely appointment of the commissioners on this very important commission. Mr. Lantos and I will sign it with great flourish, I can assure you, because we appreciate what you are doing.

Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first say how pleased I was that your recommendation with respect to China says the following: the U.S. government should use its diplomatic influence with other governments to ensure that China is not selected as a site for the International Olympic Games until it has made significant and sustained improvements in religious freedom and human rights.

As some of you may know, in 1993, I introduced the resolution calling on the International Olympic Committee not to grant China the opportunity of hosting the 2000 Olympic Games. In point of fact, the Olympic Committee chose Sydney, a city and a country where religious freedom is religiously observed. With the appalling violations in human rights and religious rights in China last year, it would have been enormously embarrassing for us to have had the Olympics in China.

On Sunday, *The Washington Post* had an editorial which raised a very interesting question: how do we feel about the possibility of China holding the Olympic Games in the year 2008—and that decision will be made in July of this year—when Chinese Americans have been harassed and arrested and disappeared in recent times for, obviously, reasons of political persecution? What would that do to Chinese-American athletes, to Chinese-American journalists, to Chinese-American tourists who would be there? And I think your comments along these lines are extremely helpful.

I would like to commend publicly President Bush for seeing His Holiness, the Dalai Lama, yesterday. When my wife and I invited him for the first time to the Congress of the United States, not only wouldn't the White House let him near, but the State Department would not let him near, and the Congress leadership would not touch him with a ten-foot pole. We have come a long ways. And my hope is that the Administration will follow-up this extremely important symbolic gesture, for which I thank the President, with policies that will be in tandem with this symbolic gesture.

I would like to ask one question with respect to the major oil companies and Sudan. On the basis of your recommendation, what specifically should Congress attempt to do with respect to this singularly unwholesome and unappetizing relationship between the dictatorial government and some major oil companies?

Rabbi SAPERSTEIN. Let me begin by commenting on the first two parts of your questions. First, the Commission does not engage in advocacy on legislation, but we do note when legislation reflects the positions that we have espoused. And we did so with appreciation for your resolution dealing with the issue of the Olympics.

Secondly, the issue of the Dalai Lama. We made a number of recommendations in our report last year that were not acted upon one way or the other or have not been acted upon yet. In most cases, we didn't bother to reiterate each recommendation. Unless we con-

tradicted them, it is our intent to have those continue to apply. So, we are delighted by the meeting yesterday with His Holiness, the Dalai Lama. One of our recommendations last year was that the Dalai Lama be invited to address a joint session of Congress. That might be something that you want to consider.

We have made in the capital markets area two overlapping sets of recommendations. One deals with disclosure requirements. Any company investing in a country that is listed as a country of particular concern—that is a country engaged in egregious and systemic persecution of people on religious grounds—has to reveal and disclose their investments fully in those countries. That shines a light on full information for investors, empowers investors and the market to work freely, and takes care of people. Individual investors and institutional investors take into consideration that information in deciding what investments they want to make.

In the case of the oil companies dealing in Iran, the specific question you posed, we have actually asked that they not be allowed to be listed on the New York Stock Exchange. Delisting requires legislation. The disclosure requirement probably does not. It could be done that way. It could be done by administrative action here. But the delisting would require legislation, and that is something we would like to ask this Committee to look at.

Nina, was there anything that you wanted to add on this?

Ms. SHEA. Yes. Let me just add that we don't take the delisting in Sudan lightly. But we felt that there was such a direct connection between the oil development and extraction and the genocidal levels of religious persecution and human rights abuses that something had to be done to close this loophole.

Rabbi SAPERSTEIN. I also want to commend Congressman Frank Wolf and others supporting this. His intervention with the SEC has led them to begin to move on the disclosure requirements, at least insofar as OFAC countries are concerned. The SEC's actions will not cover all the CPC countries. I hope that we can work together to close that piece of it and have that kind of full disclosure.

Mr. LANTOS. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman, and thank you for taking me out of order. I have to go to another event, and I appreciate that.

I want to welcome the panelists for taking the time to be with us. We think your report is essential, and we wholeheartedly support the Commission's findings. We need to identify specific individuals and entities involved in violations of religious freedom anywhere in the world. We agree that the State Department needs to keep a list as it is mandated in section 604 of the International Religious Freedom Act.

Part of the Commission's report involved commenting on the State Department's Annual Report. What is the Commission's conclusion about the usefulness and quality of the State Department report, and did last year's State Department report take adequate account of the Commission's recommendations? I address that to any of the panelists who wish to answer.

Rabbi SAPERSTEIN. There are two ways, Mr. Gilman, to answer that question. One is the process of the report and the other is the

substance of the report. Let me make a comment on the process part first.

I think one of the great contributions of the IRFA legislation to the cause of religious freedom across the globe was the requirement of an annual report. On the one level, everyone recognizes it is burdensome for the State Department to be doing annual reports on any subject. But some subjects are so important that the benefits vastly outweigh the imposition, and this is such an example.

This was an issue that was not on the radar screen in many of our embassies and in many of the embassies of other countries. Now, as we travel to countries to look at particular problems, in every embassy we have met staff who know this issue, who have sought out the religious leaders, developed relationships with those religious leaders, and who know the issues in that country and know what the law is. They know the government officials, and they have been advocates when needed.

Time and again we have met with religious leaders who said this is a new world for them. The fact that they have somebody who understands their plight and is willing to go to bat for them in the American embassy has made a profound difference.

As we have traveled to other countries, democratic countries have said to us, "We are not able to set-up a mechanism as complex as what you have done, but we read this report, we send it out to all of our staff-people in the embassies of various countries, and we are looking to work together with you in those countries." You know that makes a profound difference. So, on that level alone, this legislation and this process has made a profound difference in countless countries across the globe.

On the substance of it here, the State Department picked-up a number of the recommendations that we made. They did not pick-up others. I want to commend the State Department, however, for agreeing to set-up a process to review with us all of the recommendations so that they are not dealt with passively.

At a fairly high level—the Under Secretary for Political Affairs—a meeting was convened in the last Administration's State Department for us to sit down with all of the key officials that would be responsible for accepting or rejecting our recommendations, to review them with us, to explain what steps they have taken, why and how, and where they have not accepted the recommendations. That seems to be exactly the kind of relationship between this Commission and the State Department that you envisioned when you set-up this process of creating a commission to be a goad to the conscience of the United States Government on this issue.

Both Administrations have been very open to meeting with us and receiving us. I think it is a helpful process. I hope that this State Department, under Secretary Powell, will continue the process of this formal review with us of our recommendations and how they are being implemented or, if they are not, explain why.

Mr. GILMAN. Thank you. Thank you, Rabbi Saperstein.

Mr. Chairman, thank you for allowing me to intercede. And I ask that my full opening remarks be made part of the record.

[The prepared statement of Mr. Gilman follows:]

PREPARED STATEMENT OF THE HONORABLE BENJAMIN A. GILMAN, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Gilman: I want to thank Chairman Hyde for holding this important hearing at such a timely moment.

There were reports in yesterday's news that the Taliban Islamic fundamentalist group in Afghanistan has ordered all non Muslims to have distinctive marks on their clothes so that they can be easily identified. There were reports in India that Afghan Hindus in Afghanistan would be required to wear yellow clothes. The Taliban and their apologists assert that the new requirement is for the religious minorities own safety. This is absurd. We all know what tragically happened to European Jews living in countries under Nazi edicts that required they wear a yellow Star of David.

The Taliban's recent destruction of all Buddhist statues in Afghanistan does not indicate that they are very tolerant towards other faiths. When we consider the fact that Buddhism is rooted in Hinduism it would make sense for Afghan Hindus to be very concerned for their safety. In addition, the fact that there is only one known Jew in Kabul speaks volumes about the Taliban's position. I am pleased that the Commission wrote to the Secretary of State to recommend that the Taliban remain on the list of Countries of Particular Concern.

On Tuesday, His Holiness the Dalai Lama met with Secretary of State Powell and yesterday he met with the President to ask for our Nation's continued support for religious freedom in occupied Tibet. The Commission reports that in Tibet "restrictions on religious practice have been extended to ordinary citizens in private homes: homes were searched for shrines, religious paintings and Dalai Lama picture; school children were told not to visit monasteries and temples to pray or to attend religious ceremonies on threat of expulsion." While we have not seen any official reports of the meetings His Holiness had with the President or the Secretary, we are certain that the high level appointment of an Under Secretary of State as the new Tibet Coordinator reflects an appropriate level of concern.

China's severe repression of Catholics and Protestants is very troubling. Many of died from torture and face long prison sentences for being members of unregistered house Churches. Our nation must be empowered to take swift and appropriate action when we receive such reports.

Accordingly, I wholeheartedly support the Commission's finding that we need to identify specific individuals and entities involved in violations of religious freedom anywhere in the world. I agree that the State Department needs to keep a list as is mandated in section 604 of the International Religious Freedom Act.

No one should believe that he or she will be permitted to enter our country if they have blood on their hands.

I am also very concerned about the situation in Laos. In the past, the State Department did not adequately address the severe religious repression in that nation. I am please that the Commission last July recommended that the State Department list Laos as a Country of Particular Concern. Once the new team is in place at State, we are certain that the past mistakes will not be repeated.

Finally, while we are certain that Commission Chairman Elliot Abrams is moving on to bigger and better things we wish to express our regrets that we will no longer be the beneficiaries of his insights and chutzpah. He is a real fighter for good causes and we will solely miss him.

Chairman HYDE. Without objection.

Mr. GILMAN. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Payne.

Mr. PAYNE. Thank you very much. Let me also commend the Commission for the outstanding work that you have done. I would like to say that I certainly strongly endorse your recommendations as relates to the Sudan. I haven't had the opportunity to look at other areas, but that is one that is of primary concern.

I have had the opportunity to travel to southern Sudan on a number of occasions. Our last trip with Congressman Tancredo, actually his first "Codel" (Congressional Delegation) in his political congressional career, and he had the interest in going with Senator Brownback. I have been there before with former Congressman Campbell and the last special envoy to Sudan, Harry Johnston.

And I traveled to Sudan many, many years ago. And so, it is an issue that I have a very strong feeling about.

Let me also say, though, that I agree that it was unfortunate that the U.S. was not voted into the human rights organization in the U.N. However, I don't feel that this is grounds for us to withhold any dues. We have been delinquent for many years back.

I think what we need to do, perhaps, is to take a look at ourselves, maybe see what other countries saw that were flaws. And, perhaps, we should attempt to strengthen those, and maybe we will be able to be reelected. I ran for Congress, but it wasn't until the third time that I won an election. So, sometimes it gives you a chance to review yourself and strengthen your weaknesses.

Let me just say that I could not agree with you more about your recommendations on the Sudan. First of all, you mentioned Nigeria. I think that Nigeria's problem is that their new constitution was too loose, which allowed Shariah laws to come into the states. I have talked to many of the legislators there; they wish that that sort of flexibility could have been plugged. But it is going to be very difficult to amend, and that is sad. It was just something that happened—as you mentioned—the central government does not support it. It is happening in the states, and I hope that it can be worked out and that recommendations to the government from your Commission may be helpful.

On the Sudan, as I have indicated, I support strongly your positions. Mr. Tancredo has legislation that went through our Subcommittee, and on that, I have a resolution not to change anything. I think there was some confusion with the SEC.

Currently, companies doing business with Sudan and four other pariah governments are supposed to report to the SEC. The problem is that the SEC is so busy and so overwhelmed that it has a hard time keeping up. And so, the resolution which I introduced did not change any law. It simply says it is the responsibility of the companies doing business to report to the SEC rather than the SEC going through a lot of documents to find out. I hope that when it comes up to the Full Committee that everyone is clear that we are not changing any current policy. It is just making it easier for the SEC to monitor.

I do have a second version, though, of my Blood-Oil bill which I am sure is going to have some opposition. The thing about our SEC reporting is that U.S. companies are forbidden to do business with Sudan in the first place, so that is why I have to also allay the fears of some of my colleagues that this is going to hurt some U.S. companies. They can't do business anyway.

The other thing though, agreeing with your position about companies doing business in Sudan, the Blood-Oil legislation that I have introduced will say that those companies that are dealing with the Talisman, who is tied-in with PetroChina, should be delisted. They should not be able to have access to our capital markets, period.

Two million people are dead. Does it take two million people more? That is what I think that our Congress and our Committee have to understand; that enough is enough. Eighteen years. It has gone too far. Too many people have died. We can't sit by any longer and just allow this to happen.

I also think we should support, as you have, the NDA. There are people in the north who want to see this end also. This is not Muslim-Christian. It is bad governance. And we have got to change the bad government in Khartoum so that many of these other problems will end.

I see the red light is on. I guess I didn't have an opportunity to ask a question, but I did want to reflect these thoughts.

I really commend you for these thorough points that you brought out. I will certainly be working, and I hope that my colleagues, Mr. Wolf, Mr. Tancredo and others, will join us in this. We may not be able to have Sudan restricted on the first year of capital markets, to have them delisted, but we are going to keep this fight on until we win it. Thank you.

Chairman HYDE. If the Gentleman would like an additional minute?

Mr. PAYNE. Thank you very much, Mr. Chairman. It is very kind of you.

Chairman HYDE. Without objection.

Mr. PAYNE. If you had some other suggestions to make to Secretary Powell, this might be my question. I have supported, and some of my colleagues also supported—and I know this is religious—giving non-lethal support to the South Sudanese Liberation Movement: farming equipment, seeds for planting, and things of that nature. I wonder if any of you, perhaps Ms. Shea—and I know it is still religious but I don't think this is a political question—would answer this question.

One other thing I might mention is that I did have gum arabic restricted in our legislation a year ago. However, my friends in the Clinton Administration actually rejected it and allowed gum arabic licensing to go forward, saying it would do damage to some American companies. Hopefully, we can get a restriction on gum arabic again. They can grow it in other places. It can grow in Nigeria. It can grow in Ethiopia. It can grow in Eritrea. I said that 15 years ago, 10 years ago. I said it last year. Of course they said it takes seven or 8 years before it can bear fruit. Now, if they planted it 10 years ago, there wouldn't be a problem because they would all

So, we have this year recommended assistance to the STAR program and to the NDA for building capacity to participate in the peace process. We feel that it is very important that there be leadership by the United States and there be a special envoy to help this process, and that the south, the opposition, and the government of Khartoum be prepared to fully participate in it. And this is going to require some funding by the United States.

Mr. PAYNE. Thank you. Just one last point, also. I agree that the Sudan embassy should not be open. I couldn't agree more. The Clinton Administration made moves toward reopening the embassy. It is unconscionable to do that by virtue of the fact that you are giving the people a carrot rather than a stick. There is no reason to send a signal around the world that Sudan has improved. And that would be the only reason you would open up the embassy. To me, it makes absolutely no sense.

Rabbi SAPERSTEIN. With your permission, I think Dr. Al-Marayati wanted to add a word.

Dr. AL-MARAYATI. Did you finish, Nina?

Rabbi SAPERSTEIN. Did you?

Ms. SHEA. Yes, I did.

Dr. AL-MARAYATI. Okay. I would just like to draw to your attention that I had issued a concurring view with reservations on that very question about aid to the SPLA and to the National Democratic Alliance. Our report points out that, last year, three million dollars in aid was given to local communities in southern Sudan under the STAR Program, which goes to things that you mentioned, for example: stimulating the economy, increasing food production and development of civil society.

But to then add to that aid to the rebel forces, who themselves have been accused of serious human rights violations which have been documented by our own State Department as well as other human rights groups such as Amnesty and Human Rights Watch, I think would be mistake. Or at least there needs to be very specific and concrete measures that they have shown some improvement there, major improvement before we should consider giving our government assistance.

Secondly, I am concerned that doing so would only prolong the war, which has taken the lives of so many people and has lasted 20 years now, and that it wouldn't shift the balance enough to necessarily make them victorious against the regime in Khartoum. So, it would be an area that you would have to look at very carefully before entering into in my opinion, first of all, because of the problems of the SPLA themselves and, secondly, because of the question of whether it would really have the effect that you are looking for.

Mr. PAYNE. Right. Mr. Chairman, if I just might continue. I have heard those questions. We have had 18 years of this current conflict, 40 years all told. Two million people are dead. Those who do not propose having any support to people in the south are saying we should wait until four million die. If we do what we are doing now and allow it to stand as the status quo, that simply is what is going to happen. The north is getting stronger with oil money. Why would they ever concede?

And so, the question is do you simply let people die gradually, and is that better than having escalated a type of a situation? I

don't endorse war, but the people in the south have been enslaved, have been starved, have been beaten, have been sold. And we say we shouldn't change. If we don't change the balance at all, we will have another 18 years and I guess things will simply be doubled.

I have taken too much time, Mr. Chairman. I yield back. Thank you for your tolerance.

Chairman HYDE. The Gentleman from New Jersey, Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank the commissioners and staff for another extraordinarily well-documented and credible document that speaks truth to dictatorships and powers around the world, and even to our own State Department, which needs a dose of truth when political considerations tend to mitigate our ability to be up-front and candid. And I am particularly pleased in looking at several of the sections including Saudi Arabia, which ought to be a country of particular concern. Just because we are close friends and allies does not preclude the scrutiny and the condemnation and is certainly warranted with regard to Saudi Arabia. So, I think your points are very well taken.

I just want to raise a couple of brief issues, Mr. Chairman. Recently, I raised the issue—and I am not alone in this—of Bishop Xu, a native of China's Hebei Province, a Catholic priest who has been arrested. And I sent the letter on April 26th. We got back a letter on May 7th from the Ambassador here in the United States. The letter was to President Jiang Zemin. Amazingly, first, they just deny it, as they always do: "He is not being held," and the like. That is par for the course.

But, then, this absolutely Orwellian statement is made by the Chinese Ambassador to the United States. And I will just quote it briefly. "The Chinese government pursues a policy of guaranteeing freedom of religious belief. Article XXXVI of China's Constitution stipulates that Chinese enjoy freedom of religious belief and that no state organ, public organization, or individual may compel citizens to believe in or not believe in any religion." That is patently false. It is an insult to the intelligence of all of those who care about human rights and care about the truth. And it does a grave disservice to the impunity and the cruelty that is visited upon religious believers, from the Falun Gong, to the Buddhists in Tibet, to the Catholics, to the Protestants and anyone else who operates outside. And you, perhaps, might want to comment further because in your report you make it very clear that there is serious deterioration.

On the issue of Vietnam, I would just like to ask—I know that the Commission recommends that Congress not approve the U.S.-Vietnam Bilateral Trade Agreement until Congress also enacts human rights legislation focused on Vietnam. But in looking at the specific recommendation that we should enact, it is a sense of Congress resolution. And, frankly, we have passed such resolutions before. I have offered them. I have included them in larger legislation at times that have been enacted. And it has very, very little impact.

I would also note that there is escalation. We know Father Ly recently was arrested. He provided testimony to the Human Rights Caucus. Next day, knock on the door, in come the thugs to take him away. We also know that the Montagnards—it is hard to get

information because it has been closed-off, but they too seem to be, the Protestant Christians there, subjected to torture. We understand there have been killings. There were even reports—and I have not been able to confirm them independently—of a crucifixion. But we know that there have been grotesque cruelties visited upon them as well, and it seems to be getting worse. And, of course, the Buddhists and others are being mistreated as well in that area in Vietnam.

What about legislation if this bilateral trade agreement moves forward that would codify some of the Commission's specific recommendations, such as providing aid to pro-democracy and religious leaders, freedom advocates in Vietnam, as we do in Cuba? Is that something that you might embrace and recommend to us? Because, again, I think, you know, without some linkage, the Vietnamese, I think, will continue to act not just with indifference but with real hostility.

And then, just let me raise the issue of Russia, which you point out in this as well. The Helsinki Commission, which I chair, has had numerous hearings on Russia and its deterioration of religious freedom. We know that the Pentecostals—I met with a group yesterday of American Pentecostals—are greatly concerned about the registration requirements, disenfranchisement, and the escalation of hostility including beatings that are occurring there. Vladimir Putin seems to have activated the KGB or the follow-on service to the KGB. And there seems to be a coming wave, ominous clouds if you will, with regard to more, not less, repression in Russia.

Rabbi SAPERSTEIN. Let me quickly begin with a response and ask my colleagues to join in here. Our recommendation indicated clearly that we thought BTA should be dependent on one of two things, either a sense of the Congress resolution or the kind of systemic improvements that you are looking for, and we listed what they are. We felt it should be up to the Congress, facing a situation different than China where the option of a sense of the Congress resolution was not one of the ones we recommended, because the China normalized trade vote was permanent. And this will be a renewable bilateral trade agreement. And we wanted to leave it for your discretion. So, the kind of recommendation that you are making is not at all outside the realm of the recommendations that the Commission is suggesting the Congress undertake here as being helpful for the cause of religious freedom.

We made the recommendation last year about China precisely because of your first point that the findings of the United States State Department's Religious Freedom Report clearly contradicted the assertion made in the letter from the Chinese Ambassador to you, and clear limitations and ongoing persecution exists for all of the groups that we have described in our report. We felt there had to be significant and sustained improvements made before permanent, normal trade relations would go forward. So, what you were suggesting is clearly within the realm of the recommendations that were envisioned by the Commission to you.

Chairman HYDE. Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Chairman. I want to start by thanking the commissioners for the wonderful job that you have done and the excellent report. We are all grateful to you for that.

I have two subjects I would like to raise. Let me ask my questions and you can respond. First, on your relationship with the State Department and, secondly, on trade sanctions.

I gather that you feel you have not had adequate access to some State Department information, their cables and other information. You are concerned that there is no ambassador at-large presently for international religious freedom. And I gather you think the State Department generally needs more resources, perhaps money from Congress, to do its job properly. So, I would be interested in your reaction to those questions.

And then, secondly, many of us in Congress are interested in imposing on our trade agreements labor standards and environmental standards that could be the subject of trade sanctions if they are ignored or violated. Do you think that we should consider adding religious freedom or the problems of religious persecutions to such trade sanctions?

Rabbi SAPERSTEIN. Well, the response to the second question, from our position, would, of course, be yes, and I am glad that you put that on the table. It is true that we mentioned in the report a number of the concerns that you have raised. We would like to have an Ambassador at Large appointed as soon as possible. Ambassador Seiple did an extraordinary job as our nation's first Ambassador at Large for International Religious Freedom. He left a number of months ago, even before the terms of the current commissioners expired. And that has been a void that I think has been felt despite superb staffwork over there.

But this staff, because they have to deal with a worldwide agenda, is clearly overwhelmed. Additional resources would be helpful in terms of this. And we hope that is something that you will take a look at here.

Nina, do you want to add—

Ms. SHEA. Yes. I just wanted also to mention to Mr. Smith that our criteria is meant as a floor—not a ceiling—on Vietnam. And some of our criteria include releasing from prison the religious prisoners now, including Father Li, and permitting unhindered access to them by U.S. officials and permitting them to carry-out religious activities. And also, I would add, some of our other recommendations such as number six and number nine concerning continued support for Radio-Free Asia, getting around the jamming that is going on there now, and support for pro-democracy activists. This criteria is meant to be used both in the annual normal trade review and in the IMF and World Bank decisions on loans. So, we hope that both things are taken into consideration in the legislation by Congress that would be very much along the lines of we are recommending.

We say in our report that ratifying BTA without any U.S. action would really signal U.S. indifference. That was the conclusion of the Commission regarding China, that the United States' Congress didn't at the time as the World Trade Organization vote on permanent trade relations make that clear. The United States really was interested in improvements in religious freedom, and it has gotten much, much worse. So thank you for your question.

Rabbi SAPERSTEIN. Thank you.

Dr. AL-MARAYATI. The only thing to add to your comments, Representative Smith, is you did mention how the situation is deteriorating in China, and all groups are being affected. In particular, the Uighur Muslims are still suffering from executions as a result of their faith. And as part of China's crackdown on, "a separatist movement," they execute members of the Uighur Muslim community in the eastern provinces. This is part of a campaign that you are probably aware of that extends throughout Central Asia in terms of trying to crackdown on terrorism. But the problem is that many groups are then affected.

This is the same in Russia, as well. Concern is starting to increase, I think, as you rightly pointed out, because of the registration laws. Many groups that did not meet the deadline are now being closed or having their houses of worship demolished, something that we have paid attention to.

Finally, you did mention this issue of commending us for our ability to deal with close friends and allies, and not precluding scrutiny toward them. And I think that should apply in all cases, particularly in relation to our Middle East trip. That would include Israel and the Occupied Territories.

Rabbi SAPERSTEIN. Mr. Hoeffel, let me apologize a little bit. We used some of your time to respond. It gives you some idea of the richness of the discussions that go on at the Commission's deliberations.

Let me just clarify—

Mr. HOEFFEL. Let me say that Congressman Smith is a powerful legislator, and he just demonstrated that by getting his questions answered.

Rabbi SAPERSTEIN. Let me clarify one point here. It has been a view of the Commission that religious freedom ought to be a consideration in all of American foreign policy. I answer, therefore, your specific question generically in that sense. We have not had a chance to take an official position yet on the question of is it one of our recommendations that in dealing with trade legislation that religious freedom be put on as a formal recommendation. And I will make the suggestion to the next group of commissioners that they address it. But insofar as we have suggested in general that this needs to be a central concern in American foreign policy, it resonates with the kind of question you asked.

Mr. HOEFFEL. Thank you.

Chairman HYDE. Mr. Tancredo.

Mr. TANCREDO. Thank you very much, Mr. Chairman. I too will congratulate the commission for producing something that we seldom if ever see in government, and that is a document that lacks ambiguity and is, in fact, direct, to the point, makes bold statements and recommendations. Now, that said, in a document like that when something is missing, it is naturally assumed, one could assume, that because there is no reference to something very significant in the document on a particular country that there is tacit approval of that particular thing.

And so, I refer specifically to the People's Republic of China where you make, again, very bold and very, I think, accurate statements with regard to America's foreign policy. But you lack any reference to the fact that there is at least right now I know a bill

that has been introduced to the Congress—I am a co-sponsor of the bill—to repeal PNTR.

When we granted it a year ago we did so on the basis of the fact, according to the supporters of PNTR, that China would improve its treatment of religious minorities and other human rights violations within the country, that they would be reduced. Your report indicates that that has not happened. There is, of course, as I say now, something for us to do about it. That is one question. What about that? Is that a possibility you think that we should pursue, the repeal of PNTR on the one hand?

And, secondly, in regard to Sudan, I am intrigued. You know, we have had people here, we have had representatives of the Sudanese government actually visiting us in the last several weeks, visiting Members of the Congress and indicating their desire to bring the conflict to an end, a desire to have a peace process that would allow for reconciliation with the south. During those discussions we were told, I was told specifically, that the incidence of the bombing and various other kinds of activities that have been going on in the Sudan have been reduced they said. And your report says that in the last 12 months things have gotten much worse. Can I come to you and say to you how did you find this out? What specifically did you see or what information do you have so that we can counter the claims of the government? How accurate can I be in stating that their claims to us are inaccurate?

And then, if I have any time left, I was going to say I would give it back to Mr. Smith, but he is gone. Okay.

Rabbi SAPERSTEIN. He is in the chair.

Mr. TANCREDO. Oh, there you are. Well, then, he doesn't need my indulgence.

Rabbi SAPERSTEIN. Thank you, Mr. Tancredo. Let me respond to the first part. Ms. Shea will respond to the second. Dr. Al-Marayati can join in on either of the two.

As we indicated in the testimony, we made reports as the year was progressing this time. We didn't hold it all to the end. The part on China was passed and released earlier in the year. Things have changed. However, since our terms are up right now, we can't formally meet to make decisions about this.

Mr. TANCREDO. Oh.

Rabbi SAPERSTEIN. Let me give you my best sense of how that question meets the criteria that the Commission set out last year, but there is a bit of my own take in doing so.

We said PNTR should not be granted unless certain conditions were met. It is clear, a year later, that those conditions have not been met. It would seem to me that the kind of view that you espouse would not be inconsistent with the recommendation that we made last year, although we have not taken a formal position on your exact formulation. But we stated very clearly to this Congress that we thought that PNTR should not be granted until there were certain improvements.

Mr. TANCREDO. I recall.

Rabbi SAPERSTEIN. Our report indicates those improvements have not been made. And, therefore, it doesn't take far to come to a conclusion that the kind of position you are espousing would cer-

tainly be one of those things, the positions that would be well within the spirit and intent of what the Commission had envisioned.

Mr. TANCREDO. I will certainly be looking very carefully at the next report then of the Commission in light of whatever developments there might be in China to determine whether or not that would be included of course.

Ms. SHEA. I will be honored to be on the Commission again this coming term. Speaker Hastert has appointed me, and I am very grateful to him. And I will make it a—

Mr. TANCREDO. As am I grateful to him for that appointment by the way, Ms. Shea.

Ms. SHEA. Thank you.

Mr. TANCREDO. I think you are an extraordinary member.

Ms. SHEA. I will make it my first order of business to revisit China and what we should be thinking about in terms of the trade situation there.

I wanted to address your question about Sudan, and I thank you for it. I also have spoken with Sudanese officials. I spent 2 hours alone with the foreign minister of Sudan last September in New York going over our concerns. He promised me at that time that the bombings would stop; that was chief among my concerns. And I was representing the Commission there. He said the bombings would stop the next day. He was flying back to Khartoum that night, and the next day he was going to see that the bombing stopped. Well, the bombings didn't stop. There has been an escalation in bombings using more sophisticated military hardware.

We have in our files at the Commission compilations of about 150 incidents of bombings of civilian targets in the south: hospitals, schools, churches, marketplaces, and so forth. Congressman Wolf has a wonderful film that he took on his trip there documenting the aftermath of one of these bombings and the horror that it wreaks.

The Nuba Mountains are still without humanitarian aid. They are still a part of the no-go zone. Many other no-go zones exist. There is starvation occurring in various parts of the country in the west, Northern Bahr al-Ghazal and so forth. The oil fields scorched earth policy is continuing. Slave raids continue. CEAWAC, the internationally-funded committee established to reunite slaves, has not rescued any slaves since 2 years ago when it first opened and the highly publicized report about 300 former slaves being reunited with their families. There are estimates, you know, of maybe 15,000, maybe even more, tens of thousands of slaves in the north. And the government is absolutely doing nothing to reunite these families or to even stop the slave raids. So, I don't think that there are improvements. I think that they have a very charming offensive going on.

They are very, very eager to get U.S. recognition, and the United States is the last holdout. I was just over in Geneva for a month with the Human Rights Commission and saw how the other countries of Europe are eager to get involved in the oil industry over there. They are getting involved, investing and don't want to talk about these matters. They don't want to use the word slavery. They drafted a resolution supposedly condemning Sudan in conjunction

with Sudan. They do it as a consensus document with the government of Sudan. So, the word slavery does not get mentioned.

So, those are the concrete areas that we see a deterioration.

Dr. AL-MARAYATI. Could I just address this? You asked about sources. And the sources that the Commission has used have mainly been from non-governmental organizations, human rights groups, and the press. As you know, without an embassy or presence in Sudan, it impedes the official ability of the U.S. Government—

Mr. TANCREDO. That is exactly why I am—

Dr. AL-MARAYATI [continuing]. To gather information.

Mr. TANCREDO. Yes.

Dr. AL-MARAYATI. But I think by looking at numerous sources, they start to create a pattern. So, it is not just one organization that we are gathering information from. But I believe that is a weakness personally, not having an ability to verify what is going on. And this speaks to the broader issue of the U.S.'s position throughout the world and how we staff our embassies and so forth and looking at human rights issues.

I would also say—speaking now as an ex-Commissioner, and recommending to those of the new Commission, and with that said—I think it would definitely be worthwhile for the Commission to take a trip to Sudan, both north and south, to spend some time there to really look at it as part of an overall effort to gather information, not to give us the final word per se, but to say that they have really taken a look at what is happening. But I think that is a weakness, although it is filled-in by the fact that there are so many groups on the ground providing information that ends up being consistent so that we use those that were most reliable.

Documented in our report, you will find the references to the groups that are there.

Mr. TANCREDO. Thank you.

Rabbi SAPERSTEIN. And, of course, we do have access to the United States Government information. I appreciated Mr. Hoeffel recognizing that one of the frustrations for us is that, despite security clearances, we don't always have ready and easy access to cable and other information to which our security clearances would entitle us. We hope to, with the assistance of folks on the Hill who care about this issue, work that out a little more smoothly in the future because that kind of very solid information is really indispensable to us.

Mr. TANCREDO. Okay. Thank you very much. Thank you, Mr. Chairman.

Mr. SMITH [presiding]. Thank you, Mr. Tancredo.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. Since you are sitting in the Chairman's seat, I want to add my voice to those who have noticed in this Congress and previous Congresses the role that you personally have played in fighting for human rights and human freedom across the globe. I want to say it because I believe it. A lot of us are fighting that fight. There is no one in the entire Congress who has done such a wonderful job in fighting that fight as you have. I wanted to just to say that, and I thank you.

Mr. SMITH. Mr. Engel, thank you. But we all work as a team, and you have been so vital to that team. You know, the people who are here, Mr. Wolf who is not here and so many others have done yeoman's work, Sam Brownback on the Senate side and so many others. And you are absolutely part of that team, so whatever you say comes right back to you.

Mr. ENGEL. Thank you.

Mr. SMITH. You have done a great job.

Mr. ENGEL. I want to raise an issue that I have been raising for the past days about the Taliban in Afghanistan. I am wearing a yellow ribbon on my lapel because, as you may know, the Taliban in Afghanistan has ordered all Hindus to wear a special yellow symbol identifying themselves as Hindu. This special law also orders Hindu women to wear a veil, a yellow veil.

This policy is unbelievably frightening. It is reminiscent of the yellow Star of David that the Nazis forced the Jews in Europe to wear. And to further the insult, the Taliban has ordered Hindus to mark their homes with yellow cloths. Now they say they are doing it ostensibly to protect the Hindus because the religious police routinely go around beating people that don't comply with their perverted way of practicing Islam. And they say this is to protect the Hindus so that they will clearly be identified as Hindus and not be subjected to the beatings of the police.

We all know that in the 1930's and 1940's, there started off innocently enough little small steps that the Nazis took to deny the Jewish population of legitimacy and stripped them of any kind of dignity. And these little steps which initially didn't seem like a big deal turned into genocide, and we all know what the Holocaust unfortunately was during that era.

Rabbi Saperstein, you and your organization have issued condemnation swiftly, and I want to commend you for doing that. I am wondering if you could comment on this. I am introducing legislation, and I might say, in just a little over a day of circulating the resolution in Congress condemning the policy of the Taliban toward Hindus, we have over 50 co-sponsors, many of whom are Members of this Committee, certainly more than a dozen, and bipartisan support on both sides of the aisle for this. So, Rabbi Saperstein, I wonder if you can comment on it. If anyone else would care to, I would be grateful.

Rabbi SAPERSTEIN. Mr. Tancredo earlier cited what is known in legislative construction as the "but-for" construction. If you are silent, you know, but for a mention of it, certain things should be presumed. Nothing should be presumed from the absence of having talked about Afghanistan or, for that matter, Myanmar or Iraq or other countries that are on the State Department CPC list. There are a number of countries in which the State Department's report is compelling in terms of the ongoing, egregious, and systemic persecution that exists in that country. And we have used as much leverage as we are capable of doing in many of those places. So, we did not go over all the territory where we thought in the main the State Department was doing a good job.

There are times, of course, where circumstances change and require a certain kind of response. We are a bit shackled by the fact that at this point two of the people sitting here are former commis-

sioners, and we do not have a quorum yet on the new Commission. So, the State Department's report speaks for itself. Its actions speak for themselves. They have been approved implicitly by the work of the Commission in terms of Afghanistan.

You asked me, it sounded to me, somewhat on an individual basis. So, if you all permit me to respond individually and not formally on behalf of the Commission, I would say I agree with everything that you said here. What has happened in Afghanistan in the last few days adds another dire and dismal chapter to the unfolding of systematic human rights abuses and religious freedom abuses. It resonates with some of the darkest moments of human history that we have seen at any time, let alone in this century; that is the beginning of the Nazi destruction of the Jewish people—and not just the Jews. Gypsies had to wear stars and gays had to wear stars and others were singled out for identification as to who they are. The justification for this, that they are protecting people from the coercive practices of the religious beliefs that force people to behave in a certain kind of religious manner, is itself palpably a violation of numerous international human rights accords, including provisions on religious freedom. So, this is an appalling situation, and it seems to me within the spirit of what this Commission was set up to urge. The kind of response that you are generating on The Hill reflects those values and reflects that urgency here. As I said, that is an individual view. It does not formally reflect the view of the Commission, but my colleagues can also, if they want to, join in.

Ms. SHEA. Yes. I am also deeply concerned about what is happening and unfolding before our eyes in Afghanistan. It seems to have taken a turn for the worse with the destruction of the Buddhist statues and increasingly more virulent antagonism toward other religious minorities inside the country. And I will pledge to raise that as an order of priority when the Commission does convene.

Mr. ENGEL. Thank you.

Dr. AL-MARAYATI. I would like to add my thoughts to this, speaking again as an individual, because, as Rabbi Saperstein said, we have not taken up this issue specifically as a Commission.

First, I would like to point out also that many of the repressive measures of the Taliban government affect the majority Muslim population very significantly. Secondly, I think it is significant and should really be remarked upon that a large group of Muslim leaders from around the world went to Afghanistan to try to dissuade them from demolishing the Buddhist statues. And I do believe you will start to hear some response within the Muslim community because this form of targeting of minorities in a Muslim country is unprecedented and has no textual basis in Islam either. So, I would urge you in your efforts in looking at the situation in Afghanistan that hopefully are to improve human rights for all the people of that country—that you would partner with groups including those in that country, who are opposed to the Taliban's interpretation of the religion—as it does not necessarily uphold the values of the religion that they claim to.

Mr. ENGEL. Well, thank you. I want to note, Mr. Chairman, that you are one of the 50 co-sponsors of my resolution, and I thank you for that.

Mr. SMITH. Thank you, Mr. Engel for your leadership.

Mr. ENGEL. Thank you.

Mr. SMITH. The Chair recognizes Mr. Pitts.

Mr. PITTS. I thank the Commission members for testifying today and for the outstanding work you do.

The importance of focusing on religious freedom violations around the world, I think, continues to be underscored by daily reports, such as the Taliban ordering religious minorities to be identified by labels. Yesterday, I just met with Russian Pentecostal believers who shared about the recent religiously-motivated killings and the church firebombings in Russia, as well as in Ukraine and Belarus. And, unfortunately, it sounds as if the persecution is increasing there, not decreasing.

I think it is important to distinguish between the fact that sometimes persecution occurs at the hands of some governments, and sometimes at the hands of communities with no governmental involvement. Some governments do not have outright policies to discriminate against religious minorities. However, in some cases, communities, with the tacit approval of certain security forces, often look the other way when the persecution occurs, and denial of justice occurs by governments when the governments themselves, though not directly involved in the persecution, directly encourage it by their policies, their actions, and their statements.

I think a prime example of this was in Egypt where the governmental courts exonerated individuals charged with arresting, torturing, and persecuting thousands of Coptic Christians in the Al Kosheh, after which they increased compensation and even gave a job promotion to some of the security officials responsible. And further, those individuals who defend the rights of the persecuted minorities are attacked or even charged with various alleged crimes such as Dr. Saad Eddin Ibrahim who was sentenced this week to 7 years in prison largely for defending the role of religious minorities in that country. And we could go on and on.

But I want to ask you about a trend that I see in certain former Soviet states. There seems to be a clear tendency in these post-Soviet states to restrict freedom of religion and the right of individuals to practice or spread their faith. Some of these countries are passing Soviet-style laws under the alleged need to combat Islamic fundamentalism. Could you comment on that? How should the United States Government deal with this trend that we see in these countries?

Dr. AL-MARAYATI. One of the countries that we did look at specifically was Turkmenistan, which is one of the most totalitarian regimes in the region. We did not spend time going into detail with some of the others that have problems that you are alluding to, such as in Uzbekistan. So, I think that that perhaps is an area that the next Commission should take up because it is going to require much more attention. This has been an area that the Helsinki Commission has addressed to some extent as well.

But the kinds of things you are talking about include mass arrests, the formation of an official religion, or "recognized" groups in

any given country. Anybody who is outside of that, whether they are Muslim or Christian or Evangelical groups and so forth, then suffer from repression and restrictions on their right to worship and also on basic human rights. But I think that, I would say, would be an excellent area that the new Commission could take up and expand further—going beyond what we have looked at with the country of Turkmenistan.

I don't know if you have other things to contribute.

Rabbi SAPERSTEIN. I think you correctly pointed out some of the complexities of the situation in Russia, where there is a mix of problems. The national government policy is counterproductive, but it is better than what occurs at the local level and the difficulties religious groups have in dealing with local level authorities who don't obey some of the positive edicts that come out of the national entities.

On the issue of the former Soviet Union in general, this is a problem. We have addressed this along the lines as Dr. Al-Marayati indicated. I would point out that last year in our report we addressed, because of the urgency of it, what was happening in Chechnya. And without making any judgment about various claims and merits, we were sharply critical of the use of religion as a pretext to mobilize the population to support the war and the religiousization of that conflict, primarily by the Russian authorities. And that kind of use of religion by a political entity to generate antipathy, hostility, and support for armed conflict is woefully inappropriate. And we are seeing that play out often under the excuse of these religious concerns.

So, this is a concern we are looking at. What happens in Russia has an enormous impact on what happens in many of the other new republics that have sprung out, and it is one of the reasons we focused on it last year. And as Laila Al-Marayati indicated, we did recommend that Turkmenistan be designated a CPC. It was not designated so by the State Department, but that was our recommendation.

Mr. PITTS. Last year, your Commission recommended that the U.S. Government take positive steps to promote religious freedom such as exchanges between U.S., Russian religious leaders, and other leaders, and legal rights organizations. Has the U.S. Government initiated such programs? If so, who chooses the participants? And, if so, has it been possible to gauge any results of these programs?

Rabbi SAPERSTEIN. We have been, as part of our ongoing discussions with the State Department, asking the same question. We don't have clear answers yet. The jury is still out on that issue. There have been discussions with AID. There have been discussions with the desk officers here. This will be part of the ongoing dialogue. And I think the next time we appear before you, we will be able to give you a clear answer whether or not that recommendation was implemented as fully as we had hoped and exactly in what manner. Or, conversely, as you have the appropriate representatives of the State Department before you at various hearings this year, that might be something that you want to pursue with them as well.

Mr. PITTS. Another thing. With the country reports not reflecting, for instance, the rise in persecution against the Pentecostals, I asked them if they transmitted any of their cases or information to the embassies. They said no, they are put in prison if they do that. The country reports are written by the embassy there in Moscow. So, somehow, we need to get the information to the State Department. And also, perhaps, your Commission, if you get information like this, ought to reflect it in your report since the ones who are being persecuted are under constraints from even transmitting such information.

Rabbi SAPERSTEIN. That is a good recommendation. We too have met with the Pentecostals. The staff of the Commission has also met with the group that you met with. Whenever visitors come to meet with commissioners or the staff of the Commission, any relevant information that they have we immediately forward to the Department of State. And that helps create another conduit and flow of information, where it might not come through the embassies.

I do know in this case though that there have been meetings of embassy officials with several of the groups that have run into problems over the years, and I hope they will continue vigorously. It is not a secret what is happening with some of these groups. I am very hopeful that the embassy staff there will take the initiative to reach out to these groups and define exactly what the problems are and bring that back to the State Department and use it as a factor in their own diplomatic interactions with the appropriate officials of the appropriate agencies in the Russian government.

Mr. PITTS. And, again, thank you, Mr. Chairman and thank the Commission members for the wonderful work you are doing, and the excellent report to try to make religious liberty a fundamental right of people all around the world. Thank you.

Mr. SMITH. Thank you very much, Mr. Pitts. The Chair recognizes the Gentlelady from Virginia, Ms. Davis.

Ms. DAVIS. Thank you, Mr. Chairman. I would like to echo what my friend Mr. Pitts said that I thank you very much for the work that you do to protect religious freedom around the world.

To go back to one thing that he said when he spoke about the Coptic Christians in Egypt who were tried, were there procedural protections in-place when they were tried by the Egyptian courts? And if they were, were they followed? Do you all know that?

Ms. SHEA. I want to clarify that I think what you are talking about is there was a recent trial of suspects in the murder of 21 Coptic Christians—

Ms. DAVIS. Right.

Ms. SHEA [continuing]. That took place at a massacre in January 2000.

There was no real due process at all. It was a sham trial. It did not result in any convictions for the murderers of the Christians. And I understand that the government's promised the delegation of our commissioners who went to Egypt that there is going to be an appeal from this basically wholesale acquittal. You know, it was a mass trial. There was really no attempt to gather any kind of information or debrief anybody or investigate what had happened.

And my own organization, Freedom House, did do that kind of investigation to some extent. We just barely scratched the surface, but people's names were known. People who carried out the deeds are well-known in the community. They are from that community, which makes it all the more troublesome because it can flare-up again.

And it is rather a new phenomenon within Egypt. It is not just a group of terrorists from outside the region. It was the neighbors of the Christians who were engaged in the murders.

So, we are very concerned that this does not spiral. I am concerned that this does not spiral out of control and that there be a serious investigation. I am not hopeful that there will be, though, by the government. After Al Kosheh I (one), which Congressman Pitts raised, a thousand Christians were rounded-up and subject to police abuse and torture. No one was punished. None of the police officers were seriously investigated. And, in fact, some of the culprits who were known in the community were given promotions and transfers.

So, I am not at all optimistic that the government's promises will happen and that there will be an appeal.

Rabbi SAPERSTEIN. Laila, did you want to—

Dr. AL-MARAYATI. Yes. I think one of the things we found in our discussions on the trip to Egypt was that there was a basic consensus that the problems related to the police force and the ability to gather evidence that could be useful in court, although they felt that the judge did the best that he could under the circumstances. With that said, I think it reflects widespread problems throughout Egyptian society and raises the question of whether due process is really available to the majority of the people of that country, Christians, Muslims and others.

And so, whether the process of appeal will bring an opportunity to overcome the problems of the first trial is a big question mark. But it reflects an underlying systemic problem that must be addressed in the country as a whole to ensure due process for all its citizens.

Ms. DAVIS. Do you think it may stem more just from the country and their system as opposed to religious problems?

Dr. AL-MARAYATI. That is my personal opinion, and others might disagree with me.

Rabbi SAPERSTEIN. A couple of things. First, the issue of due process and lack of due process is dealt with in the State Department Human Rights Reports, and the limitations there are spelled-out. The descriptions of the inadequacies of this trial is reflected by the fact that the public prosecutor himself representing the government asked for an appeal of the verdicts that were given. So, there were clearly real problems in what happened there.

We, as the Commission, have not looked at some of the technical issues related to the trial to make a judgment on the trial itself. And it is clear that as with so many of these cases that we deal with where religion is a significant factor, that the problems religious minorities face are not just religious problems. They are a complex interaction of religious, political, legal, and ethnic issues of persecution and tensions and strife that exist in many communities. It is clear that religion is a factor in what is going on here.

We have not made a judgment that it is the only factor or what proportion of the factors, but it is clear that the Commission has felt that religion is a factor here.

I think Dr. Al-Marayati is quite correct in saying that as far as these trials are concerned, clearly this was exacerbated by the limitations in due process that exist in this country as a whole.

Ms. SHEA. I would just like to add that I made a reservation on this point. I felt that after the Freedom House, the organization that I direct on religious freedom, investigated, we found a clear religious bias in this trial. There was a Muslim also killed by accident at the same time in the same constellation of events. The people responsible for his death were punished. There were sentences, but there was none for those accused of killing the Christians. So, there was enough due process. It is not a great legal system over there by any means. There are pervasive problems. But there was religious bias evident in this case.

Ms. DAVIS. I would just like to say that we all, I think, agree that the work that the Commission has done has been excellent. And, Ms. Shea, I guess you are the only one I can ask this question to because you are the only one we know of right now that is coming back: do you know of any direction that the Commission may be taking, where you are going to go in the future, what other countries you may be zeroing in on, just to make sure that you don't come back basically with the same reports just with small modifications in the future?

Ms. SHEA. Well, I know that we have been operating by consensus, so I can only speak for my own part. And I will be raising the situation in China, Afghanistan, Uzbekistan, Russia and Egypt as well. As we open our first meetings, I will put them on the table.

Rabbi SAPERSTEIN. Ms. Davis, let me also comment that the Commission itself took that challenge very seriously. And in our internal deliberations and internal documentations we left some guidelines on some of the issues that should be considered by the next group. We didn't want to say what they were publicly because we think the new Commission has a right to say what they are. But we took very seriously the need to continue to build on the constructive impact that the work of the Commission has had and, particularly, the even more manifest positive impact that the IRFA process as a whole has had in furthering the role that religious freedom has in American foreign policy.

Ms. DAVIS. Thank you so much, and thank you, Mr. Chairman.

Mr. SMITH. Ms. Davis, thank you very much. Let me ask some—

Ms. SHEA. I just want to assure you, Mr. Chairman, Vietnam will also be on that list.

Dr. AL-MARAYATI. I am sorry to interrupt, but I would also like to add that I had expressed a view that I think that the next Commission should develop an objective set of criteria that will help them determine which countries merit review—whether it is countries they have already looked at that, even though they may make minor modifications, still require ongoing scrutiny or new ones to add to that list.

But I think it would enable them to then make those decisions in a very focused way and maintain credibility at the same time,

especially if the Commission continues on into the future. But I think that is an extremely important aspect that must be addressed as well by the next group of commissioners.

Mr. SMITH. Thank you very much, Doctor. I want to thank Dr. Al-Marayati for your comments earlier about the Uighurs. This Full Committee as well as our Subcommittee has held numerous hearings on Chinese human rights abuses, and we have been, I think, painstakingly attentive. You have been very helpful in that, as have others, in ensuring that the Uighurs, who are often forgotten, are fully recognized for the excruciating pain, the executions, the public executions that they have endured at the hands of the PRC. And I think your comments were very well-taken.

And you also, as part of the OSCE Human Dimensions session in Warsaw in 1998, did an extraordinarily good job, and I think the record should reflect that. And we are very, very grateful on the Commission for that.

I do have some additional questions, and perhaps my colleagues might have a few as well. We thank you for your patience and your generosity of time here. If you do have to leave, we certainly would understand it. It has been a long hearing.

Let me just begin with France and some of the countries, some of the more mature democracies which we have detected on the Helsinki Commission and International Relations Committee as moving increasingly toward—there has been a rising tide of intolerance toward minority religions. Through the use of registration, more and more religious beliefs are being put outside the realm of legal protection and into a no-man's land: persecution at the extreme, and persona non grata as the norm. What do you think is generating this?

France comes to mind. There is going to be an OSCE parliamentary assembly in July. They will be hosting it. Many of us are going there. I will be part of that delegation, perhaps may even lead it. But the concern that many of us have is that when the very delegates there speaking about human rights abuses have them in their own country, there is not always a determination to get down to work and tackle this.

Rabbi Saperstein, do you or any of the others have any comments on these laws? Austria has such a law. Many of the developing countries in central and eastern Europe have taken a page out of the French experience and the Austrian experience.

Rabbi SAPERSTEIN. Dr. Al-Marayati has to leave—

Mr. SMITH. Okay.

Rabbi SAPERSTEIN [continuing]. So I don't know if she wanted to say anything in closing.

Dr. AL-MARAYATI. Well, I will defer that to my fellow commissioners. I would like to thank you very much for all of your work on behalf of religious freedom. It has been my honor and privilege to be on this Commission for the past 2 years, and I wish all the best for the new Commission. I apologize for having to leave, but I do have another commitment right now. But thank you again.

Mr. SMITH. Thank you.

Rabbi SAPERSTEIN. Travel safely.

The Commission has not addressed those issues as of yet. As you know, the Commission envisioned its work as an expanding circle

of issues and countries that we would be undertaking. And, clearly, there has been a lot of activity in the area as you have just described here. So, I would imagine that there will be greater consideration about focusing on some of the systemic issues involved here, that is, how cults and sects are dealt with, registration laws or the specific countries involved.

So, anything that we would say at this point we can't do formally in our role as commissioners or on behalf of the Commission. On a personal basis, you have an obvious mix, Mr. Chairman, of concerns about immigration factors, ethnic factors, and prejudices that have manifested in so many societies toward cults and sects all coming together. And these are some of the issues that are going to have to be addressed by our government certainly, and, therefore, I suspect, increasingly, the Commission's going to have to look at some of them.

Nina, did you want to—

Ms. SHEA. Yes. I just wanted to add I think you are right to point out the hypocrisy of countries like France or Austria denouncing other countries when they themselves are putting restrictions on cults, identifying them and, in some instances, banning them or restricting them. In fact, it is already happening where they are conscious about this hypocrisy. And I have noticed it in their toning down, their being silent about the persecution of Falun Gong in China, where they have been reluctant to put Falun Gong in the category of spiritual groups or religious groups because they believe that they are a cult and are reluctant to champion their rights at this point.

In just speaking as a Freedom House employee, Ambassador Mark Palmer on our board of directors was just in Germany, I think, last week with a high-level person in Falun Gong, and no one in the government in Germany would meet with them to even talk about the problems there. So, it is an increasing problem.

Rabbi SAPERSTEIN. Let me also add one very important note about this. When I traveled during my term as Chair to eastern Europe, for example, or in meetings that we have had with Chinese minority communities particularly based in Hong Kong, we heard over and over again from people that what they want to do is model after the laws, rules, and regulations being enacted by the democratic countries, and particularly in western Europe. So, you hear talk that Hong Kong may model what they are doing after France. We heard in visits in Romania that, floating for awhile, was a very problematic registration law, very restrictive, but they felt they were not doing anything differently than Germany, and Germany is doing all right.

So, these are important countries not only in terms of the impact that they have on the populations that are under their jurisdiction. They are also vitally important because they are often seen by others as a model. And if democratic countries are going to engage in restrictive legislation and regulation and administration, particularly victimizing the most vulnerable, the smallest, the groups that appear to them to be different or disfavored here, if they are going to justify that as a democracy, it would be modeled by many other countries across the world. Those countries intending to do the right thing will fail because they will have used a model that was

not fulfilling the full freedoms protected in international accords that IRFA has cited. Other countries are looking for a subterfuge or a cover to continue to engage in the discrimination and persecution in which they are involved, and the fact that a democratic country offers that to them is a ready excuse.

So, on both levels, what is happening in western Europe should be of significant concern to people who care about religious freedom.

Mr. SMITH. Thank you, Rabbi Saperstein. On that point, as you probably know, the Chief Executive of Hong Kong said yesterday that he would “study all the options available to us” concerning the Falun Gong religious organization. Other Hong Kong officials, as you know, have called Falun Gong an evil cult. And the concern, and perhaps you might share it, is that they may be moving to ban the Falun Gong.

And, as we know, last year, according to the *Country Reports on Human Rights Practices*, in excess of 100 Falun Gong practitioners were tortured to death. Many thousands are being held in the Lao Gai and in prison, but—tortured to death. And virtually every day I log on to sites in China to look at the most recent outrage being expressed by the Chinese government again Falun Gong as they create—or seemingly to try to create—this sense that everyone is against them. The masses are moving against Falun Gong, which becomes a pretext for torturing people to death. And the concern is that maybe Hong Kong might be following suit.

Let me ask, on the issue of India, on which the Commission has spent some time yesterday. My wife and I had the privilege of being with Ambassador Mung Singh, who is a very distinguished Ambassador from India. He and his wife had invited my wife and me and others to be with him and the Dalai Lama. And we are very grateful for the refuge that India has provided to the Dalai Lama.

And, as you point out, and it bears repeating, the U.S. Commission has directed its attention to India in light of the disturbing increase in the past several years in severe violence against religious minorities of that country. The violence is especially troubling because it has coincided with the increase in political influence at the national and, in some places, the state level of—and then it goes on to talk about how India generally respects religious freedom—the BJP-led government may not be directly responsible for instigating the violence, but may not be doing all it can to pursue it. And if you could speak to that issue since there is a growing escalation of violence against minority groups. Sometimes errors of omission, of not cracking down on doers of violence, makes one complicit with that violence. If you could speak to that. Ms. Shea?

Ms. SHEA. Yes. Thank you. Yes, we are very concerned about the assassinations, the burnings of Christians, and of the Muslim minority situation there. And it is a growing sort of nationalist rhetoric that is very virulent and fueling this atmosphere in which people feel that they can attack religious minorities and get away with it. We feel that the United States Government needs to really press India, which after all is a democracy, to take very firm action and to make very firm statements opposing it. And we do not feel satisfied that this has been done at this point.

So, we are very concerned with the status of minorities' religions in India and think that the United States should be firm and clear in its message to India and should also provide some assistance, if necessary, to help promote education and religious tolerance.

Rabbi SAPERSTEIN. It is clear, Mr. Chairman, that India is a country now that is dealing with many strains and many difficulties. The Sangh Parivar strand of the BJP's support, that is particularly nationalistic and Hindu nationalistic in its form, is altering the tone and the culture of the country. Recommendations are being made to nationalize the minority churches now, so that like in China there would be an official national church, by some who are part of the broader ruling coalition. It is extremely alarming.

The lack of vigorous response by the government when the kinds of incidents that you have cited have taken place, are a concern as well. It is 2½ years after the murder of the Staines family, who was engaged in evangelical, religious activity in India. It took over a year for the arrest of a well-known suspect in that case, and the trial is still going on after all this time, with a lot of foot-dragging. With the burning of the churches there also wasn't the kind of response that we would have hoped.

On the other hand, it is clear that the government is not making this a part of its formal policy and is trying to address it in some way. So, we have a mixed record here. It seems to me in a case where you have this kind of mixed record, in a case where the United States still has close relations with a country, this is a perfect case—without getting into public finger-pointing and name-calling—where the kind of recommendations we made to use diplomatic and assistance resources in bilateral cooperative opportunities could begin to change the climate and encourage the national government to step-up its involvement. This is exactly where diplomacy can work best.

It doesn't always work in countries, let us say, like Burma, where they are totally sanctioned up to the hilt. That is not the relationship we have and certainly don't want with the Indian government. There is enormous appreciation for the accomplishments of the Indian experience since independence.

But these are real problems that cannot be ignored. Real people's lives are being limited and afflicted because of problems, whatever the source of them. And only a strong government response can really help remedy this situation.

Mr. SMITH. Thank you very much, Rabbi Saperstein and Ms. Shea. I have one final question I would just like to ask, but before doing so I note my appreciation, and I am sure that of many others, that North Korea is being focused upon by the Commission. Very often, because we are barred virtually any access to that country, it escapes scrutiny. I happen to believe it is one of those nations that should be of particular interest because it certainly is one of the most repressive regimes on the face of the planet in all ways including religious intolerance. So, we thank you for that, and you might want to respond to that.

My question is this: immediately prior to this hearing, Chairman Hyde hosted a dialogue with Secretary General Kofi Annan from the United Nations and several key people on his staff. And it was a very good, robust exchange on issues. I am sure there is some

concern at the U.N. about the possibility, especially in light of the Hyde-Lantos amendment passing, of withholding the final arrearage until the United States regains a seat on the U.N. Commission in Geneva for Human Rights.

I know, Ms. Shea, you did magnificent work at that Commission just recently—I was there just for 3 days and you were there for, what, 3 weeks or longer—in pressing members of the Commission to honestly, transparently speak for the oppressed and to cease this hand-in-glove relationship, which is all too often the case, with the oppressor. I find it appalling. I mean, the U.N. Human Rights Commission should want none of that and, yet, it becomes an area where human rights can be politicized.

I raised two questions with Secretary General Kofi Annan. Perhaps this may not be in the purview of the Commission, but I am sure you might have some personal views. Perhaps it should be part of what your Commission looks into. And that is how international bodies, international fora presented to us by the U.N. might be used, or regional bodies, to advance the cause of religious freedom.

And the two questions I asked him had to do with membership. The first question was this: the member states themselves, isn't there or shouldn't there be a threshold question about behavior? Is there not a modicum of behavior that should be required before one sits on the U.N. Human Rights Commission? I said to the Secretary, if you put it in fast-reverse and went back 50-plus years, the Nazis could sit on the U.N. Human Rights Commission and be members in good standing and sit in judgment, if you will, or cloud the inquiry of the Commission, because there is no stricture about behavior. Don't pay your arrearages, perhaps you may lose your seat. We do set some criteria, but we don't set them when it comes to behavior, and I find that appalling. That is an area ripe for reform.

I am not as outraged that the U.S. lost its seat. Perhaps there was inattention to detail. I don't know. Perhaps the European friends and allies would rather we not raise China and not raise other issues with the sense of mission that our delegation has done this year and in previous years so diligently. So, you know, keep it under the table, speak softly and do nothing, rather than at least speaking loudly, because very often we do nothing anyway.

The other issue has to do with the NGOs, and I asked the Secretary about this as well. And I would appreciate your views on this. It seems to be that the accreditation process should be regularized. To have rogue states as part of ECOSOC, having the ability to veto and to put Freedom House, to put Family Research Council, the Wiesenthal organization under the fire, or the Baptist World Alliance, and perhaps others, is outrageous. If you have certain criteria, they should be regularized and not be left up to the whim or caprice of these member states who don't like that perhaps Chechnya is being talked about.

In the case of the Family Research Council, apparently they brought up the right to life issue and trafficking. As you know, Rabbi Saperstein, having worked so hard on the recently-enacted trafficking bill, that is an area that we are all very proud of and we want more not less cooperation. And to use that as a black

mark against a group which had bipartisan and broad ideological support is appalling as well.

So, with respect to the membership of the NGO's—again, keeping out Freedom House—a whole area of scrutiny is not focused upon, and should there be at least some behavioral minimums before one can sit? I mean, to have Sudan and many of these other countries is outrageous.

Ms. SHEA. Well, I agree with you 100 percent, speaking as an individual and a representative of Freedom House, not as a commissioner because we haven't addressed this. This all happened after we finished our report. It is a serious problem. There is every incentive for the rogue state, for the human rights violator to get on these bodies because once they are on, they can then shield themselves, as we saw China do, from public scrutiny and censure. So, the system clearly does not work right now.

Rabbi SAPERSTEIN. Let me just add that it is appalling that these international forums are politicized enough that they are unable to do the work they were set-up to do. That ultimately to me is the test. The notion that the United States could ask for action against Sudan, considering what is happening there, and China, considering what is happening there, and the Commission on Human Rights simply fails to act because of the politicking that goes on is a great tragedy. The different ingredients of what it will take to remedy that are the proposals you have put on the table. I think this Administration is going to be looking at a number of proposals, as well. I think this has to be a major priority for us.

But the U.N. Human Rights Commission has to be made to work more accurately, to be more of a truth-telling entity. And it is clear that it has really, at least in the last period of time, substantially failed in that regard. And that is a great loss to the world. It is a great loss to people who are the victims of human rights abuses and religious persecution.

I hope that this Administration will take your challenge and try to find an effective way to begin to redress these problems.

Ms. SHEA. Yeah. Let me just add that I think it does at least intersect with our mandate as a commission. And several of our recommendations on a number of countries, such as Vietnam and China, are to continue sponsoring resolutions on the Commission. And, of course, we can't now. And we haven't been able to be effective on China anyhow in the Commission because China's there and it develops alliances with other rogue states. So, I think that it does intersect with our mandate, and maybe we should look at it and take it up.

Mr. SMITH. I would respectfully request that you do at least consider undertaking that because, again, that becomes part of the problem. Given the expertise of the commissioners themselves, and Mr. McFarland and his expertise—you have a very, very professional staff. And I think that the recommendations that you make after you dissect and study the issue in great detail, could be very effective in encouraging reform. Because if ever there is an area ripe for reform, this is it, it seems to me. And we have all seen it first-hand, you perhaps even more than I.

Rabbi SAPERSTEIN. Mr. Chairman, I just want to thank you. You have been extraordinary on this issue, and we all owe you a debt

of gratitude for your leadership on this issue. So, thank you very much.

Mr. SMITH. Rabbi, thank you for your great work as Chairman and for your work on behalf of religious freedom in the United States as well as outside our boundaries and, Nina, to you and members of the Commission, and Mr. McFarland. And we are pushing hard for Nina, I think you are the only one who has been reappointed.

Rabbi SAPERSTEIN. Dean Young has been reappointed by Mr. Lott also, Senator Lott also. So, we are making a little progress here, but we still have——

Mr. SMITH. Progress moves too slowly.

Rabbi SAPERSTEIN [continuing]. Seven more to go.

Mr. SMITH. But thank you for your extraordinarily good work. You are making the difference, and I look forward to working with you in the future.

Rabbi SAPERSTEIN. Thank you.

Mr. SMITH. The hearing is adjourned.

[Whereupon, at 1:55 p.m. the Committee was adjourned.]



## A P P E N D I X

### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, thank you for holding this timely hearing on *Religious Freedom: A Global View*. And, thank you to Commission members for testifying today. The importance of focusing on religious freedom violations around the world continues to be underscored by the daily reports I receive in my office. Even yesterday, as many of you know, news and other reports revealed that the Taliban in Afghanistan ordered that religious minorities be identified by labels on their clothing. Yesterday, I also met with Russian Pentecostal believers who shared about recent religiously motivated killings and church firebombings. Unfortunately, it sounds like the persecution in Russia is increasing, not decreasing. In Central Asia, there are continued concerns about restrictive laws and the many Christians and Muslims who are in prison solely for the peaceful practice of their religious beliefs. In Indonesia, high profile groups such as the Laskar Jihad have wreaked havoc in Muslim and Christian communities in the Malukus and other areas. In Tibet, Sudan, North Korea, Vietnam, Laos, Burma, India, Pakistan, Egypt, Cuba, and China, religious believers have faced harassment, job loss, beatings, arrest, imprisonment, and torture, forced renunciation of their faith, and sometimes even death.

It is important to distinguish between the fact that persecution occurs at the hands of some governments, but also at the hands of communities with no direct government involvement. Some governments do not have outright policies to discriminate against religious minorities. However, in some cases communities, with the tacit approval of certain security forces, often look the other way when persecution occurs. Denial of justice occurs by governments when the governments themselves, though not directly involved in persecution, indirectly encourage it by their statements, actions and subsequent policies. A prime example of this is a case in Egypt in which the government exonerated individuals charged with persecuting, arresting, and torturing over 1,000 Coptic Christians, and even gave job promotions to the security officials responsible for the persecution. Further, those individuals who defend the rights of persecuted minorities are attacked and even charged with various alleged crimes, such as Dr. Saad Eddin Ibrahim who was sentenced this week to seven years in prison largely for defending the role of religious minorities in that nation.

In Vietnam, authorities are forcing many tribal groups to renounce whatever faith they may hold. Reports reflect an anti-Christian campaign by Vietnamese officials. Vietnamese government documents support these reports. One particular document describes a "pilot project" aimed at preventing the growth of Christianity throughout the country. In certain regions, government officials "encourage" villagers to attend seminars to learn about the government's attitude toward Christianity. Villagers are required to sign a statement promising that they will not study the Christian religion or take part in any Christian activities (such as Bible reading or worship services), will actively tell others not to participate in the Christian religion, will inform the government of anyone else who follows Christianity or engages in Christian activities, and will want the government to hold them accountable should they somehow not uphold the statements on the signed document. Individuals who refuse to sign the statement often are detained and imprisoned for "illegally propagating religion" or causing social unrest. In certain instances, reports reveal that authorities have beaten or withheld food and water in order to force people to sign the government document. Officials also allegedly have forced some individuals to sacrifice animals as a sign of their "true" rejection of Christianity and their return to traditional religion.

In India, recent reports in past weeks describe a number of separate incidents. In one incident, three Roman Catholic priests were murdered in Manipur state by three militants who were demanding protection money from a Catholic school. In a second incident, on May 8, in Bihar state, a Catholic church was bombed and perpetrators left a warning note stating the India is a Hindu nation and Christians should leave India. Also on May 8, a Muslim school was burned in Navangar village. These are not isolated incidents but are part of a recurring and increasing pattern throughout that nation.

In Pakistan, the blasphemy law and separate electorates serve to isolate and marginalize many religious and ethnic minorities. Ahmadis, Christians, Hindus, Sindhis, and other groups suffer as a result of the discrimination and persecution.

In North Korea, anyone who holds religious beliefs is subject to labor and or re-socialization camps and terrible beatings and torture. One report states that "The different forms of torture are too numerous to recount. Sometimes they put a wooden stick with sharp edges behind my knees, make me kneel, and then trampled my body with their heavy boots. At other times, they would hang me by the shackles on my wrists, high enough so that I was forced to stand on tiptoe. At night water would fill the solitary cell up to my stomach, depriving me of any sleep. During the long hours underwater my body would gradually swell up, making it difficult for me to keep my balance. If I fell, the guards kicked me until I scrambled up again in extreme pain and fatigue."

In Saudi Arabia, minority Muslim religious believers, Christians, and other groups face terrible persecution from the government and the 40,000 religious police who roam the country. Two days ago, I received a list of 14 Muslims Sheiks in prison because of their faith. Most of the men have languished in prison for seven years with no charges filed against them and, along with many other prisoners, they have been tortured. There over 190 other documented Muslim religious prisoners mainly from the Shia Jafari and Ismaili communities. And, on April 29, eleven Shia Ismaili leaders were arrested immediately after leaving the hotel in which they met with Crown Prince Abdullah to request the release of Ismaili prisoners.

In China, on October 16, 2000, a young man, Liu Haitao was murdered in prison by guards who tortured and beat him to death. The only reason he was in prison was for attending a Bible training seminar—not a threatening gathering whatsoever. However, the beatings and the ensuing death from kidney ailments would never have happened if Mr. Liu had not held his religious beliefs. What does the Chinese government say about the death of Mr. Liu, and many other individuals, at their hands? Nothing—there seems to be no apology needed if the Chinese government kills a Chinese person.

Mr. Chairman, the examples above are but a few examples of religious freedom violations around the world. It is incumbent on the United States as a world leader for freedom and democracy to seek change so that all people of all nations can live and practice their religious beliefs in peace.

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PREPARED STATEMENT OF THE HONORABLE EARL F. HILLIARD, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ALABAMA

Chairman, Colleagues and distinguished guests: Thank you for giving me the opportunity to share my thoughts on such an important issue. Regardless, of what religion a person chooses; or the Name by which his God is known; religion is the essence of our humanity. It brings meaning, purpose and direction to our lives. It sustains us during turmoil and provides hope that pushes us to endure.

It is no wonder why some governments are threatened; for religion is a powerful force that has withstood time, oppression, and persecution. It has given man the strength to overcome the most hopeless circumstances.

The most dangerous element of religion to oppressive regimes is the underlying premise that there is a force greater than any entity on earth; and from this source every human being can derive a sense of value. Once people recognize their value to God, they will not allow their value to be diminished by any man—regardless of the shroud of authority in which he may be disguised. From a strong sense of purpose and a shared belief, Man can accomplish almost anything. An individual's freedom to exercise his chosen religion empowers them in every other aspect of their life.

I believe that if God has given man free agency and no man should seek to take that away from another. The willingness to do so, signals an alarm that should make everyone uncomfortable and very concerned.

I am pleased that this Commission has been formed, and that they have expanded their report considerably in their short existence. I hope for additional growth in the near future. I look forward to the testimony of our distinguished panel.

