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**U.S. COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM: FINDINGS ON RUSSIA, CHINA, AND
SUDAN; AND RELIGIOUS PERSECUTIONS IN THE
WORLD**

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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MAY 16 AND SEPTEMBER 7, 2000
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CONTENTS

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: FINDINGS ON RUSSIA,
CHINA, AND SUDAN
MAY 16, 2000

	Page
Abrams, Hon. Elliott, Member, U.S. Commission on International Religious Freedom; and president, Ethics and Public Policy Center, Washington, DC .	22
Prepared statement	25
Al-Marayati, Laila, MD, Commissioner, U.S. Commission on International Religious Freedom, dissent to testimony on religious freedom in Sudan	55
Kazemzadeh, Dr. Firuz, Member, U.S. Commission on International Religious Freedom; and secretary for External Affairs, National Spiritual Assembly of the Baha'is of the United States, Alta Loma, CA	29
Prepared statement	33
Saperstein, Rabbi David, Chairman, U.S. Commission on International Religious Freedom; and director, Religious Action Center of Reform Judaism, Washington, DC	16
Prepared statement	20
Seiple, Hon. Robert A., Ambassador at Large for International Religious Freedom, Department of State, Washington, DC	3
Prepared statement	9
Response to additional question for the record from Senator Gordon Smith	16
Shea, Nina, Member, U.S. Commission on International Religious Freedom; and director, Center for Religious Freedom, Freedom House, Washington, DC	35
Prepared statement	38

RELIGIOUS PERSECUTION IN THE WORLD
SEPTEMBER 7, 2000

Feingold, Hon. Russell D., U.S. Senator from Wisconsin, prepared statement ..	58
Kazemzadeh, Dr. Firuz, Vice Chairman, U.S. Commission on International Religious Freedom, and secretary of External Affairs, National Spiritual Assembly of the Baha'is of the United States, Alta Loma, CA; accompanied by: Hon. Michael K. Young, Commission Member and dean, George Washington University Law School, Washington, DC; and Hon. John Bolton, Commission Member and senior vice president, American Enterprise Institute for Public Policy, Washington, DC	71
Prepared statement of Dr. Firuz Kazemzadeh (includes attachments)	76
Seiple, Hon. Robert A., Ambassador at Large for International Religious Freedom, Department of State, Washington, DC	59
Prepared statement	62
United States Commission on International Religious Freedom, responses to additional questions submitted for the record	89

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: FINDINGS ON RUSSIA, CHINA, AND SUDAN

TUESDAY, MAY 16, 2000

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:04 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Sam Brownback, presiding.

Present: Senators Brownback and Sarbanes.

Senator BROWNBACK. The hearing room will come to order.

Thank you all for joining us this morning on this Senate Foreign Relations full committee hearing on "U.S. Commission on International Religious Freedom: Findings on Russia, China, and Sudan," the title for this morning's hearing. I am especially pleased that the International Religious Freedom Commission that was created by the Congress has really taken its task seriously and moved forward aggressively, and that is what we are here to highlight today, what they are reporting on, and what we can do to implement the findings of the Commission.

There has been a stunning shift in foreign policy in the last 3 years involving a recognition of religious liberty as a respected human right, equal to the freedoms of press, speech, and assembly. This was not true even a few years ago when Members of Congress and foreign affairs intelligentsia were reluctant to seriously entertain this topic. A dark cloud of silence hung over the foreign affairs worlds which tended to dismiss religious persecution as too complicated or an internal issue, not to be meddled with, or a quirky expression of deeper nationalistic identities, or something just simply too amorphous to merit attention.

Of course, there were notable, courageous exceptions, people who fought alone for years, like Sam Erickson or one of the most tenacious advocates who will be testifying here today, Nina Shea. But there were really very few.

Consequently, innocent leaders remained in jail without a single letter being sent. Others were executed without one protest, and illegal peaceful religious communities were lost in the underground, forgotten by the West.

When I think of how precious my own faith is to me, I am truly grieved by the suffering which results from embracing a minority faith in a hostile country. I regularly get press reports of what has happened to people in other countries who simply try to practice their own faith. Last week I received a report of what was hap-

pening in North Korea, about Christians there being shot in public by firing squads simply for the desire to practice their own faith in that country, and just some horrifying stories that were taking place there. I wish this were the exception, that this only happened rarely and in only a few places around the world, but I am afraid it happens quite frequently and in a number of places around the world.

I think of the countless people in closed countries like China who may never hear a religious message that would comfort their souls in troubled times or really give meaning to lives. It may be fair to say that of all the rights a country might steal from its people, religious freedom is the most intimate one.

Then the light broke through the clouds in the form of the International Religious Freedom Act of 1998. This act, for the first time, began to insert religious liberty in the middle of the foreign policy debate. In the last 3 years, I believe there have been more conferences and articles on religious freedom than the several previous decades combined. You can thank the act for this. Also a number of activist groups have come together to press this issue. They have popularized the notion that religious freedom is a fundamental, universal, human right, which transcends the restraints of jealous nations. Therefore, I am honored to be chairing this hearing to see how far we have come and how far we need to go.

The act created a Commission which is represented today by five of its members. They will be discussing their first report, issued on May 1, which concentrates on three countries: the Sudan, Russia, and China.

Before we begin, let me first congratulate you, the Commission, on taking a very practical approach to the complex problems that were presented. I thought that the advocacy recommendations for each country were extremely good and, if implemented, will make a difference.

Regarding Sudan, I am grateful for the Commission's courageous conclusions, which I would like to begin to help implement. In particular, I have been pressing for direct, nonlethal assistance to the opposition forces in southern Sudan, which I note your report also recommends as well, after some conditions.

I have worked on religious liberty issues in all three of the countries, in the Sudan, Russia, and China, which will be addressed today. Given this, I am especially interested in the methods by which you intend to implement the recommendations and the actions that you call for.

Just on a final opening note, I hope this is something that we just start to see really coming to its own now, that we will see a lot more focus on religious freedom, a lot more intensity of the focus on religious freedom. I think it has been growing substantially over the past 3 years. I hope that is not a cyclical thing, but rather is something that we are on a trajectory toward growth, that we recognize this most fundamental of human rights, and that is to do with your own soul as you see fit and as you choose.

The administration witness is the first panel, and that will be Ambassador at Large for International Religious Freedom, Ambassador Robert Seiple, who sits also on the Commission. Welcome, Ambassador Seiple.

Following will be the second panel of four commissioners, Rabbi Saperstein, Elliott Abrams, Firuz Kazemzadeh, and Nina Shea, who also will address an individual country examined in this report.

With that, Ambassador Seiple, I am very pleased to have you here to report on the findings of the Commission. I have a few questions after your testimony. Thank you for joining us.

STATEMENT OF HON. ROBERT A. SEIPLE, AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador SEIPLE. Thank you very much. Thanks again for doing this today. Let me also say thank you for both your leadership and your passion on this issue. We feel we are very much in sync. It is nice to be able to work with folks like yourself on terribly important issues.

Let me also mention your able assistant, Sharon Payt, irrepressible Sharon, who has also guided us in this issue in so many different ways and so many different places. You both have been courageous in where you have visited, maybe more guts than brains. I am not sure. But it is great leadership, and the city takes note of that and I think this issue takes note of that and we are very grateful.

Senator BROWNBACK. Thank you and thanks for recognizing Sharon Payt's work too. I would add my recognition as well. She is uniquely qualified and does great work on the topic.

Ambassador SEIPLE. Mr. Chairman and members of the committee, I am pleased to appear before you today to testify on the report of the U.S. Commission on International Religious Freedom. Let me begin by thanking the chairman and the committee for their strong and continuing support in our work of promoting religious freedom internationally. Each of us here today shares a vision: a world in which every member of the human family is permitted to seek God in his or her own way, protected in that endeavor by the state, but also free from its interference. We seek to safeguard the most fundamental and precious of human longings, that of understanding who we are, why we are on this Earth, and how we ought to order our lives. If we are not free to seek the truth in such matters, then we are not living a fully human life.

The religious freedom policy of the United States is, of course, based in part on the American experience in which religious liberty was and is the first freedom of the Constitution. But the brilliance of the founders was that they articulated truths that went beyond mere national borders. Religious freedom is the first freedom of America not only because it is the first of the rights guaranteed by the Bill of Rights, but also because it is foundational for democracy itself. The Founders knew that a government which fails to honor religious freedom and freedom of conscience is a government which does not recognize the priority of the individual over the state and that the state exists to serve society, not vice versa. This is why they put religious freedom first, to acknowledge the sanctity of the human conscience and the importance of structuring society so that human beings may seek the truth unhindered by the state.

These are the universal values that all of us seek to promote as part of U.S. religious freedom policy. It makes sense from the standpoint of religion, from the standpoint of all human rights, and from the standpoint of promoting democracy. One of the key elements of our policy is the work of the independent and bipartisan U.S. Commission on International Religious Freedom. As the committee knows, the Commission was established by the International Religious Freedom Act, passed unanimously by both Houses of Congress, and signed by the President in October 1998. As Ambassador at Large for International Religious Freedom, I serve ex officio on that Commission as a non-voting member. I have attended the great majority of its meetings, have heard the views expressed by its Commissioners, and have given my own views when appropriate. It has been and continues to be a productive and professional relationship, one that is, I believe, faithful to the spirit of the act.

You have invited me to testify this morning on the Commission's first annual report, not as a member of the Commission, but as the principal adviser to the President and to the Secretary of State on international religious freedom. I am happy to do so. Let me begin with some comments on each of the three countries on which the report focused, Sudan, China, and Russia. Because I have recently testified before the Congress on China and Russia, I will allocate a bit more time today to Sudan. I will then conclude with a response to the Commission's critique of the State Department's own Report on International Religious Freedom.

Turning to Sudan, we agree with the report's assessment of the state of religious freedom in that country. The long and tragic civil war has created the context for unconscionable depredations against innocent civilians by the Sudanese Government or its agents. There have also been significant human rights violations by those opposing the government, although they are not equivalent. The causes of this war and its horrors, of course, are not exclusively religious. There are significant ethnic, political, and economic factors as well. But we agree with the Commission's conclusion that religion is a major factor in the crisis, evidenced by the government's extremist interpretation of Islam, which it imposes on all Sudanese Muslims, and its attempts to impose Sahri'a law on the Christians and traditional religionists in the south.

These policies form the context for slave raids by government-sponsored militias into the south, resulting in the enslavement of thousands of people, including women and children. While such behavior is not overtly motivated by religious differences, and has economic and ethnic roots, the slave raids have a significant religious dimension. Their victims are almost uniformly Christians and adherents of indigenous religions. Some of the children captured and sold into slavery have been forcibly converted to Islam.

The same can be said for the victims of government bombings in the Nuba Mountains and the south, an outrageous and ongoing use of lethal force against Christians, adherents of indigenous religions, and, in this case, Muslims who do not accept the government's interpretation of Islam. I was present at a remarkable meeting in February between the Secretary and Bishop Macram Max Gassis, the heroic Catholic bishop whose diocese includes the Nuba Moun-

tains. Everyone in the room was moved by his description of the 14 children—his children, he called them—who had been killed by aerial bombs just 1 week before. He told the Secretary that the dead were students in a Catholic school that includes children from Protestant and Muslim families, families adhering to indigenous religions, as well as Catholic families. And from an official of the Sudanese Government came the reprehensible announcement that the school was a legitimate military target.

So, Mr. Chairman, there is little disagreement that a humanitarian crisis of stunning proportions is occurring in Sudan and that religion plays a significant part. The real issue is how to address the crisis and what the role of the U.S. Government should be. The Commission has laid out a detailed set of policy recommendations which are being studied by the Department and which will, in due course, lead to a more considered reply. As a preliminary matter, however, let me make a few comments. A substantial part of the Commission's recommendations involves what is characterized as a comprehensive plan to bring pressure on the Government of Sudan to change its behavior. It calls for an informational campaign, unilateral economic pressures, and vigorous multilateral and bilateral efforts to increase economic and other pressures on the government.

We welcome these recommendations. Indeed, I would argue that we are in many ways already implementing them. For example, we agree that the United States should highlight Sudan's continued crimes against humanity wherever and whenever we can. I would note the Secretary's designation in October of Sudan as a country of particular concern under the International Religious Freedom Act for particularly severe violations of religious freedom, a status it shares with the worst abusers in history. We lobbied for comprehensive and accurate resolutions on Sudan at the U.N. General Assembly last November and at this April's U.N. Human Rights Commission in Geneva.

I would also note that the United States has had in place since November 1997 comprehensive sanctions on Sudan denying it virtually every economic advantage except for the sale of food and medicines and the humanitarian aid we provide to the victims of government violence and neglect. We have worked intensively during the past year to invigorate the peace process led by the Inter Governmental Authority on Development, a group of East African countries. These efforts have been led by the President's and Secretary's Special Envoy for Sudan, Ambassador Harry Johnston, whose mandate includes reinvigorating the peace process, pressing for human rights improvements, and ensuring the delivery of relief aid to victims of the conflict. We invite the Commission to work with us in finding ways to enhance and improve our implementation of these common objectives.

Let me also respond briefly to some of the Commission's other recommendations.

We agree that we should continue to do all that we can to meet the humanitarian needs of the victims of war. The United States provided in excess of \$159 million in humanitarian assistance in fiscal year 1999 and over \$1 billion since 1990, far more than any other donor.

We agree on the need to continue to provide food and other assistance outside of Operation Lifeline Sudan, while still supporting the critical role of OLS. In fiscal year 1999, USAID provided \$24 million in food aid and \$4.6 million in other emergency assistance through non-OLS NGO's.

The Commission's report recommends that we provide nonlethal aid to the opposition within 12 months if progress is not made by the Sudanese Government on critical human rights issues. I would note that fiscal year 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act authorizes, but does not require, the President to provide food assistance to opposition groups engaged in the protection of civilian populations from attacks by Sudanese Government forces. The administration has not made a decision to use the authority under this act at this time, but will continue to consult with Congress on this issue.

Let me now turn to China. Here again, I share the Commission's analysis of the status of religious freedom. Like Sudan, China was designated a country of particular concern for particularly severe violations of religious freedom. I recently testified on China before the Congressional Human Rights Caucus and gave an extensive analysis of the religious persecution, which continues to occur there, of Tibetan Buddhists, of Catholic and Protestant Christians, and of the Uighur Muslims. I need not repeat that testimony here, except to say that it was entirely consistent with the assessment provided by the Commission in their report.

Mr. Chairman, I know that people of good will can and do disagree over where our shared analysis of Chinese human rights abuses ought to take U.S. policy. Some believe that it should prevent the establishment of permanent normal trade relations [PNTR] or cause us to oppose Chinese entry into the World Trade Organization. The Commission itself, while noting that the great majority of its members are free traders, has recommended that the granting of permanent normal trade relations be conditioned on human rights improvements in China. I understand and respect this point of view.

However, I must disagree with the Commission. I believe that the setting of conditions on PNTR will not advance the cause of religious freedom in China and will not improve the circumstances of the religious adherents about whom we are all deeply concerned. This is because conditionality, as proposed by the Commission, and even a vote to reject PNTR, would provide little more than the appearance of U.S. leverage against the Chinese Government. It would not prevent Chinese entry into the WTO, nor would it deprive China of the economic benefits of WTO membership. What it would do is deprive the United States of the full economic benefits of China's market-opening commitments and severely restrict our ability to influence the course of events in China. It would reduce the role of American companies in bringing higher labor standards to China and in forcing local companies to compete in improving the lives of their workers.

However, with unconditional congressional approval of PNTR, China will enter the WTO bound by the full range of economic commitments contained in the U.S.-China bilateral trade agreement. These commitments will move China in the direction of openness,

accountability, reform, and rule of law, all of which will, over the long term, contribute to an improvement in the conditions for religious freedom in China. Failure to approve PNTR would deprive the United States of the ability to hold China to all of these commitments. Given China's likely entry into the WTO, it would also put us in conflict with WTO rules, which require immediate and unconditional provision of PNTR for all WTO members.

Despite my disagreement with the Commission on the issue of conditionality, however, I want to repeat that we are one in our common concern about abuses of religious freedom in China and together remain committed to sustained U.S. Government efforts to promote religious freedom.

Turning briefly to Russia, let me say that I share the Commission's concern over the continuing fragility of Russia's commitment to freedom of religion. As the committee knows, a good religion law passed in 1990 has been replaced by the 1997 law which creates a troublesome hierarchy of distinctions among religious groups. While the potential impact of the law has been mitigated by Federal authorities and the Constitutional Court, the opportunities for discrimination against particular religions remain plentiful. And while the amendment to the law signed by President Putin extended the re-registration deadline, it also appears to harden the requirement that groups not registered by the deadline be liquidated. We will, of course, be watching this issue very closely, and I will continue to express our concern to Russian authorities.

I do want to note the encouraging news that for the third time in recent weeks, local courts have ruled that members of the Jehovah's Witnesses have the right to choose civilian service in lieu of military service. This is not only a welcome sign of the proper operation of the Russian Constitution, which explicitly provides for alternative civilian service, but it also reflects a growing acceptance in Russia of religious-based differences.

As a general matter, we agree with the Commission recommendations for continued active monitoring of the situation in Russia and will continue to seek in our reports to give appropriate coverage to the various minority religions in the country. Although we have hosted a number of Russian religious leaders in visits to the United States—and I have met with some of them myself—we agree that we can and should do more. We will study with great interest the other recommendations, including the promotion of exchanges between Russian legal defenders and their counterparts here and the encouragement of Russian authorities to extend the length of visas for foreign religious workers wishing to remain in Russia.

Let me conclude by offering a brief response to the Commission's assessment of the first annual State Department Report on International Religious Freedom, which was presented to Congress last September. That report, as the committee knows, covers 194 countries worldwide and includes an extensive executive summary, which is mandated by the IRF Act. It is compiled and edited by the same talented and professional reports office that does the human rights report but my office, the Office of International Religious Freedom, is responsible for the final product. All of us are, of course, gratified by the Commission's praise of the report and the

judgment that it marks, as the Commission puts it, “a sea change” in focusing attention on religious freedom.

The Commission’s analysis also makes valuable suggestions for improving the report. They recommend, for example that we improve the organization of material, prioritize better, and identify more fully where there are gaps in our sources of information. They call for more context and a fuller articulation of our methodology in preparing the reports. Importantly, the Commission recommends the scrupulous avoidance of appearing to favor or disfavor any state or religious tradition over another and the imputation of particular extremist interpretations of religion to the religion itself.

Let me say that we welcome these and the other recommendations and we will take them seriously. Our respective staffs have worked closely together over the last several months and will continue to do so. As the Commission is sympathetically aware, our office is now in the process of doubling its size from a staff of three to six religious freedom action officers, plus an office director. In due course, our goal is to have nine action officers, enough to cover every region, and to pursue some of the many worthy reconciliation projects that warrant our attention. We are presently involved in such efforts in Kosovo, Lebanon, and Indonesia, but we could do more—much, much more. I would also note that, as the committee is well aware, our embassy resources in the field are stretched quite thin. At some of the posts, the Foreign Service officers who report on human rights and religious freedom are also responsible for covering political, economic, and security matters. Some of them even have consular and administrative duties as well. Notwithstanding their many responsibilities, I cannot overemphasize the enormous contribution that these fine men and women have made to the success of our report, sometimes at the risk of their own safety.

With respect to the Commission’s recommendations, the ongoing consultations between our staffs have already led to the implementation of some of them. We have, for example, adopted some of their suggestions for the next report, including a greater emphasis on organization and legal context. We endorse the Commission’s view that our report, while lifting high the value of the religious quest itself and of freedom of conscience, must not appear to favor or disfavor any religious tradition, country, or region. The Commission knows that this has always been and will remain one of my highest priorities. We will redouble our efforts to ensure evenhandedness.

At the end of the day, Mr. Chairman, I conclude that the Commission’s report, notwithstanding the existence of certain substantive disagreements, has been a positive one. It has focused further international attention on the state of religious freedom in three critical countries. It has made clear recommendations, many of which can form the basis for further policy discussion. And it is already contributing to the State Department Report on International Religious Freedom. On balance, I believe that the Commission is making a substantial contribution to our common goal of promoting religious freedom worldwide.

Those of us who are charged with implementing the International Religious Freedom Act have had some modest but invig-

orating victories: some religious prisoners freed, some religious refugees assisted, a few bad laws altered or repealed. But we must take the long view. None of us can claim, nor should we expect, that the millions who suffer for their religious beliefs will have been loosed from their torments 18 months after the passage of the International Religious Freedom Act or because of the actions of my office or those of the independent U.S. Commission. But, Mr. Chairman, I believe that we have all made a start. Together, we have planted seeds, seeds of hope and of future action. With God's help, those seeds are taking root and will one day bear fruit.

I thank you and this committee and the members and staff of the U.S. Commission for their commitment to the cause of religious freedom and to the well-being of the human family of which we are all a part. And I would be more than happy to take your questions.

[The prepared statement of Ambassador Seiple follows:]

PREPARED STATEMENT OF HON. ROBERT A. SEIPLE

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to testify on the report of the U.S. Commission on International Religious Freedom. Let me begin by thanking the Chairman and the Committee for their strong and continuing support in our work of promoting religious freedom internationally. Each of us here today shares a vision: a world in which every member of the human family is permitted to seek God in his or her own way—protected in that endeavor by the state, but also free from its interference. We seek to safeguard the most fundamental and precious of human longings—that of understanding who we are, why we are on this earth, and how we ought to order our lives. If we are not free to seek the truth in such matters, then we are not living a fully human life.

The religious freedom policy of the United States is, of course, based in part on the American experience, in which religious liberty was and is the “first freedom” of the Constitution. But the brilliance of the Founders was that they articulated truths that went beyond mere national borders. Religious freedom is “the first freedom” of America, not only because it is the first of the rights guaranteed by the Bill of Rights, but also because it is foundational for democracy itself. The Founders knew that a government which fails to honor religious freedom and freedom of conscience is a government which does not recognize the priority of the individual over the state, and that the state exists to serve society, not vice versa. This is why they put religious freedom first—to acknowledge the sanctity of the human conscience, and the importance of structuring society so that human beings may seek the truth unhindered by the state.

These are the universal values that all of us seek to promote as part of U.S. religious freedom policy. It makes sense from the standpoint of religion, from the standpoint of all human rights, and from the standpoint of promoting democracy. One of the key elements of our policy is the work of the independent and bipartisan U.S. Commission on International Religious Freedom. As the Committee knows, the Commission was established by the International Religious Freedom Act, passed unanimously by both Houses of Congress and signed by the President in October of 1998. As Ambassador at Large for International Religious Freedom, I serve ex officio on that Commission as a non-voting member. I have attended the great majority of its meetings, have heard the views expressed by its Commissioners, and have given my own views when appropriate. It has been and continues to be a productive and professional relationship—one that is, I believe, faithful to the spirit of the Act.

You have invited me to testify this morning on the Commission's first annual report—not as a member of the Commission, but as the principal adviser to the President and to the Secretary of State on international religious freedom. I am happy to do so. Let me begin with some comments on each of the three countries on which the Report focused—Sudan, China and Russia. Because I have recently testified before the Congress on China and Russia, I will allocate a bit more time today to Sudan. I will then conclude with a response to the Commission's critique of the State Department's own Report on International Religious Freedom.

SUDAN

Turning to Sudan, we agree with the report's assessment of the state of religious freedom in that country. The long and tragic civil war has created the context for unconscionable depredations against innocent civilians by the Sudanese Government or its agents. There have also been significant human rights violations by those opposing the Government, although they are not equivalent. The causes of this war and its horrors, of course, are not exclusively religious. There are significant ethnic, political and economic factors as well. But we agree with the Commission's conclusion that religion is a major factor in the crisis, evidenced by the Government's extremist interpretation of Islam, which it imposes on all Sudanese Muslims, and its attempts to impose Shari'a law on the Christians and traditional religionists in the south.

These policies form the context for slave raids by Government-sponsored militias into the south, resulting in the enslavement of thousands of people, including women and children. While such behavior is not overtly motivated by religious differences, and has economic and ethnic roots, the slave raids have a significant religious dimension. Their victims are almost uniformly Christians and adherents of indigenous religions. Some of the children captured and sold into slavery have been forcibly converted to Islam.

The same can be said for the victims of Government bombings in the Nuba Mountains and the south—an outrageous and ongoing use of lethal force against Christians, adherents of indigenous religions, and, in this case, Muslims who do not accept the government's interpretation of Islam. I was present at a remarkable meeting in February between the Secretary and Bishop Macram Max Gassis, the heroic Catholic Bishop whose diocese includes the Nuba Mountains. Everyone in the room was moved by his description of the 14 children—"his children," he called them—who had been killed by aerial bombs just one week before. He told the Secretary that the dead were students in a Catholic school that includes children from Protestant and Muslim families, families adhering to indigenous religions, as well as Catholic families. And from an official of the Sudanese government came the reprehensible announcement that the school was a legitimate military target.

And so, Mr. Chairman, there is little disagreement that a humanitarian crisis of stunning proportions is occurring in Sudan, and that religion plays a significant part. The real issue is how to address the crisis, and what the role of the United States government should be. The Commission has laid out a detailed set of policy recommendations which are being studied by the Department, and which will in due course lead to a more considered reply. As a preliminary matter, however, let me make a few comments. A substantial part of the Commission's recommendations involves what it characterizes as a "comprehensive plan" to bring pressure on the Government of Sudan to change its behavior. It calls for an informational campaign, unilateral economic pressures, and vigorous multilateral and bilateral efforts to increase economic and other pressures on the Government.

We welcome these recommendations—indeed, I would argue that we are in many ways already implementing them. For example, we agree that the United States should highlight Sudan's continued crimes against humanity wherever and whenever we can. I would note the Secretary's designation in October of Sudan as a "country of particular concern" under the International Religious Freedom Act for "particularly severe violations" of religious freedom—a status it shares with the worst abusers in history. We lobbied for comprehensive and accurate resolutions on Sudan at the UN General Assembly last November, and at this April's UN Human Rights Commission in Geneva.

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Let me also respond briefly to some of the Commissions' other recommendations:

- We agree that we should continue to do all we can to meet the humanitarian needs of the victims of the war. The U.S. provided \$159.1 million in humanitarian assistance in FY 1999, and over \$1 billion since 1990, far more than any other donor.

- We agree on the need to continue to provide food and other assistance outside of the Operation Lifeline Sudan (OLS) structure, while still supporting the critical role of OLS. In FY 1999, USAID provided \$24 million in food aid and \$4.6 million in other emergency assistance through non-OLS NGOs.
- The Commission's report recommends we provide non-lethal aid to the opposition within 12 months if progress is not made by the Sudanese government on critical human rights issues. I would note that FY 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act authorizes, but does not require, the President to provide food assistance to opposition groups engaged in the protection of civilian populations from attacks by Sudanese government forces. The administration has not made a decision to use the authority under this act at this time, but will continue to consult with Congress on this issue.

CHINA

Let me turn now to China. Here again, I share the Commission's analysis of the status of religious freedom. Like Sudan, China was designated a "country of particular concern" for particularly severe violations of religious freedom. I recently testified on China before the Congressional Human Rights Caucus, and gave an extensive analysis of the religious persecution which continues to occur there—of Tibetan Buddhists, of Catholic and Protestant Christians, and of Uighur Muslims. I need not repeat that testimony here, except to say that it was entirely consistent with the assessment provided by the Commission in its report.

Mr. Chairman, I know that people of good will can, and do, disagree over where our shared analysis of Chinese human rights abuses ought to take U.S. policy. Some believe that it should prevent the establishment of Permanent Normal Trade Relations, or cause us to oppose Chinese entry into the World Trade Organization. The Commission itself—while noting that the great majority of its members are free traders—has recommended that the granting of Permanent Normal Trade Relations (PNTR) be conditioned on human rights improvements in China. I understand and respect this point of view.

However, I must disagree with the Commission. I believe that the setting of conditions on PNTR will not advance the cause of religious freedom in China, and will not improve the circumstances of the religious adherents about whom we are all deeply concerned. This is because conditionality as proposed by the Commission—and even a vote to reject PNTR—would provide little more than the appearance of U.S. leverage against the Chinese government. It would not prevent Chinese entry into the World Trade Organization (WTO); nor would it deprive China of the economic benefits of WTO membership. What it would do is deprive the U.S. of the full economic benefits of China's market-opening commitments, and severely restrict our ability to influence the course of events in China. It would reduce the role of American companies in bringing higher labor standards to China and in forcing local companies to compete in improving the lives of their workers.

However, with unconditional Congressional approval of PNTR, China will enter the WTO bound by the full range of economic commitments contained in the U.S.-China bilateral trade agreement. These commitments will move China in the direction of openness, accountability, reform, and rule of law, all of which will over the long-term contribute to an improvement in the conditions for religious freedom in China. Failure to approve PNTR would deprive the U.S. of the ability to hold China to all of these commitments. Given China's likely entry into the WTO, it would also put us in conflict with WTO rules, which require immediate and unconditional provision of PNTR for all WTO members.

Despite my disagreement with the Commission on the issue of conditionality, however, I want to repeat that we are one in our common concern about abuses of religious freedom in China, and together remain committed to sustained U.S. Government efforts to promote religious freedom.

RUSSIA

Turning briefly to Russia, let me say that I share the Commission's concern over the continuing fragility of Russia's commitment to freedom of religion. As the Committee knows, a good religion law (passed in 1990) has been replaced by the 1997 law which creates a troublesome hierarchy of distinctions among religious groups. While the potential impact of the law has been mitigated by federal authorities and the Constitutional Court, the opportunities for discrimination against particular religions remain plentiful. And, while the amendment to the law signed by President Putin extended the registration deadline, it also appears to harden the requirement that groups not registered by the deadline be "liquidated." We will of course be

watching this issue very closely, and will continue to express our concern to Russian authorities.

I do want to note the encouraging news reports that, for the third time in recent weeks, local courts have ruled that members of the Jehovah's Witnesses have the right to choose civilian service in lieu of military service. This is not only a welcome sign of the proper operation of the Russian Constitution—which explicitly provides for alternative civilian service—but it also perhaps reflects a growing acceptance in Russia of religious-based differences.

As a general matter, we agree with Commission recommendations for continued active monitoring of the situation in Russia, and will continue to seek in our reports to give appropriate coverage to the various minority religions in the country. Although we have hosted a number of Russian religious leaders in visits to the United States, and I have met with some of them myself, we agree that we can and should do more. We will study with great interest the other recommendations—including the promotion of exchanges between Russian legal defenders and their counterparts here, and the encouragement of Russian authorities to extend the length of visas for foreign religious workers wishing to remain in Russia.

THE 1999 STATE DEPARTMENT REPORT ON INTERNATIONAL RELIGIOUS FREEDOM

Let me conclude by offering a brief response to the Commission's assessment of the first annual State Department Report on International Religious Freedom, which was presented to the Congress last September. That report, as the Committee knows, covers 194 countries worldwide, and includes an extensive Executive Summary which is mandated by the IRF Act. It is compiled and edited by the same talented and professional "Reports Office" that does the human rights report, but my office—the Office of International Religious Freedom—is responsible for the final product. All of us are, of course, gratified by the Commission's praise of our report, and the judgment that it marks—as the Commission puts it—"a sea change" in focusing attention on religious freedom.

The Commission's analysis also makes valuable suggestions for improving the report. They recommend, for example, that we improve the organization of material, prioritize better, and identify more fully where there are gaps in our sources of information. They call for more context and a fuller articulation of our methodology in preparing the reports. Importantly, the Commission recommends the scrupulous avoidance of appearing to favor or disfavor any state or religious tradition over another, and the imputation of particular extremist interpretations of religion to the religion itself.

Let me say that we welcome these and the other recommendations, and we will take them seriously. Our respective staffs have worked closely together over the last several months, and will continue to do so. As the Commission is sympathetically aware, our office is now in the process of doubling its size—from a staff of three to six religious freedom action officers, plus an office director. In due course, our goal is to have nine action officers—enough to cover every region, and to pursue some of the many worthy reconciliation projects that warrant our attention. We are presently involved in such efforts in Kosovo, Lebanon and Indonesia, but we could do much, much more. I would also note that, as the Committee is well aware, our Embassy resources in the field are stretched quite thin. At some of our posts, the Foreign Service officers who report on human rights and religious freedom are also responsible for covering political, economic and security matters. Some of them even have consular and administrative duties as well. Notwithstanding their many responsibilities, I cannot overemphasize the enormous contribution that these fine men and women have made to the success of our report—sometime even at the risk of their own safety.

With respect to the Commission's recommendations, the ongoing consultations between our staffs have already led to the implementation of some of them. We have, for example, adopted some of their suggestions for the next report, including a greater emphasis on organization and legal context. We endorse the Commission's view that our report—while lifting high the value of the religious quest itself, and of freedom of conscience—must not appear to favor or disfavor any religious tradition, country or region. The Commission knows that this has always been, and will remain, one of my highest priorities, and we will redouble our efforts to ensure evenhandedness.

At the end of the day, Mr. Chairman, I conclude that the Commission's Report— notwithstanding the existence of certain substantive disagreements—has been a positive one. It has focused further international attention on the state of religious freedom in three critical countries. It has made clear recommendations, many of which can form the basis for further policy discussion. And it is already contributing

to the State Department Report on Religious Freedom. On balance, I believe that the Commission is making a substantial contribution to our common goal of promoting religious freedom worldwide.

Those of us who are charged with implementing the International Religious Freedom Act have had some modest but invigorating victories—some religious prisoners freed, some religious refugees assisted, a few bad laws altered or repealed. But we must take the long view: none of us can claim, nor should we expect, that the millions who suffer for their religious beliefs will have been loosed from their torments 18 months after the passage of the International Religious Freedom Act, or because of the actions of my office or those of the independent U.S. Commission. But, Mr. Chairman, I believe that we have made a start. Together, we have planted seeds—seeds of hope and of future action. With God's help, those seeds are taking root and will one day bear fruit. I thank you and this Committee, and the members and staff of the U.S. Commission, for their commitment to the cause of religious freedom, and to the well-being of the human family of which we all are a part.

I would be happy to take your questions.

Senator BROWNBACk. Thank you, Ambassador Seiple, and thank you for the excellent statement and thoughts and your work that you are doing. I hope what you and your group has started working on will continue to grow and infiltrate much of the U.S. Government as well. My office will get a number of complaints of people seeking religious asylum, and they are complaints directed at the INS. I think more and more of those we will try to send by your office for thoughts and reviews as well for people seeking freedom.

Let me note a couple of questions to you, if I could, on your statement on the Sudan. I appreciate your going into that in length. I take it, from your comments, you are saying that the administration is already providing direct, nonlethal assistance to the people fighting against the government in the Sudan. There is consideration of legislation here to provide direct, nonlethal assistance to the aid of the people fighting against the government in Sudan. I am not clear from you what your or the administration's position is on that issue. Could you clarify that for me?

Ambassador SEIPLE. What I was referring to was the aid offered outside the OLS system. That percentage and that amount of aid has increased over the last 18 months. I think we have all been in agreement that the OLS system is somewhat flawed by the ability of Khartoum to apply a veto, and there have been times in 1998, for example, where the OLS system could not take emergency aid into places that were under attack or where food—in a sense to be cynical, but I think right—was being used as a weapon of war. Now, that food is being distributed through an NGO system. It is not being distributed through the opposition forces. I think your question really refers to the nonlethal aid to opposition forces as opposed to the NGO's. What I was referring to is the non-OLS aid that goes through an NGO system.

Senator BROWNBACk. I understand, but if we were to pursue legislation here on providing direct, nonlethal assistance to people other than the government-controlled entities, not through the OLS, does the administration have a position on that legislation?

Ambassador SEIPLE. As you know, they have the enabling legislation, as of the 1st of February, to make a determination in that regard.

Senator BROWNBACk. That is on food aid. This would be non-lethal assistance, not direct food aid.

Ambassador SEIPLE. I was going to say both of those, nonlethal and food aid, are currently being studied in the State Department extensively. I know the folks who were studying that proposal have been grateful for what the Commission has provided by way of this being a part of a comprehensive plan. I can only say at this time that it is under study, with the assurance that they, obviously, would like to be working closely with the Congress and the Commission as determinations are made, but the determination has not yet been made.

Senator BROWNBAC. I would hope the administration would be supportive of the legislation to provide that authority, not a requirement, but authority to them to be able to provide that nonlethal assistance to people fighting against the government in Khartoum.

A second question that I would have for you would be—and I appreciate your statements on both China and Russia, as well—what other countries do you hope the Commission will look more closely at in the upcoming months that you have particular concerns about on religious freedom?

Ambassador SEIPLE. Well, there are a number of countries that, might we say, would be on the bubble, not necessarily because they are candidates for countries of particular concern, candidates for sanctions, or candidates for designation, but just countries where there are unique situations taking place where we can perhaps make a difference if we get to them in time.

We had a Commission meeting for most of the day yesterday and looked at, I think, about 17 different countries. I think the Commission will come out in favor of an additional four or five countries to look at in depth, even as they continue to monitor the three that they did this year. If they can do that during the 4 years, each year maybe pick up an additional country, as the body of expertise grows, I think that in a 4-year period of time, the Commission has the ability to look at as many as 20 or 25 countries.

If you look at our executive summary in the International Religious Freedom report that we put out through the State Department, there are probably 30 in that country category of violators, all told. Now, the specifics of those countries, who they are, they are countries like Saudi Arabia, Egypt, India, Pakistan, Laos, North Korea, Iran, which was looked at before, but began to be looked at specifically as an addition of the three. These are the kinds of countries that have had significant issues where lots of people this day are suffering because of how they worship or who they worship. I think all of them have a legitimate rationale behind them in terms of why they should be looked at.

If I may just add one point, we look at 194 countries. The Commission has decided, I think properly so, to look at a much fewer number but to go deeper. I think the complementary aspect of that works extremely well for all of us interested in this issue.

Senator BROWNBAC. As I mentioned in my opening statement, I would hope that you would be looking closely at North Korea as you mentioned in your statement. I have just been reading more and more reports, and then I met directly with a lady last year who had been able to escape the country, had been in a prison camp there, and told just a horrifying story of watching a person who

would not deny their faith have molten iron poured on them and killed because they would not walk away from their faith. Just a horrifying statement. And you read ones like that fairly frequently.

Ambassador SEIPLE. I read that same statement. Actually it is now in the form of a booklet, written by the woman who got out and has written as a Christian from her perspective of what was happening to people of faith.

We are also this year getting additional reports from a variety of sources, something we did not have on North Korea a year ago. We knew things were bad instinctually, intuitively, but in our reports we want to make sure that we can substantiate them and they are not just anecdotal research. There are a number of reports now lining up with this kind of information that will ultimately have to be dealt with in the accountability on the part of the North Koreans.

Senator BROWNBACK. I hope that is also something that we can do to draw public attention both in this country and abroad about the level of persecution that takes place to a number of people of faith around the world.

In January of this year, I traveled to Nepal and in Kathmandu met with about 120 Tibetan refugees that had recently walked across the Himalayas in winter to get to freedom. It was one of the most striking examples to me of the desire for freedom and the desire of the soul to worship as they see fit.

I talked individually with probably around 12 to 15 of them about their story. There were children there 8 to 10 years of age. There were older people that were there as well. And each had just an amazing story. Some had been jailed and beaten in jail and had been released and then later escaped. It was 2 weeks that they hiked. Many of them left just on an instantaneous basis with plastic shoes and not much more than a light jacket to do that incredible hike. You look at them just in amazement of the level of persecution that drove them and of the desire of the human spirit to be able to be free. It is something that I hope we never give that light up ourselves as we move forward and as the United States takes a lead role in pressing this freedom for people throughout the world.

Ambassador SEIPLE. Well, that is our constituency, not so much a legislative process or a bureaucratic process or an NGO process. Our constituents are those who this day suffer for their faith. You met with the ones who made the walk and are still alive. The unfortunate statistic is there are an awful lot of children who died on the Himalayas because they suffered irreparably through that winter and never made it. That is another one of the statistics of this whole issue, people who are lying dead on the mountainsides.

Senator BROWNBACK. And it is a fact that goes on yet today.

As you note, my interest in this and the interest of this country and our heritage built upon it—one quick side story before we go on. There is a wood etching in the Library of Congress of John Ogilvie who was persecuted in Scotland for his faith. The wood etching is of him being held back on a board, strangled, and being disemboweled, killed for his faith some 300–400 years ago. He in the 1950's was canonized by the Catholic Church and is now St. John Ogilvie and the current Chaplain of the U.S. Senate is Lloyd

John Ogilvie. John Ogilvie's persecution was part of the Scottish migration that came to the United States looking for freedom and also other people came from Scotland for other reasons as well.

But part of our heritage has been people searching just to be free, free for their faith, and it is something that we should never forget, nor should we fail to look back and to try to seek other countries and other people just yearning to be free, yearning to have their souls for freedom.

It is a great job that you have and I am glad you are in it, Ambassador. You do a wonderful job at it.

Ambassador SEIPLE. Thank you very much.

Senator BROWNBACk. Thanks for joining us today.

[Following is in response to an additional question submitted for the record:]

RESPONSE OF HON. ROBERT A. SEIPLE TO A QUESTION FROM SENATOR GORDON SMITH

Question. In your opinion, is the Belgian Government being discriminatory in the current practice of issuing visas only to foreign volunteer religious workers who are members of officially recognized religions of that country?

Answer. We are concerned that the Government of Belgium may be discriminating against non-recognized religious groups in its issuance of visas. In April, the Belgian Consulate in Los Angeles refused to grant visas to missionaries of the Church of Jesus Christ of Latter-Day Saints. Similar visas had been processed for decades without incident. At the request of the U.S. Government, the Government of Belgium agreed to investigate the reasons for the refusals, and has informed us that their visa procedures are currently under review by the Ministry of Interior. Visas to missionaries from the Church of Jesus Christ of Latter-Day Saints are being issued under a temporary procedure which will remain in place until October 1st of this year, when the Government of Belgium plans to issue new visa procedures. We are hopeful that the new procedures will allow these missionaries to freely obtain visas.

Our Embassy has been, and will continue to be, in contact with the Belgian Government in an effort to address our concerns regarding religious freedom.

Senator BROWNBACk. The next panel will be several of the Commissioners on the religious liberty panel. They are Rabbi David Saperstein, Chairman of the Commission and director of the Religious Action Center for Reform Judaism out of Washington, DC; the Honorable Elliott Abrams, president of the Ethics and Public Policy Center, Washington, DC; Dr. Firuz Kazemzadeh, secretary for external affairs, National Spiritual Assembly of the Baha'is of the United States; and Ms. Nina Shea, member of the U.S. Commission on International Religious Freedom and director of the Center for Religious Freedom, Freedom House, Washington, DC.

STATEMENT OF RABBI DAVID SAPERSTEIN, CHAIRMAN, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM; AND DIRECTOR, RELIGIOUS ACTION CENTER OF REFORM JUDAISM, WASHINGTON, DC

Rabbi SAPERSTEIN. Good morning, Mr. Chairman.

Senator BROWNBACk. Good morning, Rabbi.

Rabbi SAPERSTEIN. I want to express our appreciation on behalf of the Commission for holding this hearing. And I want to express our appreciation as well to you. It is difficult for me to think, over my 25 years, of someone who has not only spoken as eloquently on the issue of international religious freedom as you, but also put themselves on the line in visits across the globe, to areas of par-

ticular concern on behalf of refugees, giving them, through your presence, the hope to go on with their struggle. So, I want to express my appreciation for your personal dedication, as well as for the committee's interest in this report.

Let me also just say one other word and that is to Ambassador Seiple. This was an extraordinary choice for America's first Ambassador. He has done a remarkable job here, and I think the integrity and vision that he brings to bear in his work was reflected in his testimony this morning, as well in his ongoing work. So, I am deeply grateful for his presence.

Today we report to you on a milestone event, the issuance of the first annual report¹ on the U.S. Commission on International Religious Freedom, as foreseen under the International Religious Freedom Act passed in 1998. The vision of IRFA is this: The Founders of our Nation understood that the words, "We are endowed by our Creator with certain inalienable rights," put freedom of religion at the center of those fundamental rights. It is the first of the enumerated rights in the first amendment. It is central to the human condition and to what we have striven for during so many decades of the 200-plus year history of this Nation: to ensure that the religious life of the individual and of religious communities could flourish without the government restraining or interfering with that freedom; that this is part of the vision of human rights that cuts across the global community; and that as such, it ought to be at the heart of American foreign policy.

As we look around the world, however, we find this fundamental liberty under serious attack in far too many places. In Sudan, the Islamist extremist government is bombing Christian churches, church-run schools, and hospitals. In China, we see mass arrests of Falun Gong practitioners, the harassment and arrest of leaders of the Muslim Uighur community, the continued systematic infringement under religious freedom of Tibetan Buddhists, and the harassment of the underground Catholic and Protestant churches as well. In Iran, Baha'is are sentenced to death just because they are Baha'is. All these things testify that the work of the Commission is urgent work, work of fundamental liberty and of priority importance.

The IRFA process created the Ambassador at Large for International Religious Freedom and mandated a State Department report once a year. That report, which you have seen, marked a significant change in the way business is done in the American foreign policy establishment. Over an extended period of time, there have been in most of the countries across the globe Foreign Service officers, as well as staff in regional bureaus here at the State Department, who because of this report, had to focus on what to say about religious liberty, how to address it, how to express it, how to define it, how to describe what is happening on the ground in the countries that they are charged to cover, and how to express what America's interests are regarding this issue. More difficult decisions that had to be made as part of this process required the at-

¹The report, entitled "Report of the United States Commission on International Religious Freedom," May 1, 2000, along with "Staff Memorandum for the Chairman: Religious Freedom in Sudan, China, and Russia," May 1, 2000, can be accessed at the Commission's Website: www.uscirf.gov

tention and involvement of high-ranking State Department officials. The entire structure was caught up with addressing this issue, and that alone marked an important structural change. As our commissioners traveled to other countries this year, they met with and worked with Foreign Service officers who are now knowledgeable about issues of religious liberty, who are involved in diplomatic efforts to combat religious persecution, and who have made lasting contacts with leaders of the religious communities and with NGO's, both foreign and domestic, who are working in this field.

It is the role of this Commission on an ongoing basis and summarized once a year in the annual report to make recommendations to you, the Congress, to the President of the United States, and to the Secretary of State on how to address policy related to combating religious persecution and enhancing religious freedom. Now, because of the delay in appointments of members of the Commission and in congressional funding for its work, we have only been fully staffed for 6 months and in offices for about 4 months. As a result, we decided that while engaging in ongoing monitoring of general U.S. policy on religious freedom, while visiting a number of nations and while making ongoing policy recommendations regarding emerging urgent situations wherever they occurred—these recommendations that we made throughout the year addressed urgent situations in nearly a dozen countries—we would focus on three priority countries. Two are nations designated by State in the IRFA process as “countries of particular concern,” that is, countries where there are systematic, egregious ongoing manifestations of religious persecution. Those countries are China and Sudan.

At the same time, we also selected another country, Russia, which reflected a completely different dynamic. It is a country that allows for much more religious freedom. There are not the same manifestations of religious persecution, but there are growing problems. But this is a country with which the United States has close relations and the ability to make its voice heard more effectively. So, we targeted Russia because there are so many religious groups in that country, and in many ways it is a litmus test for how the other Newly Independent States that sprung up after the collapse of the Soviet empire will address these issues.

The report we released on May 1 was a culmination of our work since the Commission first met here. We have held day-long hearings on Sudan in Washington and on China in Los Angeles. Commissioner Elliott Abrams, from whom you will hear in a moment, traveled to southern Sudan. Other commissioners have visited a number of other countries. We reviewed the State Department reports and met with human rights and church experts, experts on economic sanctions and war crimes, others with firsthand information about the situation of religious freedom in these countries. We tried to visit China, but the Chinese authorities have yet to respond to our requests for visas. We held meetings at least twice a month—one in person lasting 1 to 2 days, another by conference call. And, in the run-up to May 1, in addition to the time we spent in our meetings on the wording of the report, we spent an additional 25 hours in conference calls, going over every word in our recommendations and text for the annual report.

To me, one of the most extraordinary results of this process, of the work of this religiously and politically diverse Commission, is that both throughout the year in the recommendations we made and in the report, every recommendation and action was approved either by unanimity or by consensus. Bonded by a deep and profound commitment to addressing religious persecution for all religious groups and furthering religious freedom for all, these Commissioners' openness to diverse views, new ideas, and different approaches, combined with the respect we had for one another's expertise allowed us to present this report with the same overwhelming support we have manifested in our recommendations during the year. In the entire report of approximately 50 recommendations, there is only one dissent² by one Commissioner from two of the Sudan recommendations.

Lest there be any confusion, our formal report is the document so named. There is a second document that is distributed with it. It is the staff report for the chair, drawing on our work during the year. It provides helpful background, particularly for those not familiar with the details of religious life in these countries. While I think you will find it a compelling indictment of religious freedom abuses in China and Sudan, we did not feel it necessary to resolve some outstanding differences, nor to adopt it formally.

The annual report contains a host of recommendations on our three countries, and my colleagues will address each one briefly individually. Before I turn to them, just a few other words.

We, as Ambassador Seiple indicated, issued a detailed analysis of the annual report issued by the State Department under Ambassador Seiple's aegis. We talked about prioritizing, about setting information in better context, about referencing relevant law, eliminating the potential for bias, referencing international law that is incorporated into IRFA, and improving the methodology for information gathering. We are very heartened by the response of the Ambassador and State Department officials. The details of our recommendations are set out in the report.

Let me finally say a word about our plan for this coming year.

First, we will continue to monitor and make recommendations on our three priority countries.

Second, we intend to issue recommendations regarding how State identifies so-called "countries of particular concern" before the Department's next report and next list of those countries, which is due in early September.

Third, the Commission will continue to respond to instances of religious persecution—as it has done throughout this first year—wherever and whenever they occur. It will also begin the process of analyzing and addressing U.S. policy regarding religious freedom issues in greater detail in a larger number of countries. I do not know exactly what the number is. We will decide at our next meeting. I would imagine, in addition to the three we have, there will be another four to six such countries on which we will focus. They will be taken from either the list of "countries of particular concern" or they will be taken from the countries that are discussed

²"Dissent to Testimony on Religious Freedom in Sudan," presented by Commissioner Laila Al-Marayati, MD, is on page 55.

in some detail in the executive summary of Ambassador Seiple's report in which he lists the countries that have more serious problems. We agree with much of that list, and it is likely our countries will be drawn from that.

However, that will not set the limit of in-depth study that we will do, for we are also going to address one of the most complicated and vexing themes in the work of religious freedom, and that is the issue of the right of people to change one's faith and the right to seek to persuade others to change their faith. This issue will lead us to address religious freedom issues in a large number of countries.

Finally, the Commission will make further recommendations on the extent to which capital market sanctions and other economic leverage should be included in the U.S. diplomatic arsenal to promote religious freedom in other countries.

Mr. Chairman, let me thank you again for the opportunity to speak with you and with the committee. With your permission, I would ask that the May 1 report and the staff memorandum³ that accompanied it be included in the hearing record along with my full testimony.

Senator BROWNBACK. Without objection.

[The prepared statement of Rabbi Saperstein follows:]

PREPARED STATEMENT OF RABBI DAVID SAPERSTEIN

Good morning Mr. Chairman and members of the Committee. I'm Rabbi David Saperstein and I am honored to serve as Chair of the United States Commission on International Religious Freedom. Let me begin by thanking the Committee for holding this hearing.

Today we report to you on a milestone event: The issuance of the first Annual Report of the U.S. Commission on International Religious Freedom as foreseen under the International Religious Freedom Act, or IRFA, passed in October 1998. The vision of the IRFA process is this: The Founders of our country understood that the words, "We are endowed by our Creator with certain inalienable rights," put freedom of religion at the center of those fundamental rights. It is the first of the enumerated rights in the First Amendment. It is central to the human condition and to what we have striven for during so many decades of the 200-plus-year history of this country: to ensure that the religious life of the individual and of religious communities could flourish without the government restraining or interfering with that freedom; that this is part of the vision of human rights that cuts across the global community, and as such, it ought to be at the heart of American foreign policy.

As we look around the world, however, we find this fundamental liberty under serious threat. In Sudan, the Islamist extremist government is bombing Christian churches, church-run schools, and hospitals. In China we see mass arrests of Falun Gong practitioners, the harassment and arrest of leaders of the Muslim Uighur community, the continued systemic infringement of the Tibetan Buddhists' religious freedom, and the arrests of leaders of the underground Catholic and Protestant Churches. In Iran, Baha'is are sentenced to death just because they are Baha'is. All these things testify that the work of this Commission is urgent work, work of fundamental liberty and of priority importance.

The IRFA process created an Ambassador at Large for International Religious Freedom at the State Department and mandated a State Department report once a year. That report, which you have seen, marked a significant change in the way business is done in the American foreign policy establishment. Over an extended period of time, there were Foreign Service officers, in embassies across the world and in regional bureaus here at the State Department, who were focused on what to say about religious liberty, how to deal with it, how to express it, how to define it, how to describe what is happening on the ground and what America's interests are regarding this issue. More difficult decisions required the attention and involvement

³ See, reference to Internet access, footnote 1, on page 17.

of high-ranking State Department officials. That alone marked an important structural change. As our Commissioners traveled to other countries this year, they met with and worked with Foreign Service officers who are now knowledgeable about issues of religious liberty and involved in diplomatic efforts to combat religious persecution. They have also made contacts with religious communities and NGOs (both foreign and domestic).

It is the role of this Commission on an ongoing basis, and then summarized once a year in an annual report May 1st, to make recommendations to the President of the United States, the Secretary of State, and the Congress of the United States on how to address policy related to combating religious persecution and enhancing religious freedom. Because of the delay in appointments of members of the Commission and in Congressional funding for its work, we have only been staffed and in offices for about four months and decided, as a result, to focus on three priority countries. Two are nations designated by State in the IRFA process as "countries of particular concern." These are countries in which there are systematic, egregious, ongoing manifestations of religious persecution. Those countries are China and Sudan.

At the same time, we also selected another country, Russia, which reflected a completely different dynamic, a country that allows much more religious freedom. There are not the same manifestations of religious persecution, but there are growing problems. This is a country with which the United States has close relations and the ability to make its voice heard more effectively. So we targeted Russia because there are so many religious groups in that country, and in many ways it is a litmus test for all the other new independent states that have sprung up after the collapse of the Soviet empire.

The report we released May 1 was the culmination of our work since the Commission first met late last June. We've held day-long hearings on Sudan here in Washington and on China in Los Angeles. Commissioner Elliott Abrams traveled to southern Sudan and other Commissioners have visited a number of other countries. We've reviewed the State Department reports and met with human rights and church groups, experts on economic sanctions and war-crimes, and others with first-hand information about the situation of religious freedom in these countries. We tried to visit China, but the Chinese authorities have yet to respond to our requests for visas. We held meetings at least twice a month, one in person, lasting one or two days, another by conference call. In addition, in the runup to May 1, we spent at least 25 hours in conference calls going over every word in our recommendations and text for the Annual Report.

To me one of the most extraordinary results of the work of this religiously and politically diverse Commission is that both throughout the year and in this report, every recommendation and action was approved by consensus or unanimity. Bonded by a deep and profound commitment to addressing religious persecution for all religious groups and furthering religious freedom for all, these Commissioners' openness to diverse views, new ideas, and different approaches, combined with the respect we had for one another's expertise, allowed us to present this report with the same overwhelming support as we have manifested in our recommendations during the year. There is only one dissent by one Commissioner from two of our Sudan recommendations.

Lest there be any confusion, our formal report is the document so named. The second document is a staff report for the Chair, drawing on our work during the year. It provides helpful background, particularly for those not familiar with the details of religious life in these countries. While I think you will find it a compelling indictment of religious freedom abuses in China and Sudan, we did not feel it necessary to resolve outstanding differences nor to adopt it formally.

The Annual Report contains a host of recommendations on our three countries of primary focus, and my colleagues will address each one individually. Before I turn to them, however, I would like to say a few words about our review of the State Department's first Annual Report on International Religious Freedom, issued last September.

The State Department and the Office of International Religious Freedom deserve high praise for the high quality and timely publication of the first Annual Report on International Religious Freedom. Equally important was the impact of the Report in making religious freedom a higher priority for the work of every U.S. embassy and consulate.

Even so, the Commission believes that the Report can be strengthened by (a) prioritizing and evaluating information, (b) placing information in context, (c) referencing relevant law, (d) eliminating the potential for bias, (e) referencing international law incorporated into IRFA, and (f) improving the methodology for information-gathering. The Commission's comments in this regard also apply to those sec-

tions of the Country Reports on Human Rights Practices that touch on matters related to freedom of religion or belief.

Specifically, the Reports should clearly identify the most significant religious-freedom problems in each country. Gaps in information should be identified, particularly where a foreign government itself is responsible for the inadequacy of available information. The facts and circumstances in the reports should be summarized and evaluated in light of the standards set out in IRFA.

The Report should contain enough historical, religious, and political context to present a more complete picture of religious freedom in each country. State interference with other human rights that are integral to religious exercise should be discussed. The Report should identify each country's relevant constitutional, statutory, and regulatory provisions affecting freedom of religion; explain the relationship between the state and religion; and assess whether the government and courts enforce the laws in a way that promotes religious freedom.

To avoid bias, the Report should distinguish between religious concepts and how a foreign government may interpret them; politically-loaded terms such as "cult," "sect," "orthodox," "fundamentalist," "jihad," or "Shariah" should be used in defined and appropriate ways. The consequences of state sponsorship of a favored religion should be discussed.

Let me close by reviewing the Commission's work plan for the next year. First, we will continue to monitor and make recommendations on the three countries we focused on this year: China, Sudan, and Russia. The conditions that make them worth our attention unfortunately won't go away soon.

Second, we intend to issue recommendations regarding how the State Department identifies so-called "countries of particular concern" before the Department's next report in September.

Third, the Commission will continue to respond to instances of religious persecution whenever they occur. It will also begin the process of analyzing and addressing U.S. policy regarding religious-freedom issues in a larger number of countries. Countries that will draw greater attention during the next phase of the Commission's work are the seven designated by the State Department last October as "countries of particular concern" and the more than 25 countries discussed in the Executive Summary of the State Department's Religion Report of September 9, 1999.

Fourth, the Commission will also evaluate U.S. policy options that could promote the right to change one's faith and the right to seek to persuade others to change theirs.

Finally, the Commission will make further recommendations on the extent to which capital-market sanctions and other economic leverage should be included in the U.S. diplomatic arsenal to promote religious freedom in other nations.

Mr. Chairman, thank you again for this opportunity to speak to the Committee. With your permission, I would ask that the Commission's May 1, 2000 Report and the Staff Memorandum that accompanied it be included in the hearing record with my testimony.

Senator BROWNBACK. Thank you very much and thanks for your leadership on the Commission. I think it has done an outstanding job. It is just getting going, but it has done a wonderful job and is really fulfilling a mission that at least this Member of the Senate believes it was commissioned to do.

Next we welcome Mr. Abrams for his testimony.

STATEMENT OF HON. ELLIOTT ABRAMS, MEMBER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM; AND PRESIDENT, ETHICS AND PUBLIC POLICY CENTER, WASHINGTON, DC

Mr. ABRAMS. Thank you, Mr. Chairman. Thanks for the invitation to be here today.

Let me describe the conditions that we found in China and the recommendations we made with respect to China in just a few minutes.

We found a sharp deterioration in religious freedom in China in the past year. We found that violations of religious freedom in

China are egregious, ongoing, and systematic. Let me describe why we reached that conclusion.

First, there is a continuing ban on religious belief for large sectors of the population, the 60 million members of the Communist Party, the 3 million members of the military, and all citizens—and there are hundreds of millions—who are under the age of 18. The state has reasserted its monopoly over the spiritual education of minors so that participation by children in any religious activity can be prevented.

Second, the reassertion of state control over authorized religions. All religious groups have to register with the Religious Affairs Bureau of the Ministry of Civil Affairs, and their activities are limited to a very narrow officially sanctioned space, a cage really, in which people of faith are allowed to exercise their religious beliefs. Many of the limits imposed on registered churches are violations of accepted international standards of free exercise of religion.

For example, if you register, there is official scrutiny of your membership. There is a ceding of some control over selection of clergy. Your financial records are open to the government. There is restriction on contacts with other religious institutions. There are limits on a variety of activities such as youth activities or building projects. You cannot evangelize. You must allow censorship of religious materials and interference with your own religious doctrines. There is particular interference with education. For example, the state has decided in China to reduce the number of years of seminary training of Catholic priests from the 5 or 6 that are normal to 2 years.

There is ongoing harassment of unregistered churches. The Communist authorities seem determined to eliminate all religious activity that they do not directly control. In recent months, for example, authorities have detained Catholic clergy loyal to Vatican in an apparent attempt to force their allegiance to the official church.

Last year, one priest, Father Yan Weiping, was detained in May 1999 while performing mass and was found dead on a Beijing street shortly after being released from detention.

There is continuing egregious violation of freedom of religion in Tibet and in Xinjiang, where ethnic, political, and economic factors complicate the relationship between the atheist state and large communities of Tibetan Buddhists and Uighur Muslims.

Amnesty International reported that authorities in the Xinjiang Uighur Autonomous Region have closed mosques and Koranic schools, halted the construction of unauthorized mosques, prohibited the use of Arabic script, more tightly controlled Islamic clergy, and required Muslims who were party members or who worked for the government to abandon the practice of Islam or lose their positions.

In Tibet, religious institutions are likewise tightly controlled.

In an action denounced by the Dalai Lama, authorities of the region and in Beijing approved the selection of a boy as the reincarnation of the sixth Reting Lama. This is the latest in a campaign to control the future leadership of Tibetan Buddhism. In 1995, the Dalai Lama identified a young boy as the reincarnate Panchen Lama. The Chinese immediately denounced the Dalai Lama's choice, detained the boy and his family, and pushed the acceptance

of their own choice. Chinese authorities continue to hold the Panchen Lama at an undisclosed location and refuse all requests to visit him that are put forward by official and unofficial foreign delegations.

Within the last year, about 1,000 monks and nuns have been expelled from their monasteries, and that makes for about 11,000 expelled since 1996.

Finally, I think everyone is familiar with the campaign against what the government is calling heretical cults. The government has acknowledged having detained more than 35,000 adherents of the Falun Gong movements. In closed trials, Falun Gong leaders received prison sentences of from 6 to 18 years, and many who have told their stories to the media have been severely punished.

So, with that in mind, we reached a unanimous conclusion about permanent normal trade relations [PNTR] with China. We were accused of politicizing this Commission. But we had, by statute, to give a report on May 1. What we said in the report was this.

“The Commission believes that in many countries, including some of China’s neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief has been a major factor for the annual decision, by presidents and congressional majorities of both parties, to grant MFN each year to China over the past two decades. Moreover, a grant of PNTR and Chinese membership in the WTO may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

“Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR until China makes substantial improvements in respect for religious freedom.”

Now, we have a list of things that we think would symbolize or embody greater respect. These are not, each one, a precondition. They are a group of standards by which to measure progress. We did not propose a strict formula. Let me just mention a few of them and then I will be done.

We would like China to agree to an ongoing dialog on religious freedom with the U.S. Government.

China has signed in 1997 the International Covenant on Civil and Political Rights. We would like China to agree to ratify that covenant.

We would like China to grant unhindered access to religious prisoners.

We would like them to disclose who are the prisoners of conscience and where they are, and we would like them, of course, to release all persons incarcerated for religious belief.

We think the U.S. Congress should hold annual hearings on human rights in China or adopt some mechanism for continuing monitoring.

We think the Congress should invite the Dalai Lama, a great symbol of religious freedom and religious tolerance, to address a joint session.

We think the United States should continue to push and push harder for the resolution to censor China at the U.N. Human Rights Commission in Geneva.

We think the United States should lead a multilateral campaign to seek the release of Chinese religious leaders who are imprisoned or under house arrest.

We think the United States should continue to raise the profile of conditions in Xinjiang for Uighur Muslims.

Finally, as long as these conditions are extant in China, we think the United States should use its influence so that China not be selected as the site for the next Olympic Games.

Again, that is not a list of preconditions. It is a list of actions that might be taken to show that while PNTR is being voted, the United States maintains its commitment to religious freedom in China.

Thank you very much for the opportunity to speak.

[The prepared statement of Mr. Abrams follows:]

PREPARED STATEMENT OF HON. ELLIOTT ABRAMS

Mr. Chairman and Members of the Committee:

On behalf of the United States Commission on International Religious Freedom, of which I have the honor to be a member, I wish to thank the Committee for this invitation to testify about religious freedom in China.

THE COMMISSION'S FINDINGS

Over the last several months, the Commission has conducted research and held hearings on limits to religious freedom in China. We found a sharp deterioration in religious freedom in China in the past year. Violation of religious freedom in China is egregious, ongoing, and systematic. The Chinese Communist Party and government leaders have promulgated new laws and policies aimed at eliminating religious activity beyond their direct control.

This past year saw the continued prohibition of religious belief for large sectors of the population; the ongoing harassment of unregistered churches; the assertion of state control over authorized religions; an increase in the number of sects branded "heretical cults;" the continued use of notorious extra-judicial summary trials and the sentencing to reeducation through labor camps for so-called "crimes" associated with religion; and credible reports of torture of religious prisoners.

1. Continued ban on religious belief for large sectors of the population

The right to freedom of belief is explicitly denied to the 60 million members of the Chinese Communist Party, the three million members of the Chinese military and all citizens—and there are hundreds of millions of them—under the age of 18. Several campaigns to purge the Party and military of believers have been waged over the last five years. The state has re-asserted its monopoly over the spiritual education of minors, so that participation by children in any religious activity can be prevented.

2. Assertion of state control of authorized religions

Regulations in the PRC now require that all religious groups register with local units of the Religious Affairs Bureau (RAB) in the Ministry of Civil Affairs and that they affiliate with an official organ of one of the five authorized religions: Buddhists, Taoists, Muslims, Protestants and Catholics. It is in this narrow officially sanc-

tioned space—within this cage—that people of faith may exercise their religious beliefs.

While in theory registration requirements need not be onerous, and in fact many congregations operate under RAB auspices with little interference, serious restrictions on freedom of religious expression have been reported in recent years. Many limits imposed on registered churches are in violation of accepted international standards of free exercise of religion.

Human Rights Watch reports that government oversight of these authorized religious groups entails official scrutiny of membership; ceding some control over selection of clergy, opening financial records to government scrutiny; restricting contacts with other religious institutions; accepting limits on some activities, such as youth or social welfare programs, or building projects; eschewing evangelism; allowing censorship of religious materials and interference with doctrinal thought; and limiting religious activities to religious sites.¹ The state requires that political indoctrination be an important component of religious training for recognized religious groups. This often comes at the expense of religious education, as is the case with a recent movement to “reduce the number of years of seminary training of Catholic priests from the normal five to six years to two.”²

Authorities limit the building of mosques, monasteries, and churches even for approved groups. They restrict the numbers of students in Christian seminaries, Buddhist monasteries and Islamic schools. They proscribe the teaching of certain doctrines and labeled heretical practices such as exorcism and healing.

Chinese authorities remain deeply suspicious of the involvement of “hostile foreign elements” in Chinese congregations and severely limit association between Chinese and foreign religious groups.

3. *Ongoing harassment of unregistered churches*

Chinese law now requires all religious groups register with local RAB officials. In the past, in many areas, officials have allowed the unregistered groups to operate without harassment, in others, officials have been zealous to the point of abuse in their campaign to force the registration of places of worship. Increasingly, Communist authorities seem determined to eliminate all religious activity that they do not directly control. Some religious groups, as a matter of conscience or fearing official intervention, have resisted registration. Officials have denied recognition to other groups. The Protestant house-church movement and Catholics loyal to the Vatican are among those that have resisted registration on principle or been denied permission to register.

Human rights groups report Chinese authorities detained 40 Protestant worshippers in Wugang in October of 1998, at least 70 worshipers in Nanyang in November, and 48 Christians, including Catholics, in Henan in January of 1999. Authorities detained, beat, and fined an unknown number of underground Catholics in Baoding, Hebei in the same month. In April of last year, Public Security personnel raided a house church service in Henan. Twenty-five Christians were detained. Seventy-one members of the Disciples Sect were detained in Changying in April.³ Just last week, a reliable Hong Kong source reported that Chinese police have detained 47 Protestants in Anhui province and criminally charged six of their leaders for organizing an illegal sect and illegal gatherings.⁴ Similarly, leaders of large Protestant house-church networks who, in 1998, challenged the government to a dialogue, have been targeted for arrest. Unauthorized Protestant places of worship have also been destroyed.

Some observers report a concerted effort to “eliminate underground bishops and bring them under the authority of the official Chinese Catholic Patriotic Association.”⁵ This organization is being introduced into areas in which it never existed before. It is pressing underground bishops for obedience, not just cooperation. Without even consulting church leaders, diocese are being reorganized: Some recently divided dioceses are being re-united, while others have simply been abolished by the government. On January 6 of this year, the Chinese Catholic Patriotic Association ordained five bishops without Vatican approval.

In recent months authorities have detained Catholic clergy loyal to the Vatican in an apparent attempt to force their allegiance to the official church. One, the

¹ Mickey Spiegel, “China: Religion in the Service of the State,” testimony at the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California.

² Human Rights Watch *Continuing Religious Repression in China*, 1993.

³ State Department Annual Report, International Religious Freedom, 1999.

⁴ Newsroom, “China Detains 47 Members of Protestant Group,” May 7, 2000.

⁵ Rev. Drew Christiansen, S. J. “Policy Responses to the Denial and Restriction of Religious Liberty in the People’s Republic of China,” testimony before the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California.

young Father Weiping, was detained in May of 1999 while performing mass. He was found dead on a Beijing Street shortly after being released from detention.⁶ The Vatican reports that five churches built without authorization had been razed. Thirteen were destroyed in the Fuzhou diocese in Fujian.⁷

4. Repression in Xinjiang and Tibet

Some of the most egregious violations of religious freedom occur in Tibet and Xinjiang, where ethnic, political, and economic factors complicate the relationship between the atheist state and large communities of Tibetan Buddhists and Uighur Muslims. In these areas Chinese controls on information are especially tight.

In these sensitive regions, authorities, seeking to eliminate “a very small number” of separatist activists, infiltrate and attempt to dominate religious institutions which they fear may breed opposition to continued Chinese control. Religious freedoms are curtailed and in response, resistance intensifies.

Amnesty International reports that authorities in the Xinjinag Uighur Autonomous Region have closed mosques and Koranic schools, halted the construction of unauthorized mosques, prohibited the use of Arabic script, more tightly controlled Islamic clergy, and required Muslims who are Party members or who work in government offices to abandon the practice of Islam or lose their positions. The Chinese press reported that “rampant activities by splittists” justified the closure of 10 unauthorized mosques, and the arrest of mullahs who it said had preached “illegally” outside their mosques. It further related that public security personnel raided 56 mosques.

While allowing some Muslims to make a religious journey to Mecca, authorities deny that experience to hundreds of Uighurs desiring to do so.⁸

In Tibet, where Chinese authorities fear growing Tibetan nationalism and the political and organizational power of the monasteries, religious institutions are likewise tightly controlled.

In an action denounced by the Dalai Lama, authorities of the Tibet Autonomous Region and the RAB in Beijing approved the selection of a boy as the reincarnation of the sixth Reting Lama. This is the latest in a campaign to control the future leadership of Tibetan Buddhism. In 1995, the Dalai Lama identified a young boy, Gendun Choekyi Nyima, as the reincarnate Panchen Lama. The Chinese immediately denounced the Dalai Lama’s choice, detained the boy and his family, and pushed the acceptance of their choice, Gyaltzen Norbu. Chinese authorities continue to hold the Panchen Lama at an undisclosed location and refuse all requests to visit him put forward by official and unofficial foreign delegations.

Each of Tibet’s major monasteries is overseen by a “Democratic Management Committee,” members of which are vetted by authorities for their political reliability. The Committee regulates religious affairs, finances (90% of which come from private donations), security, and training. It enforces limits on the number of monks and nuns within monasteries and conducts invasive “patriotic” education campaigns that force monks and nuns to denounce the Dalai Lama and accept the Chinese-selected Panchen Lama.

Authorities limit the religious festivals Tibetans are allowed to observe, the rituals monks are allowed to perform, and the courses of study monasteries are allowed to teach. In 1995, Chinese authorities asserted that “a sufficient number of monasteries, monks and nuns now exist to satisfy the daily religious needs of the masses.” Over 1,000 monks and nuns were expelled from their monasteries in 1999, and over 11,000 have been expelled since 1996. The Party Secretariat of the Lhasa City Administration announced that it would not allow more monasteries to be built and that monasteries constructed without permission would be destroyed. Chinese cadres have taken up residence in monasteries to oversee political education campaigns.

5. Increase in the number of sects branded “heretical cults” and banned

Article 300 of the Criminal Law, as amended in 1997, and as interpreted by the People’s Supreme Court and the National People’s Congress, stipulates that central authorities have the right to delegitimize any belief system they deem to be superstitious or a so-called “evil religious organization.” Leaders of these so-called cults are subject to “resolute punishment.” In the absence of a clear definition of terms, Chinese authorities have wide latitude for using the designation “cult.” Even private religious practice is forbidden to members of groups declared by Chinese authorities

⁶ State Department Annual Report, International Religious Freedom, 1999.

⁷ State Department Annual Report, International Religious Freedom, 1999.

⁸ Uighur witness testimony before the USCIRF Hearing on Religious Freedom in China, March 16, 2000, Los Angeles, California.

to be “evil cults.” The law has been used against numerous evangelical Protestant groups including the China Evangelistic Fellowship in Henan province.⁹ In November of 1999, six leaders of these groups in Henan were charged with leading cults and sentenced to re-education through labor.¹⁰

Falun Gong, a syncretic meditation and martial arts organization whose spiritual teachings draw on Taoist and Buddhist belief systems, has been the target of a virulent anti cult campaign. On April 25, 1999, 10,000 practitioners staged a peaceful demonstration outside the residential compound for top Party officials in central Beijing. The gathering was prompted by reports of police violence against fellow practitioners in Tianjin and by an official ban on publishing Falun Gong materials. In the months that followed, the group was declared an “evil cult” and by year’s end the government acknowledged having detained more than 35,000 adherents. Some detainees were tortured. Zhao Jinhua was reportedly beaten and killed while in Shandong jail.¹¹ Others have been held in mental institutions for “re-education.”¹² In closed trials Falun Gong leaders received prison sentences of 6 to 18 years. Many of those who have told their stories to outside media have been severely punished.

The law has been used against a number of other religious groups. In January of this year, Zhong Gong, a meditation and exercise sect claiming 20 million practitioners, was added to the list. Also banned are a sect with Buddhist origins, and Yi Guan Dao.

RECOMMENDATIONS

When Congress established this Commission it charged us with monitoring religious freedom and making policy recommendations to the legislative and executive branches of government that would promote religious liberty. After careful consideration the nine Commissioners unanimously decided upon the following recommendations as we move forward in our relationship with the PRC.

First, given the deterioration of religious freedom in China over the past year, the Commission unanimously recommends that Congress grant permanent normal trade status to China only after China makes substantial improvements in respect for freedom of religion as measured by the following standards:

- a. China agrees to establish high-level and ongoing dialogue with the U.S. government on religious freedom matters;
- b. China agrees to ratify the International Covenant On Civil and Political Rights, which it signed in 1997;
- c. China agrees to permit unhindered access to religious prisoners by the Commission;
- d. China discloses the condition and whereabouts of persons imprisoned for reasons of religion or belief;
- e. China releases from prison all persons incarcerated for religious reasons.

Second, the Commission recommends that before granting PNTR to China the U.S. Congress should:

- a. Announce that it will hold annual hearings on human rights in China, and
- b. Invite the Dalai Lama to address a joint session of Congress.

Third, as part of a sustained effort to improve religious freedom in the People’s Republic of China, the Commission further recommends that until religious freedom significantly improves in China, the U.S. government should:

- a. Initiate a resolution to censure China at the annual meeting of the UN Commission of Human Rights. This effort should be led by the personal efforts of the President of the United States;
- b. Lead a multilateral campaign to seek the release of Chinese religious leaders imprisoned or under house arrest;
- c. Raise the profile of conditions in Xinjiang for Uighur Muslims by addressing their religious-freedom and human rights concerns in bilateral talks, by increasing the number of educational exchange opportunities available to

⁹The conditions have been reported in detail by the State Department, by human rights organizations, and in the Staff Memorandum For The Chairman that accompanies the Commission’s May 1 Report (the latter two documents may be found on the Commission’s Web site, www.uscirf.gov).

¹⁰Associated Press, “Sect Followers Said Tried in Secret,” December 30, 1999.

¹¹AP 12/13/1999.

¹²Lu Siqing, Director of the Information Center for Human Rights and Democratic Movements, Hong Kong, Testimony before the USCIRF, Los Angeles, California, March 16, 2000.

Uighurs, and by increasing radio broadcasts in the Uighur language into Xinjiang; and

d. Use its diplomatic influence with other governments to ensure that China is not selected as a site for the International Olympic Games.

I would like to take just a minute to elaborate on the Commission's reasons for taking the position we have on PNTR. The Commission's nine voting members come from both political parties and a diversity of religions, and a number of them strongly support free trade. Yet the Commissioners were unanimous in their report in asking that the Congress not grant PNTR to China until substantial improvements are made to advance religious freedom. The Commission's reasoning is stated in our Report:

The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief has been a major factor for the annual decision, by presidents and congressional majorities of both parties, to grant "most favored nation" (MFN) trade relations with China each year over the past two decades. Moreover, a grant of PNTR and Chinese membership in the World Trade Organization may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom.

The Commission does not suggest all the actions outlined above as preconditions for PNTR, but as standards to measure progress. We did not propose a strict formula, but Congress must weigh the evidence and decide how much must be done before PNTR is granted.

The Commission concluded that these are significant yet "do-able" requests to make of China and of our own government. The Chinese government could announce tomorrow that it intends to ratify the ICCPR, commence high-level talks on religious freedom, invite the Commission to visit incarcerated religious leaders, and release all elderly, ill and under-age religious prisoners. If it did so, this Congress might well conclude that such intentions demonstrated sufficient improvement in respect for religious freedom to proceed with granting of PNTR. Indeed, the vote on PNTR could take place as scheduled next week.

Mr. Chairman, on behalf of the members of the U.S. Commission on International Religious Freedom, thank you for the privilege of appearing before this Committee today.

Senator BROWBACK. Thank you, Mr. Abrams. I want to inquire a little bit about what Rabbi Saperstein said about visas not being granted for travel to China. So, I want to inquire some further on that in a little bit.

Dr. Kazamzadeh. I hope I am saying that somewhere close to right.

STATEMENT OF DR. FIRUZ KAZEMZADEH, MEMBER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM; AND SECRETARY FOR EXTERNAL AFFAIRS, NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF THE UNITED STATES, ALTA LOMA, CA

Dr. KAZEMZADEH. It is quite close, sir.

Senator BROWNBACK. Very good. Thank you. Welcome. Glad to have you here.

Dr. KAZEMZADEH. Thank you very much, Mr. Chairman.

On the 1st of May, the Commission presented to the Congress its report that included a brief analysis of the state of religious freedom in Russia and 10 recommendations. The Commission noted that today Russia enjoys an incomparably greater degree of religious freedom than she did under the Soviet regime. The Russian Government, the reports says, "has taken positive steps to promote religious freedom." The constitution of the Russian Federation guarantees freedom of religion within a secular state and the Federal Government has by and large adhered to these constitutional guarantees.

Regrettably, in 1997 the Duma passed the so-called Religion Law that created a hierarchy of religious organizations and effectively restricted the rights, powers, and privileges of smaller, newer, and foreign religious communities. It also established an onerous and intrusive registration process and other mechanisms of state interference with the activities of religious organizations.

On March 26, President Putin signed the little noticed amendment to the 1997 Religion Law extending by 1 year the deadline for the registration of religious organizations that had not been able to register by December 31, 1999. This positive measure was accompanied, however, by a negative one, requiring that unregistered groups be liquidated after December 31, 2000. In addition, the Commission reports, "in January 2000, President Putin signed an important directive specifying that one of the measures necessary to protect Russian national security is a 'state policy to maintain the population's spiritual and moral welfare and counter the adverse impact of foreign religious organizations and missionaries.'"

It is too early to say how this legislative amendment and directive will be interpreted by regional and local authorities who have been the most zealous in denying registration, harassing, and liquidating unregistered religious communities, including Roman Catholics, Mormons, Baptists, Seventh-Day-Adventists, Jehovah's Witnesses, and even Orthodox Old Believers. The liquidation of unregistered religious communities after December 31 of this year would have particularly grievous consequences for hundreds, if not thousands, of small religious groups. The Commission has therefore recommended that the U.S. Government continue, as a major diplomatic priority, to make efforts to ensure that legitimate religious groups that have not registered by January 1, 2001 are not liquidated.

Regional and local authorities have not only interfered in practice with the religious freedoms of unregistered groups. One-third of Russia's constituent regions have enacted regulations that are plainly unconstitutional. Central authorities have, however, in most cases failed to enforce those aspects of Federal law that protect religious freedom and, in many instances, have themselves been guilty of violating both national and international human rights standards.

In its report, the Commission observed that in Russia the inadequacies of law are exacerbated by three widely shared traditional attitudes.

First, many hold prejudices against ethnic and religious minorities, including Muslims, Jews, and various Christian groups other than the Russian Orthodox Church.

Second, among many Russians, longstanding nationalistic resentment against foreign influences affects the treatment of religious groups that are perceived to have strong foreign ties, such as Roman Catholics, Protestants, and some Muslim groups.

Third, is the related belief among some of the members of the Russian Orthodox Church and the traditional religions of Russia that they should be accorded special privileges and protection in contrast to the smaller, newer, and foreign religious groups.

The Commission, having had staff and offices for only 4 months, had neither time nor opportunity to investigate in greater detail the religious situation in the Russian Federation, a formidable task considering that country's size, the heterogeneity of its population, and the number of religious groups active within it. Given the persistent threat to religious freedom in Russia and the recurring instances of the violation of that freedom, particularly in regions loosely supervised by the Federal Government, the Commission will monitor and recommend that the U.S. Government continue to monitor conditions of religious freedom in Russia.

The Commission is particularly concerned about local and regional regulations enacted in violation of the Russian constitution. Such regulations provide provincial authorities with a convenient cover, giving the appearance of legitimacy to unconstitutional acts. Instances of official harassment have been reported from a number of localities in central Russia, in Tatarstan, Siberia, and elsewhere.

Religious, cultural, and ethnic or racial prejudices unfortunately exist in all societies. Russia has had a long history of virulent anti-Semitism that has varied in intensity from place to place and from time to time. Although Judaism has been accorded the status of a traditional religion, popular anti-Semitism has not disappeared and should be carefully watched. Islam is another faith accorded the status of traditional religion in Russia. Yet anti-Muslim feelings are quite widespread there. The ferocity of the war in Chechnya has undoubtedly been exacerbated by the religious element.

The Commission has noted that: "While the conflict in the Caucasus is primarily political and ethnic in nature, religion appears to play a role on both sides of the conflict. Islam forms the basis of Caucasian Muslim identity, and it is a significant element of resistance to dominance by Moscow. Russian authorities, meanwhile, have played upon deep-seated and historic prejudices against Muslims to rally domestic support for the war."

The Commission has recommended that the State Department make the humanitarian and human rights crisis in Chechnya a high priority issue in its bilateral relations with Russia and that Congress continue to include the Smith amendment in its appropriations bills until it becomes clear that the Putin administration will ensure that Russian laws do not discriminate on the basis of religion.

Ultimately, religious freedom must be assured to the peoples of the Russian Federation by its own citizens through their own government. Tolerance, the acceptance of religious diversity, freedom from ethnic and religious prejudice are not easily achieved in any society, let alone in a society that has freshly emerged from decades of officially sponsored intolerance. Fortunately, Russian culture is not devoid of such qualities. One has only to mention the names of Herzen, Tolstoy, Solovyev, Chekhov, or Berdyaev to make the point.

The Commission has recommended, therefore, that: “the U.S. Government should actively promote religious tolerance in Russia by providing support to willing non-governmental organizations, journalists, and academic institutions engaged in programs aimed at preventing intolerance and discrimination and supporting international standards on freedom of religion and belief. The U.S. Government should also promote religious tolerance through appropriate activities such as exhibits, conferences, and media and Internet broadcasting, particularly in regions where numerous manifestations of intolerance have occurred.”

Unfortunately, religious intolerance is not confined to government or secular nationalist groups. Within Russia’s traditional religious communities that have lived for decades, or even centuries, in relative isolation, there is much suspicion and at times open antagonism toward the so-called foreign religious and newer movements. A number of leaders of major religious communities have supported or even promoted the Religion Law of 1997, invoking the power of the state to protect themselves from the intrusion of unfamiliar ideas.

To increase mutual understanding through personal contacts, the Commission has recommended that: “the U.S. Government should promote contacts with leaders of the Russian Orthodox Church and members of other religious communities who may benefit from traveling to the United States and meeting with American political and religious leaders.”

In spite of many defects, the Russian legal system provides many opportunities to defend human rights and religious freedom. In many instances, the courts have put a liberal interpretation on the Religion Law of 1997 and have protected individual believers and religious communities. Recognizing the importance of effective legal advocacy, the Commission has recommended that the U.S. Government support “the activities of Russian public interest organizations that defend the right of freedom of religion or belief in Russian courts.”

Russia is a signatory to the Universal Declaration of Human Rights and the various covenants that establish freedom of religion or belief as a universal standard. It is therefore appropriate for the United Nations Commission on Human Rights to monitor the status of religious freedom in that country. Yet the U.N.’s Special Rapporteur on Religious Intolerance stated in his 2000 report to the UNCHR that his request for a site visit has not been answered. The Commission, therefore, has recommended that the U.S. Government “encourage the Government of Russia to agree to the request of the U.N. Special Rapporteur on Religious Intolerance to visit Russia.”

The Commission believes that the implementation of these recommendations would have a positive effect on religious freedom in Russia.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Kazemzadeh follows:]

PREPARED STATEMENT OF DR. FIRUZ KAZEMZADEH

Mr. Chairman, honorable Members of the Committee:

My name is Firuz Kazemzadeh. I am Professor Emeritus of Russian History at Yale University and a member of the United States Commission on International Religious Freedom.

On the first of May the Commission presented to the Congress its Report that included a brief analysis of the state of religious freedom in Russia, and several recommendations. The Commission noted that today Russia enjoys an incomparably greater degree of religious freedom than she did under the Soviet regime. The Russian government, the Report says, "has taken some positive steps to promote religious freedom." The Constitution of the Russian Federation guarantees freedom of religion within a secular state, and the federal government has by and large adhered to these constitutional guarantees.

Regrettably, in 1997, the Duma passed the so-called Religion Law that "creates a hierarchy of religious organizations and effectively restricts the rights, powers and privileges of smaller, newer, and foreign religious communities. It also establishes an onerous and intrusive registration process and other mechanism of state interference with the activities of religious organizations."

On March 26 President Putin signed the little noticed amendment to the 1997 Religion Law, extending by one year the deadline for the registration of religious organizations that had not been able to register by December 31, 1999. This positive measure was accompanied, however, by a negative one, requiring that unregistered groups be "liquidated" after December 31, 2000. "In addition," the Commission reports, "in January 2000, President Putin signed an important directive specifying that one of the measures necessary to protect Russian national security is a 'state policy to maintain the population's spiritual and moral welfare and counter the adverse impact of foreign religious organizations and missionaries.'"

It is too early to say how this directive will be interpreted by regional and local authorities who have been the most zealous in denying registration, harassing, and liquidating unregistered religious communities including Roman Catholics, Mormons, Baptists, Seventh-day-Adventists, Jehovah's Witnesses, and even Orthodox Old Believers. The liquidation of unregistered religious communities after December 31 of this year would have particularly grievous consequences for hundreds if not thousands of small religious groups. *The Commission has therefore recommended that the United States government continue, as a major diplomatic priority, to make efforts to insure that legitimate religious groups that have not registered by January 1, 2001 are not liquidated.*

Regional and local authorities have not only interfered in practice with the religious freedoms of unregistered groups. One-third of Russia's constituent regions have enacted regulations that are plainly unconstitutional. Central authorities, however, have in most cases failed to enforce federal law and in many instances have themselves been guilty of violating both national and international human rights standards.

In its Report the Commission observed that in Russia the inadequacies of law are exacerbated by three widely shared traditional attitudes:

First, many hold prejudices against ethnic and religious minorities, including . . . Muslims, Jews, and various Christian groups other than the Russian Orthodox Church. Second, among many Russians, longstanding nationalistic resentment against "foreign influences" affects the treatment of religious groups that are perceived to have strong foreign ties (such as Roman Catholics, Protestants, and some Muslim groups). Third is the related belief among some that the Russian Orthodox Church or the "traditional" religions of Russia should be accorded special privileges and protection in contrast to smaller, newer, and "foreign" religious groups.

The Commission, having been in existence less than a year, had neither time nor opportunity to investigate in greater detail the religious situation in the Russian Federation, a formidable task considering that country's size, the heterogeneity of its population, and the number of religious groups active within it. Given the persistent threat to religious freedom in Russia and the recurring instances of violation of that freedom, particularly in regions loosely supervised by the federal govern-

ment, the Commission will monitor, and *recommends that the United States government continue to monitor conditions of religious freedom in Russia.*

The Commission is particularly concerned about local and regional regulations enacted in violation of the Russian Constitution. Such regulations provide provincial authorities with a convenient cover, giving the appearance of legitimacy to unconstitutional acts. Instances of official harassment have reported from a number of localities in central Russia, in Tatarstan, Siberia, and elsewhere. *This has prompted the Commission to recommend that the United States government “urge the Russian government to monitor the actions of regional and local officials that interfere with the right to freedom of religion or belief and to take steps to bring local laws and regulations on religious activities into conformity with the Russian Constitution and the international human rights standards.”*

Religious, cultural, and ethnic or racial prejudices unfortunately exist in all societies, Russia has had a long history of virulent anti-Semitism that has varied in intensity from place to place and from time to time. Although Judaism has been accorded the status of a “traditional religion,” popular anti-Semitism has not disappeared and should be carefully watched. Islam is another faith accorded the status of “traditional religion” in Russia. Yet anti-Muslim feelings are quite widespread there. The ferocity of the war in Chechnya has undoubtedly been exacerbated by the religious element. The Commission has noted that:

While the conflict in the Caucasus is primarily political and ethnic in nature, religion appears to play a role on both sides of the conflict. Islam forms the basis of Caucasian Muslim identity, and it is a significant element of resistance to domination by Moscow. Russian authorities, meanwhile, have played upon deep-seated and historic prejudices against Muslims to rally domestic support for the war, which in turn has fueled anti-Muslim attitudes in Russia by making Islam and Muslims synonymous with terrorism and extremism. These actions have apparently had a direct impact on the religious freedom of Muslims who are independent of the officially sanctioned Muslim organizations.

The Commission has recommended that the State Department make the humanitarian and human rights crisis in Chechnya a high priority issue in its bilateral relations with Russia and that Congress continue to include the “Smith Amendment” in its appropriations bills.

Ultimately religious freedom must be assured to the peoples of the Russian Federation by its own citizens through their own government. Tolerance, the acceptance of religious diversity, freedom from ethnic and religious prejudice are not easily achieved in any society, let alone in a society that has freshly emerged from decades of officially sponsored intolerance. Fortunately Russian culture is not devoid of such qualities. One has only to mention the names of Herzen, Tolstoy, Solovyev, Chekhov, or Berdyaev to make the point. The Commission has recommended that:

The United States government should actively promote religious tolerance in Russia by providing support to willing non-governmental organizations, journalists, and academic institutions engaged in programs aimed at preventing intolerance and discrimination and supporting international standards on freedom of religion or belief. The United States government should also promote religious tolerance through appropriate activities such as exhibits, conferences, and media and Internet broadcasting, particularly in regions where numerous manifestations of intolerance have occurred.

Unfortunately religious intolerance is not confined to the government or secular nationalist groups. Within Russia’s traditional religious communities, that have lived for decades or even centuries in relative isolation, there is much suspicion of and at times open antagonism toward so called foreign religions and newer movements. A number of leaders of major religious communities have supported, or even promoted, the Religion Law of 1997, invoking the power of the state to protect themselves from the intrusion of unfamiliar ideas. To increase mutual understanding through personal contacts and dialogue, the Commission has recommended that:

The United States government should promote contacts with leaders of the Russian Orthodox Church and members of other religious communities in Russia who may benefit from traveling to the United States and meeting with American political and religious leaders. The U.S. government also should encourage appropriate American religious leaders and seminarians in traveling to Russia to discuss issues of tolerance and religious freedom.

In spite of its many defects the Russian legal system provides many opportunities to defend human rights and religious freedom. In many instances the courts have

put a liberal interpretation on the Religion Law of 1997 and have protected individual believers and religious communities from overzealous officials. Recognizing the importance of effective legal advocacy for the protection of religious freedom in Russia, *the Commission has recommended that the United States government support "the activities of Russian public interest organizations that defend the right to freedom of religion or belief in Russian courts. The U.S. government should promote exchanges between Russian judges, lawyers, and legal rights organizations with their counterparts in the United States."*

Russia is a signatory to the Universal Declaration of Human Rights and the various covenants that establish freedom of religion or belief as a universal standard. It is therefore appropriate for the United Nations Commission on Human Rights to monitor the status of religious freedom in that country. Yet the UN's Special Rapporteur for Religious Intolerance stated in his 2000 report to the UNCHR that his request for a site visit has not been answered. *The Commission therefore has recommended that the U.S. government "encourage the government of Russia to agree to the request of the UN Special Rapporteur on Religious Intolerance to visit Russia."*

The Commission believes that the implementation of these recommendations would have a positive effect on religious freedom in the Russian Federation.

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

Senator BROWNBACK. Thank you very much. Thank you for the testimony and your thoughts. I look forward to some questions.

Ms. Nina Shea, thank you very much for joining us.

STATEMENT OF NINA SHEA, MEMBER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM; AND DIRECTOR, CENTER FOR RELIGIOUS FREEDOM, FREEDOM HOUSE, WASHINGTON, DC

Ms. SHEA. Thank you, Mr. Chairman. I know you have profoundly reflected on what to do about Sudan, having risked your life to go there yourself, of course, your staff member, Sharon Payt, having survived a bombing raid personally in the Nuba Mountains last year. So, I am honored and humbled to be here, and I thank you very much for inviting me on behalf of the Commission to testify about Sudan.

Mr. Chairman, the U.S. Commission on International Religious Freedom decided to focus on Sudan because we have found that the Government of Sudan is the world's most violent abuser of the right to freedom of religion and belief. The civil war has raged in Sudan for 17 years, a war that ignited when the regime in Khartoum attempted to impose Shari'a, or Islamic law, on the non-Muslim south, and in which religion continues to be a major factor.

Last January Commissioner Elliott Abrams traveled to Sudan and interviewed a church leader who concluded that the government would like to remove the church from Sudan, to "blow out the candle," as he put it so poignantly. Moreover, "this persecution is intensifying, making even worse the security problems the church faces from the war itself," he said. "Islam is the crux," he said. The government wants all the resources in its hands and wants to use them to create a fully Islamic country.

As it prosecutes its side of the war, the Government of Sudan is carrying out genocidal practices against its religious and ethnic minorities. Such practices include aerial bombardment, scorched earth campaigns, massacre, slavery—and recently the Congressional Black Caucus gave estimates that between 20,000 and 100,000 women and children are enslaved in Sudan—forcible conversion and its most lethal tactic, what Senator Frist has termed "calculated starvation," which in 1998 alone brought 2.6 million to

the brink of starvation and 100,000 did die. This calculated starvation is achieved by using brutal means to drive entire communities off their land. That is creating vast numbers of internal refugees who are dependent on humanitarian relief for survival, while at the same time barring international relief flights from delivering aid. Estimated at 4.5 million, they number the largest internally displaced population in the world. In fact, they amount to, according to Mr. Holbrooke's figures, about a quarter of the world's total of internal refugees.

As a direct result of the conflict, some 2 million persons have been killed, mostly Christians and followers of traditional beliefs in south and central Sudan. This is more than Bosnia, Kosovo, Rwanda, and Sierra Leone combined.

That the Government of Sudan has not yet prevailed in the war may be due to the fact that until last year it has been financially strapped and in default to the IMF and other international lenders. Last August, oil developed in south Sudan by foreign companies in a joint venture partnership with the Khartoum government came on stream and has begun to provide windfall profits for the regime, as well as a critical source of new international respectability. As Secretary of State Albright acknowledged, the proceeds from the oil revenues will be used to support the Sudanese military actions and human tragedy in Sudan is likely to become worse.

There is ample evidence that this is already happening. Since February, a Catholic primary school in the Nuba Mountains has been bombed, Samaritan's Purse hospital near Juba, operated by the family of Rev. Billy Graham, has been bombed five times, a clinic at the Voice of the Martyrs, a clinic of Irish Concerns, and other relief centers, churches and civilian targets in south Sudan have all been bombed by the government in one of the most relentless bombing raids of the war.

A few days after the Nuba Catholic school was bombed, its founder, Bishop Macram Gassis, testified before the Commission. I wish to share his words, and I quote. "On February 7th and 8th, two Russian-built Antinov bombers targeted the heavily populated areas around Kuada. The Catholic Church has set up the only well-established school in the area with more than 360 students. Fourteen of these students were killed outright in the raid and the number of wounded is yet to be fully determined." Incidentally, the total killed there was 19 in the end.

The Bishop said, "Truly this is a slaughter of the innocent and an unbridled attempt to destroy the Nubas' hope and indeed their future by destroying their children. I have tried time and again to tell the world that the National Islamic Front regime in Khartoum has been and is conducting a campaign of genocide aimed at exterminating the Christian, African, and non-Arab populations of Sudan in order to establish a uniform Arab Islamic fundamentalist free state in the heart of Africa. This terrible heart-breaking incident is yet another piece of evidence. If more were still needed, that the war in Sudan is a religious—and I underline it is religious—and ethnic war launched by Khartoum and aimed at the destruction of my people. We cannot take back the 14 martyred children under the trees in Kuada. There are many Rachels today in the Nuba weeping for the children. What we can do is call upon

the international community to refuse to stand by idly while the African and Christian peoples of the Sudan are exterminated.”

Mr. Chairman, in addition to the conflict which the Sudanese Government declares to be a jihad against both non-Muslims and dissident Muslims, the regime is responsible for other forms of religious persecution throughout the country. These concern the Commission as well. Muslims who do not subscribe to the government’s extremist interpretation of Islam are persecuted. They are forced to conform in their dress, their prayers, their practices, and in their sermons to the regime’s strict interpretation of Islam. Other Muslims are perceived as disloyal to the regime and thus are declared apostate and targeted for death.

Christian schools were nationalized in 1992. Christian churches and prayer centers continue to be demolished in the north, and the government has not granted permission to build or repair a church in the area controlled in over 30 years. The regime suppresses Christian and African traditional religions in a variety of ways.

The scope of the humanitarian tragedy of Sudan dwarfs all those of other recent conflicts, and yet Sudan receives far less international attention. Neither the international community nor the United States has any plan to address the mounting tragedy in Sudan. Although the United States has imposed against Sudan trade and financial sanctions for American companies and provides massive amounts of humanitarian relief, these steps do not respond to the underlying catastrophe in Sudan. Nor does current policy address the question of whether the Sudanese Government’s actions constitute not only war crimes and crimes against humanity, but actually amount to genocide.

Mr. Chairman, in its report, the Commission proposes a comprehensive set of policy options to significantly strengthen the United States’ response to the crisis in Sudan. The Commission’s recommendations provide both disincentives and incentives for the Sudanese Government to comport with international standards of religious freedom and other basic human rights. These include bringing world moral opprobrium to bear upon the genocidal regime by raising the profile of the atrocities in Sudan, by giving them greater priority, and determining whether it is a genocide. They also include providing nonlethal aid to opposition groups in order to strengthen the defenses of the vulnerable civilian populations, once certain conditions are met.

In addition, the Commission recommends increasing economic pressure on the regime, especially by restricting foreign companies involved in Khartoum’s strategic oil industry from raising money in U.S. capital markets. The Commission calls for greater transparency and disclosure for foreign companies engaged in Sudan’s oil sector that are seeking to obtain capital in the U.S. markets.

Mr. Chairman, you and other Members of Congress asked the SEC for a 90-day cooling down period to review the filing of PetroChina, before it had its IPO, in order to examine the implications of it entering the market. But we are aware that the SEC rejected that request. We believe that more clarification and disclosure is needed about whether the proceeds from that IPO will find their way to Sudan.

And also because of the extremely egregious, in fact genocidal, nature of the religious persecution in Sudan, the Commission urges that access to U.S. stock and bond markets be restricted in this specific case, and that is to those foreign companies engaged in business with a designated sanction entity in Sudan, which is itself sanctioned. What I am talking about is the Greater Nile Oil Project.

In undeveloped countries, such as Sudan, is the sanctioning of investment rather than trade that will bring real pressure upon the regime. Last year overall foreign activity in the U.S. securities markets was twice the level of 1995, and we are entering a new era in which Sudan is poised to obtain more resources from American investors than from the IMF.

I would like to at this point acknowledge the tremendous contribution of Roger Robinson of the Casey Institute who is sitting behind me today and who has testified before the Commission, for Mr. Robinson really pioneered this area by drawing attention to the need for greater transparency in U.S. capital markets.

Because the regime continues its genocidal practices, the Commission's recommendations also set forth measures to ameliorate the agony of the targeted populations in south and central Sudan. These include ensuring food aid reaches starving communities by channeling more aid outside the U.N. system, supporting through peaceful means a military no-fly zone, and strengthening an infrastructure to sustain civilian life.

The Commission's recommendations, for the most part, are based on the same principles that proved so effective in ending apartheid in South Africa during the 1980's; that is, identifying the Sudanese Government as a pariah state and intensifying its economic isolation. None of the Commission's recommendations call for the involvement of U.S. troops or U.N. peacekeeping forces. They do not risk involving the United States in a dangerous quagmire of financial and military obligations. They do require American resolve and leadership.

In the half century since the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the world community has rarely invoked it or applied its definitions. Typically when it has been used, it has been used years after the fact, after the killing has stopped and the mass graves have been exhumed, as was the case in Cambodia, or when it has helped to justify a decision to intervene militarily, such as in Bosnia and Kosovo. These past occurrences of genocide fill the pages of our newspapers to this day, and they continue to haunt our policy leaders. The Commission's recommendations are intended to help while lives remain to be saved and to do so through peaceful means.

Mr. Chairman, that concludes my testimony. The further details of the Commission's recommendations are included in the report itself and in my written testimony.

Thank you very much.

[The prepared statement of Ms. Shea follows:]

PREPARED STATEMENT OF NINA SHEA

Mr. Chairman and Members of the Committee:

On behalf of the U.S. Commission on International Religious Freedom, on which I serve, I wish to thank the Committee for inviting me to testify before you today about religious freedom in Sudan.

Mr. Chairman, the U.S. Commission on International Religious Freedom decided to focus on Sudan because we have found that the government of Sudan is the world's most violent abuser of the right to freedom of religion and belief. As it prosecutes its side of a 17-year-old civil war—a war that ignited when the regime in Khartoum attempted to impose Sharia, or Islamic law, on the non-Muslim south and in which religion continues to be a major factor—the government of Sudan is carrying out genocidal practices against its religious and ethnic minorities. Such practices include aerial bombardment, scorched earth campaigns, massacres, slavery, forcible conversion, and its most lethal tactic, what Senator Frist has termed “calculated starvation.” (The latter is achieved by creating through brutal means vast numbers of internally displaced persons—estimated at 4.5 million they number the largest internal refugee population in the world—who are dependent on humanitarian relief for survival, while barring international relief flights from delivering aid.) As a direct result of the conflict, some two million persons have been killed, mostly Christians and followers of traditional beliefs in south and central Sudan.

That the government of Sudan has not yet prevailed in the war may be due to the fact that, until last year, it has been financially strapped, and in default to the IMF and other international lenders. Last August, oil developed in south Sudan by foreign companies in a joint venture partnership with the Khartoum government came on stream, and has begun to provide windfall profits for the regime, as well as a critical source of new international respectability. The proceeds from the oil revenues will be used to support the Sudanese military's actions, and the human tragedy in Sudan is likely to become worse. There is ample evidence that this is already happening: since February, a Catholic primary school in the Nuba mountains, Samaritan's Purse hospital, near Juba, operated by the family of Rev. Billy Graham, a clinic of Voice of the Martyrs, a clinic of Irish Concern, and other relief centers, churches and civilian targets in south Sudan have been bombed by the government in one of the most relentless bombing raids of the war.

In addition to the conflict, which the Sudanese government declares to be a *jihād* (against both non-Muslims and dissident Muslims), the regime is responsible for other forms of religious persecution throughout the country. These concern the Commission as well. Muslims who do not subscribe to the government's extremist interpretation of Islam are persecuted. Christian schools were nationalized in 1992. Christian churches and prayer centers continue to be demolished, and the government has not granted permission to build or repair a church in over 30 years. The regime suppresses Christian and African traditional religions in a variety of ways.

Neither the international community nor the United States has any plan to address the mounting tragedy in Sudan. Although the United States has imposed against Sudan trade and financial sanctions for American companies, and provides massive amounts of humanitarian relief, these steps do not respond to the underlying catastrophe in Sudan. Nor does current policy address the question of whether the Sudanese government's actions constitute not only war crimes and crimes against humanity, but actually amount to genocide.

Mr. Chairman, distinguished Senators, in its report, the Commission proposes a comprehensive set of policy options to significantly strengthen the United States' response to the crises in Sudan. The Commission's recommendations emphasize the need for an intensive diplomatic effort over the next 12 months to stop genocidal actions and human rights abuses, providing both disincentives and incentives for the Sudanese government to comply with international standards of religious freedom and other basic human rights. These include bringing world moral opprobrium to bear upon the genocidal regime and providing *non-lethal* aid to opposition groups in order to strengthen the defenses of the vulnerable civilian populations.

In addition, the Commission recommends increasing economic pressure on the regime, especially by restricting foreign companies involved in Khartoum's strategic oil industry from raising money in U.S. capital markets. The Commission calls for greater transparency and disclosure for foreign companies engaged in the development of the oil and gas fields in Sudan that are seeking to obtain capital in U.S. markets, but also, because of the extremely egregious, in fact *genocidal*, nature of the religious persecution in Sudan, the Commission urges that access to U.S. stock and bond markets be restricted in this specific case. In an underdeveloped country such as Sudan, it is the sanctioning of investment rather than trade that will bring real pressure upon the regime. Last year, overall foreign activity in U.S. securities markets was twice the level of 1995, and we are entering a new era in which Sudan is poised to obtain more resources from American investors than from the IMF.

Because the regime continues its genocidal practices, the recommendations also set forth measures to ameliorate the agony of the targeted population in south and central Sudan. These include ensuring food aid reaches starving communities by channeling more aid outside the United Nations' system, supporting through peaceful means a "military no-fly zone," and strengthening an infrastructure to sustain and stabilize civilian life.

The Commission's recommendations for the most part are based on the same principle—intensifying the economic isolation of the Sudanese government as a pariah state—that proved so effective in ending apartheid in South Africa during the 1980s. None of the Commission's recommendations calls for the involvement of U.S. troops or UN peacekeeping forces. They do not risk involving the United States in a dangerous quagmire of financial and military obligations. They do require American resolve and leadership. In the half century since the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the world community has rarely invoked it or applied its definitions. Typically, when it has been used, it has been years after the fact, after the killing has stopped and the mass graves have been exhumed, as was the case in Cambodia, or when it has helped to justify a decision to intervene militarily, such as in Bosnia and Kosovo. These past occurrences of genocide fill the pages of our newspapers to this day and they continue to haunt our policy leaders. The Commission's recommendations are intended to help in time to save lives, and to do so through peaceful means.

In reaching these recommendations, the Commission made an on-site visit to southern Sudan, conducted its own hearings and research, met with religious and other non-governmental organizations ("NGOs"), reviewed the public reports of the State Department and obtained information from other agencies. The State Department has withheld certain documents relating to the application of economic sanctions on Sudan on grounds of executive privilege, and more importantly resisted on the same grounds making available to the Commission embassy cables, even though Commissioners and senior staff hold the requisite security clearances.

A more detailed discussion of the Commission's concerns and recommendations regarding Sudan follows:

1. THE HUMANITARIAN TRAGEDY

Since 1983, when the second phase of the civil war began, almost 2 million people have died in Sudan as a direct result of the war, most of whom died from starvation.¹ Another 4.5 million have been displaced inside the country.² This amounts to nearly a quarter of all such internal refugees worldwide. There are 1.5 million internally displaced persons (IDPs) in Khartoum alone. Many internal refugees live in squalid conditions in what the government of Sudan euphemistically calls "peace camps." These refugee camps have only primitive sanitation facilities, are largely dependent on food supplied by the United Nations, and provide their inhabitants with virtually no means of self-support. In some camps, the inmates are forced to convert to Islam before they or their children can receive food and medicine.

Despite the desperate needs of the Sudanese people, the government of Sudan prohibits international relief missions from bringing food to many who are seriously affected. Although Operation Lifeline Sudan (OLS), the United Nations humanitarian relief mission for Sudan, sought to provide food relief for the starving population, the government continued its "no flight" ban on these famine areas and advised that it would shoot down any UN or NGO plane attempting to make humanitarian flights to the region. OLS and many NGOs agreed to the conditions imposed by the government. Recently, the World Food Programme issued an urgent notice that a serious famine is expected to strike Sudan this year (2000) in the hard-hit regions of Bahr al-Ghazal and Darfur. The government continues to veto food delivery flights in various areas. There are several NGOs that step into the breach and deliver food and other aid to areas covered by the flight ban imposed by the Sudanese government. These "non-OLS" NGOs run the risk of being attacked and shot down by the government's armed forces.

At the same time, attacks on civilians continue unabated. On February 8, 2000, three weeks after the Sudanese government declared a cease-fire, one of its planes dropped between three and six bombs on the Comboni Primary School, a Catholic missionary school in the Nuba Mountains. The bombs immediately killed 14 children and a 22-year-old teacher. The survivors of the attack carried 18 wounded children, some with limbs blown off, to a nearby German medical facility, one of many

¹ UN Special Rapporteur for Sudan, *Situation of human rights in the Sudan: Addendum*, May 17, 1999, ¶ 42.

² *Ibid.*

such makeshift medical facilities operating in hazardous locations throughout Sudan. A videotape recorded the aftermath of the slaughter.³ Five of the wounded children later died of their injuries.⁴ Bishop Macram (Max) Gassis, whose diocese includes the Comboni School, testified before the U.S. Commission on International Religious Freedom's hearing on Sudan just one week after the attack: "Truly, this is a slaughter of innocents, an unbridled attempt to destroy the Nubas' hope and indeed their future by destroying their children."⁵ The Commission has documented several such cases during the first quarter of this year.

By any reasonable application of international law, the persons responsible for these attacks on civilian populations and humanitarian workers are guilty of "committing crimes against humanity" and should be held accountable by all civilized governments of the world. The Commission has concluded that by the nature of its actions, the government of Sudan has engaged in genocidal activity, and includes among its policy recommendations a request that the U.S. State Department determine whether Khartoum has violated the 1948 Genocide Convention.

The issue of slavery and slavery-like practices is a terrible problem in Sudan. While the practices of inter-tribal raids, abductions and ransoming have historical roots in Sudan, as the Secretary of State stated before the UN Commission on Human Rights last March, the government of Sudan itself is responsible for slavery. The most flagrant example of the government's support for the practice of slavery takes place along the 445 kilometer railroad track from Babanusa (Western Kordofan) through Aweil to Wau (Bahr al-Ghazal), in the form of raids on villages by government-backed *murahalin* militiamen. The *murahalin* are mostly Arabic-speaking and Muslim Baggara tribesman, who are traditional rivals of the indigenous Dinka tribes that live near the railway in northern Bahr al-Ghazal. The government arms (although it does not pay) the *murahalin* to protect the government supply train which leads to the garrison town of Wau. Jemera Rone of Human Rights Watch/Africa explains:

The murahaleen descend on civilian villages on horseback, armed with the government's automatic weapons. The raids are conducted where there is no SPLA presence; the objective is not to kill enemy troops but to enslave "enemy" civilians and weaken the Dinka, economically and socially. The Dinka are outgunned and horseless; they cannot protect their women, children, or cattle. Those who resist are killed.⁶

Thus, rather than limiting their work to protecting the train from rebels, these armed militias terrorize and intimidate Dinka villagers. The exact number of those abducted and enslaved is not known. The Congressional Black Caucus estimates that tens of thousands of women and children, mainly from Bahr al-Ghazal, have

³When shown the videotape of the Comboni school bombing, a Sudanese government official in Nairobi, Dirdieiy Ahmed, responded that "the bombs landed where they were supposed to land. The bombs landed into a military camp. The SPLA has pulled people into this military camp." Godfrey Mutizwa, Reuters, "Sudan school still in shock after fatal air strike," February 11, 2000. Days later, Sudanese Foreign Minister Mostaf Osman Ismail accused rebel forces of amassing troops in the target area and stated, "If there were civilian groups there, then this was a regrettable matter and the Sudanese government hopes that this will not happen again." Associated Press, "Government says rebels had troops in area where school was bombed," February 14, 2000. A few weeks later, Justice Minister Mi Mohamed Osman Yassin, told U.S. envoy Harry Johnston, who was then in Khartoum, that the bombing of the school and the killing of the children was a "mistake." Reuters, "Report: Sudan tells U.S. Nuba Raid was 'Mistake,'" March 6, 2000. But even as Mr. Yassin disavowed the motives behind the Comboni attack, the Sudanese military was bombing the Samaritan's Purse hospital. Linda Slobodian, "No Excuses for Bombing," *Calgary Sun*, March 7, 2000. For other examples of recent bombings of civilian targets, see Sudan Appendix I below.

⁴Gabriel Meyer, "Sudan After the Bombs," *National Catholic Register*, March 26-April 1, 2000. The Comboni Primary School is a Catholic school, named after Daniel Comboni (1831-1881), the first Roman Catholic Bishop of Khartoum.

⁵USCIRF, *Hearing on Sudan* (Gassis testimony), 19. On February 15, 2000, the U.S. Commission on International Religious Freedom held a day-long hearing on Sudan. The hearing was designed to elicit evidence for Commissioners on the situation in Sudan as it relates to religious persecution. The Commission heard testimony from various witnesses, including human rights activists, humanitarian relief workers, religious leaders and others—Sudanese and non-Sudanese—with direct knowledge of the situation in Sudan. Hearing testimonies, in addition to numerous interviews with other experts by Commission staff, which are included throughout this memorandum, have been instrumental in the development of the Commission's findings and recommendations.

⁶U.S. Congress, House Committee on International Relations, Subcommittee on International Operations and Human Rights and Subcommittee on Africa, *Crises in Sudan and Northern Uganda*, 105th Cong., 2d Sess., 1998.

been abducted and raped, remain in captivity, and are used as slaves.⁷ There are reports by human rights groups that those enslaved are frequently abused and mistreated, and that local law enforcement authorities regularly fail to assist families of abducted individuals or to prosecute those responsible.⁸ This led Human Rights Watch to conclude that “the government of Sudan is guilty not only of knowingly arming, transporting and assisting the slave-raiding militia, it also is guilty of not enforcing its own laws against kidnaping, assault, and forced labor.”⁹

2. PERSECUTION OF CHRISTIANS AND TRADITIONAL BELIEVERS

Since the NIF-backed coup of 1989, discrimination and serious violations of religious freedom increased dramatically. Non-Muslims in Sudan, both Christians and followers of traditional beliefs, in essence have become second-class citizens subject to a wide range of violations, including the misapplication of *hudud*, legal and social discrimination, forcible conversions to Islam and religious coercion, restrictions on religious institutions, harassment of religious personnel, and persecution.

In spite of the government’s rhetoric claiming that it respects the rights of followers of the “revealed religions,” Christians of all denominations and backgrounds in Sudan are subjected to repression, discrimination, and persecution. These include restrictions on operations of their churches and on church personnel, harassment, and persecution. The government has not allowed the building or repair of churches in Khartoum since 1969.¹⁰ According to Human Rights Watch, between 30 and 50 Christian schools, centers and churches have been demolished by government authorities in Khartoum state since 1989 ostensibly because they lacked the proper permits.¹¹ According to Bishop Macram Gassis, a total of 750 Christian schools have already been confiscated by the government.¹² The government rarely grants building permits to Christian institutions, while permits for mosques and other Islamic institutions are readily attainable.¹³ Numerous churches and church properties have been bulldozed or confiscated on the grounds of not fulfilling rigid requirements, or of any other pretext supplied by Sudanese authorities. In June 1999, the government served eviction notices on the Episcopal bishop and all other church personnel of the Episcopal diocese in Omdurman, and ordered them to vacate the headquarters. After ecumenical demonstrations, the government returned the headquarters.¹⁴ Government authorities confiscated the Catholic Club in Khartoum. In some areas, such as the province of Damazin, Christian preaching has been outlawed altogether.¹⁵ The government also intimidates and harasses Christian leaders critical of the regime by charging them with both ordinary and security-related crimes. For example, in 1998, a military court tried Fr. Hilary Boma and Fr. Leno Sebit, chancellor of the Archdiocese of Khartoum, along with 24 others for “conspiracy and sabotage.” The government released Boma and Sebit in December 1999, following international pressure.

At the same time, Sudanese regimes, past and present, have made no secret of the their designs to eventually integrate the southern populations through a systematic program of Islamization. Differences between the current military regime and previous governments, thus are in degree rather than substance. The current government of Sudan, like all those before it, does not recognize the legitimacy of traditional-indigenous beliefs and views the south largely as a “blank slate” to be converted to Islam.¹⁶ The regime has sought to eliminate traditional-indigenous religions, particularly in the “frontier zones” bordering the south such as the Nuba Mountains and the Ingessana Hills.

There are reports of individuals being forcibly or otherwise coercively converted to Islam. Forcible or coercive actions have occurred among the Nuba of Southern Kordofan and the Gamk of the Ingessana Hills in Southern Blue Nile, and elsewhere in the south such as Bahr al-Ghazal. Much of this religious coercion takes place in so-called “peace villages”—a cynical euphemism employed by the government officials to describe camps for the mostly non-Muslim Sudanese who have been

⁷ *Congressional Record*, 106th Cong., 146, H1753.

⁸ Human Rights Watch, *Background Paper on Slavery and Slavery Redemption in the Sudan*, March 12, 1999.

⁹ Human Rights Watch, *Background Paper on Slavery*.

¹⁰ Boyle and Sheen, *Freedom of Religion*, 75; UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, ¶ 94.

¹¹ Human Rights Watch, *World Report 2000*, 78.

¹² USCIRF *Hearing on Sudan* (Gassis testimony), 21.

¹³ Human Rights Watch, *World Report 2000*, 78.

¹⁴ Abel Alier, interview with Commission staff, U.S. Commission on International Religious Freedom, Washington, D.C., February 8, 2000.

¹⁵ USCIRF, *Hearing on Sudan* (Biro testimony), 29.

¹⁶ See Badal, “Religion and Conflict,” 263, 267.

forcibly removed from their homes and villages by government or government-backed militia forces. Nearly one-third of the Nuba population have been forcibly removed from their homes and villages and resettled in the peace villages.¹⁷ In addition to government-backed militias, semi-official relief organizations are also reported to be involved in religious coercion of non-Muslims. The Dawah Islamiyya, for example, which operates in a number of refugee camps, is reported to distribute food aid “in a selective fashion, either to Muslims or to those who agree to embrace Islam.”¹⁸ Meanwhile, the 1991 Penal Code criminalized apostasy, and subsequent court rulings have rendered it a capital offense.¹⁹ Conversion from another religion to Islam, however, is not considered “apostasy,” but rather is promoted as a matter of policy by the government of Sudan.

3. PERSECUTION OF MUSLIMS

Muslims in Sudan are not immune to religious repression by the regime. The government of Sudan violates the religious freedom rights of Muslims in Sudan primarily in two ways. The first is through the compulsory enforcement of Muslim religious observance as interpreted by the government. The regime has thus sought to monopolize the discourse on Islam to the exclusion of all other views. As many Muslim critics point out, despite *Quranic* injunctions against “compulsion in religion” (Quran 2:256), in many instances the government has made otherwise personal religious observances, such as daily prayers and fasting, compulsory. For example, government employees are required to attend congregational prayers and women are not given the option of whether or not they choose to wear the Islamic head scarf (*hijab*).²⁰ At the same time, Friday sermons in the mosques must first be vetted by a government commission. Imams who refuse to comply are prevented from preaching. The regime pressures Muslim preachers to preach loyalty to the regime and they may be replaced, harassed, or otherwise ill-treated if they refuse to do so.

Second, the Sudanese government targets Muslim groups and “sects” who are seen as part of the military and political opposition to the government. These include traditional sectarian movements such as the Khatimiyya, Ansar, Ansar al-Sunnah, and Samaniyya, as well as Muslim communities in the “frontier zones” (Nuba Mountains, Darfur, Red Sea, and Ingessana) who are either suspected of collaborating with rebels of the Sudanese People’s Liberation Army or of practicing a form of Islam that is not deemed to be “pure.”²¹

The government of Sudan has particularly attacked the Khatimiyya and the Ansar, which are linked to the banned Democratic Unionist Party (DUP) and (until recently) Umma Party respectively. During the past few years, the DUP and Umma have been the two largest Muslim opposition movements.²²

In 1993 the government of Sudan secured a religious edict (*fatwa*) declaring all those who oppose the regime to be “apostates.” Government forces were thereby granted license to attack Muslims of the Nuba and other areas at will and the regime’s forces have destroyed or desecrated numerous mosques and Muslim institutions. Attacks on Muslims in the Nuba Mountains, whether by government aerial bombardment or by gangs acting on behalf of the regime, became so common that many Nuba leaders believe that the regime has attacked more mosques than it has churches.²³

4. OIL AND CAPITAL MARKETS

The terrible situation in Sudan is likely to become worse. The Sudanese government, which has been waging a campaign of death and destruction against its own

¹⁷ Lesch, *Sudan*, 163. See also Mark Bradbury, “International Responses to War in the Nuba Mountains,” *Review of African Political Economy* 25, no. 77 (September 1998): 463-474, 465. For a quantitative account of forcible resettlement, see Millard Burr, *Working Document II: Quantifying Genocide in Southern Sudan and the Nuba Mountains, 1983-1998* (December 1998).

¹⁸ Bulad, “Triple Genocide,” 22.

¹⁹ UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, ¶ 20.

²⁰ Lawyers Committee for Human Rights, *Beset by Contradictions*, 23. See also Julie Flint, “In the Name of Islam,” *Africa Report* (May-June 1995): 34-37, 37.

²¹ According to Abdelfattah Amor, the Special Rapporteur on Religious Intolerance, it is the official policy of the Sudanese to impose “its truth regarding Islam on an erroneous local version of Islam,” UN Special Rapporteur on Religious Intolerance, *Implementation of the Declaration*, November 11, 1996, ¶ 116.

²² In addition to posing challenges to the political hegemony of the Islamists, both the Khatimiyya and the Ansar are rooted in Sufism, Islamic mysticism, and are philosophically in opposition to the NIF. The NIF and its parent organization the Muslim Brotherhood are of the Salafi orthodox trend that is hostile to both traditionalism and mysticism.

²³ African Rights, *Facing Genocide*, 293; Burr, *Quantifying Genocide*, 20-36.

people, is now receiving windfall profits from oil fields in south central Sudan. Sudan has proven oil reserves of 262 million barrels and estimated reserves of more than eight billion barrels. With the completion in mid-1999 of an oil pipeline from south-central Sudan to the Red Sea, Sudan's daily crude output rose dramatically from an estimated 12,000 barrels in 1998 to 150,000 barrels in 1999, and is expected to reach 250,000 barrels in 2000.²⁴ Experts estimate that the Sudanese government will derive approximately \$300-400 million annually from the new pipeline.²⁵ These oil profits will provide the government with funds to increase its purchases of military equipment, which will in turn be used to further its campaigns against religious, racial, and ethnic minorities.

There is a critical linkage between oil and gas production and human rights violations in Sudan. The government of Sudan destroyed a number of villages surrounding the Bentiu oil fields in order to rid them of human habitation. The proceeds from the oil revenues will, in turn, continue to be used to support the Sudanese military's actions against other regions of the country. The Harker investigation feared that oil extraction may be contributing to the "forced relocation" of civilian populations living near the oil fields and concluded that, "[i]t is difficult to imagine a cease-fire while extraction continues. . . ."²⁶ The State Department echoed that sentiment through Secretary Albright's then-spokesman James Rubin, who noted that new oil revenues "provided a new source of hard currency for a regime that has been responsible for massive human-rights abuses and sponsoring terrorism outside Sudan," and added that the United States is "very concerned that investment in the Sudanese oil sector strengthens the capacity of the Khartoum regime to maintain and intensify its brutal war against its own people."²⁷

In this context, the Commission was alarmed by reports in late 1999, that the China National Petroleum Company (CNPC), a 40 percent stakeholder in a joint venture to develop the Sudanese oil and gas fields, was poised to obtain additional funds from the U.S. capital markets on a huge scale. According to those reports, CNPC was planning to make an initial public offering (IPO) of equity shares in the amount of \$10-12 billion. At that level, the IPO would have been one of the largest ones ever made on the New York Stock Exchange.

In response, the Commission studied the applicability of the President's economic sanctions and the disclosure requirements of the Securities and Exchange Commission (SEC) to such an IPO, in consultation with the Department of the Treasury's Office of Foreign Assets Control (OFAC) and the SEC. In October 1999, the Commission urged President Clinton and top White House officials to prevent the IPO. The Commission also focused a substantial part of its February 14, 2000 hearing on Sudan on this sort of use of our capital markets.

In the face of the issues raised by the Commission and others, CNPC restructured itself, placing its domestic operations in a wholly-owned subsidiary, PetroChina Company Limited, and retaining its international operations. On the basis of a registration statement filed by PetroChina with the SEC, PetroChina and CNPC each offered and sold PetroChina shares on the U.S. market in early April 2000. The registration statement said that some of CNPC's proceeds might go into retirement of its debt, but left unclear whether any of that debt was incurred in developing the Sudan oil fields. OFAC, which administers the Sudanese Sanctions Regulations, opined that these shares could be purchased so long as there was no "clear statement" that CNPC would use the proceeds to retire Sudan-related debt. As a result, millions of those dollars from CNPC's sale of PetroChina shares may well end up benefitting GNPOC. Also, this and other interpretations by OFAC have clarified that a foreign-organized company may engage in revenue-generating activities in both Sudan and the United States without violating the sanctions regulations.

5. FINAL OBSERVATIONS AND RECOMMENDATIONS

During the last several months, the Commission met with, and heard in its hearings from, foreign policy experts, humanitarian organizations doing work in Sudan, Sudanese religious leaders, other leaders from the beleaguered areas, legal experts on war crimes, and a variety of experts on the use of sanctions. In this process, the Commission learned that U.S. government attempts to enhance religious freedom depended on the effectiveness of our policies in addressing the broader conflict in

²⁴ Energy Information Administration, "Sudan," (November 1999), (<http://www.eia.doe.gov/cabs/sudan.html> accessed April 29, 2000).

²⁵ USCIRF, *Hearing on Sudan* (Reeves testimony), 104.

²⁶ Harker, *Human Security in Sudan*, 16.

²⁷ Jeff Sallot and Steven Chase, "U.S. rebukes Ottawa on Sudan: Axworthy backs down on threat to impose sanctions against Talisman for fueling civil war," *Globe and Mail*, February 15, 2000.

that nation. And it was equally clear that efforts to help end the civil war needed a new impetus.

Toward that end, the Commission has proposed a comprehensive 12-month plan to significantly strengthen the United States' response to this crisis. In addition, the Commission recommends increasing economic pressure on Khartoum by tightening the current U.S. sanctions on the Khartoum government and constricting the ability of foreign-organized firms doing business with Sudan to raise money in U.S. capital markets. The Commission met with President Clinton in October 1999 to brief him on its work and to ask him to strengthen U.S. efforts to address the urgent issues of Sudan and its violations of human rights and religious freedom.

Recommendations on Sudan

- The United States should continue to increase its humanitarian aid to the people of Sudan and, in particular, increase the percentage of that aid that flows outside the United Nations' food program, and should engage in vigorous multilateral and bilateral efforts to encourage other governments to follow suit.
- The United States should begin a 12-month plan of incentives and disincentives to pressure Sudan's government to improve human rights. If there is not measurable improvement in religious freedom in Sudan at the end of that period, the United States should be prepared to provide non-lethal and humanitarian aid to appropriate opposition groups. During the 12 months, the United States should:
 - (a) launch a vigorous campaign, led by the President, to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities;
 - (b) engage in vigorous multilateral and bilateral efforts to increase economic and other pressure on the Sudanese government;
 - (c) identify specific criteria to measure the Sudanese government's actions and create linkages between Sudan's actions and the United States' responses;
 - (d) include specific criteria for measuring whether opposition groups have made identifiable efforts to adhere to international human rights norms;
 - (e) if after 12 months Sudan has not made measurable progress toward ending human rights violations and if opposition groups have taken steps to improve their human rights record, provide direct non-lethal aid to appropriate opposition groups; and
 - (f) be prepared to provide aid sooner if the situation deteriorates markedly.
- The Administration should increase its financial and diplomatic support for the Intergovernmental Authority on Development (IGAD) peace negotiations and persuade Egypt to participate.
 - The U.S. government should earmark additional humanitarian aid for building public works (such as roads and bridges) and civil government in southern Sudan.
 - The U.S. government should work toward a "military no-fly zone" over Sudan using peaceful means.
 - The United States government should formally request an investigation into whether Sudanese government forces have used chemical weapons in violation of international law.
 - The Department of State should give Congress its opinion on whether Sudan's government has committed and is committing "genocide" as defined by international law.
 - The United States government should prohibit any foreign corporation from seeking to obtain capital in the U.S. market as long as it is participating in Sudanese oil-field development.
 - The United States government should require any foreign corporation that is engaged in the development of the oil and gas fields in Sudan to disclose fully, before it may proceed with an IPO in the United States, whether it intends to use the proceeds from the IPO for the development of those oil and gas fields.
 - The United States government should require any company that is engaged in both the development of the oil and gas fields in Sudan and revenue-generating activities in the United States to submit public reports from time to time on the nature and extent of both of those activities.
 - OFAC should investigate: (a) how much of the debt that China National Petroleum Company intends to retire arose from its Sudanese activities; (b) what criteria CNPC will use to decide whether to retire Sudan-related debt from the proceeds of its recent sale of PetroChina shares in the U.S. capital market; (c) whether prior to the sale CNPC earmarked any of the proceeds for use in retiring Sudan-related debt; and (d) whether U.S. underwriters knew or should have known of any such earmarking.

- OFAC should call on the parties to the sale of PetroChina stock to inform it if CNPC does retire Sudan-related debt and explain how U.S. sanctions against Sudan relate to that debt retirement.

- OFAC should inform the Commission and the Congress of the results of its investigation, initiate appropriate enforcement action, and adjust its interpretations of the regulations as appropriate.

- The SEC should be especially careful to investigate the adequacy and reliability of representations made in any filings related to the recent sale by CNPC and PetroChina of PetroChina shares.

Mr. Chairman, on behalf of the U.S. Commission on International Religious Freedom, I would like to thank you for inviting me to address the Committee.

Senator BROWNBACK. Thank you and I want to thank the overall Commission, Mr. Chairman, as well. You have done an excellent job I think in taking on a very big, very difficult subject that has a lot of people's lives and souls at stake. It just seems like you can go around the globe and point to various places of where people are being persecuted, where they are being killed for practicing their faith, just on a regular and continuous basis. So, your work is leading the country and leading the world on our recognizing and dealing with and hopefully in the future greater assurance to people that they will be able to practice their faith, whatever that might be, however they might choose to practice that. So, thank you for doing it.

I want to focus my initial questions on the Sudan, and I have got several others as well.

I am delighted to have Senator Sarbanes joining us at this time too.

The group recommends a number of specific action items on the Sudan, which I am appreciative of, and I am delighted you take a very practical focus on this of what can be done. You note in one of your recommendations, Mr. Chairman or Ms. Shea, whoever would decide to address this, recommendation 1.2, comprehensive plan for the solution of the tragedy in Sudan, calling for the Sudanese Government behavior—if it does not improve in measurable ways, the U.S. Government should, following a 12-month preparation period, provide nonlethal and humanitarian aid to Sudanese opposition groups that have developed procedures to comply with verifiable international human rights standards.

Now, I take it from what you were saying earlier, that was either a unanimous or a consensual agreement of everybody on the Commission. Is that correct?

Rabbi SAPERSTEIN. That was one of the places there was a single dissent.

Senator BROWNBACK. There was a single dissent on this one.

Rabbi SAPERSTEIN. Right. Other than that, there was consensus on the recommendation.

Senator BROWNBACK. Good. I am hopeful that that is something we can provide the administration with the authority to do that as one of those preparatory steps that we send a signal to the Sudanese Government. Look, if things do not improve, the relationship with the United States is going to change; it is going to materially change. And I am glad you put that forward.

You also noted later in the report a creation of a military no-fly zone, that the U.S. Government should advocate within the inter-

national for a military no-fly zone over Sudan and for taking steps to prevent civilians from being hurt by Sudanese bombing attacks.

What was the Commission's thinking on that particular recommendation, either Rabbi or Ms. Shea if you want to address that because that is one that has been talked about some, and I would like to hear the Commission's thinking on that.

Ms. SHEA. Well, we came to that conclusion after our hearing in which witness after witness really came forward and said this is quite needed. We spoke with a number of other church leaders from Sudan, human rights people from Sudan who were just talking about the sort of haplessness with which the civilian population was being bombed. There was absolutely nothing to defend them, no bomb shelters. There was nothing.

So, we decided to make this recommendation and to do it using peaceful means, and that is by providing civilian leaders in targeted areas with communication and tracking equipment that can help provide early warning of the military flights, by making a bigger push within IGAD to call for a moratorium on the military flights over Sudan, and then finally by appealing to the Organization of African Unity and the U.N. Security Council to call for a moratorium and internationally enforced ban. Those internationally enforced measures would be up to those bodies, of course, but it could range from economic pressures, diplomatic pressures, that sort of thing.

Rabbi SAPERSTEIN. Let me add just a word to this. There is a central theme of the Sudan section that is obvious to some and not obvious to others, although we tried to say it as explicitly as we could. It is impossible to disentangle religious components of the civil strife from economic, ethnic, political, military components of the strife that is going on there. The only way to deal with religious freedom or the way most effectively to deal with religious freedom is to deal with some of the macro problems, in particular, the civil war and the devastation that is wrought on civilian population centers. So, we cast many of our recommendations much more broadly than on the narrow issue of religious freedom because you simply cannot deal with it outside the context of the broader issues.

However, in every one of the areas that we dealt with, every one of the experts we met with, and every one of the witnesses that testified we asked questions specifically about religious freedom. As Nina Shea just pointed out, one of the most common responses was anytime the bombing stops for a few months, it is extraordinary to see how quickly the civilian population gets their act together and begins to rebuild the basic components of civil society there, within the economic and functional limitations that are available. One of the first things that happens is that churches reopen. Religious life begins to resume. The traditional religionists are much freer in terms of living their lives openly within the cultural and religious norms of their traditions as well.

We tried to extrapolate from that constant insight that witnesses gave us the recommendation that one of the best things we can do until we end the civil war is to try and push to protect more effectively for the civilian infrastructure. So, there are actually several recommendations that go to it. This is one. Another one is urging

that in addition to food relief, the international community begin to help rebuild some of the infrastructure components in that area of the country, all of it aimed at allowing normal civilian life to resume because that is the sine qua non for the beginnings of religious life to live itself out freely again.

Senator BROWNBAC. That was certainly my experience in being there in Yei, Sudan. You go around and off some of the side streets and other places, people just dug basically holes for when they hear planes coming over. Indeed, when they heard our plane coming in, people started heading for the holes, but they were just kind of craters in the ground that people would dive into when they would hear the planes coming by. It just is a real paralyzing thing for civil society.

I still remember one gentleman coming up to me and just simply asking the question: "What are we supposed to do?" Are we all supposed to convert? Is that what you are saying to us by not providing any protection or support to people? Is that what message you are trying to send us? I think of beleaguered populations around the world with that simple question. What are we supposed to do? It is one we should not make them choose; that sort of question.

I think the no-fly zone is a very good suggestion for being able to bring back a civil society. It is one that is going to have to take place somehow.

I want to look at China for a minute. Mr. Abrams, in particular on China, it has already been noted the dispute on permanent normal trade relations and the recommendations you have here.

First, either Mr. Abrams or the chairman, you were denied visas to travel to China for examination on religious persecution. Is that correct?

Rabbi SAPERSTEIN. I think more technically is we wrote asking for permission to go and they never responded, rather than that there was an outright denial. Despite our efforts to followup on that, they simply refused to respond to our request rather than our having received a formal denial.

Senator BROWNBAC. Well, I would be happy to request from our office as well the official permission that you would be able to receive visas to travel to China. When I meet with Chinese officials, they continue to tell me, well, we would be happy to see people come into our country and to examine. So, I think you should certainly be allowed to go and to travel to China, and we will be happy to make that as a formal request as well on behalf of the Commission.

Rabbi SAPERSTEIN. I think for any of the leaders of the Senate Foreign Relations Committee to make that request along with you would have significant weight. So, we are deeply appreciative of that.

Senator BROWNBAC. Mr. Abrams, on human rights, we have pursued diplomatic engagement, but it does seem as if the reports continue to show a situation that is not substantially improved. Why have we had so little apparent impact on China given the focus that has been put on this? Even with that, there have been crackdowns. I have noted the crackdown about including repression of Christian worship outside of the government-approved patriotic

association churches, repression of the Falun Gong. We have talked specifically about repression of Tibetan Buddhists and of Muslim faiths in certain regions.

What is wrong with our approach that things have not improved in these fundamental areas?

Mr. ABRAMS. I do not know that anyone has the answer to that question. My own theory would be that as the regime loses legitimacy because that legitimacy is based on a Marxist-Leninist theory that hardly anybody in China believes anymore, it becomes increasingly resistant to the propagation of alternative theories of life, alternative belief systems, whether those are new ones like Falun Gong or very old ones, old even in the context of China, religions like Buddhism or Christianity. So, they resist. They become more and more hostile to these alternatives.

But our thought was there are things that can be done to show the Chinese Government how strongly we feel about this. One example is the U.N. Human Rights Commission resolution in Geneva where I think our track record is not so good, and we ought to learn the lesson that we need to start earlier and push it at a far higher level if we are going to get the votes together. We seem to be starting late in what is obviously a hotly controversial matter for many governments.

But we came up with this list of things that the U.S. Government might do and might try to get the Chinese to do because we thought there are some more pragmatic suggestions here that perhaps we have not tried.

Senator BROWNBACK. I am hopeful we can try some other approaches because it does not seem as if we have really had the effect that we would want to have.

A final point I would make, I note that some staffers from the Foreign Relations Committee met with an underground Catholic bishop in Shanghai in January, and they were informing me that he lives in utter squalor. He was monitored by a camera across the hall from his apartment. Security forces visited him before the staffers called on him. He is an elderly clergyman. He is nearly 80 years old—to the point that when they visited with him beforehand, he almost refused to meet with the staffers. Then afterwards, he was interrogated about what he had told them. You kind of wonder how an 80-year-old man holding religious services in his home can be a threat to the regime, how that could threaten. I just really wonder about how that could be perceived as any sort of threat at all.

Mr. ABRAMS. Well, it strikes me that it does show how illegitimate the regime feels itself to be in the eyes of the Chinese people. If they interpret the religious practices of an 80-year-old as a potential threat to the regime, they must feel remarkably fragile and weak in their hold on the hearts and minds of the Chinese people.

Senator BROWNBACK. Dr. Kazemzadeh, the final question and then I will go to Senator Sarbanes. The Commission report notes that the 1997 Religion Law requires an onerous and intrusive registration process for religious organizations within Russia. I note as well your concern that it is about Russia, but it is also about its leadership role within the region to a number of countries that is deeply troubling. Although groups now have until December 31,

2000 to register, could you explain why so many religious groups have not registered and some of the difficulties that they are experiencing in doing so?

Dr. KAZEMZADEH. There are several reasons. Some of these religious groups have not even been properly informed. In outlying areas of Russia, in isolation, they may not even have known all the legal facts which were necessary.

In many instances, they could not obtain legal advice. There have been cases where these groups have tried to register without consulting a lawyer, and the papers that they would present to the local authorities would be rejected on procedural grounds. In some instances, these groups did not have sufficient funds to hire lawyers.

In some instances, the local authorities simply gave them a classical runaround—come tomorrow or the next day—and finally the time expires and they are not registered.

So, there is a combination of factors working, and there are literally thousands of such groups that still remain unregistered.

Senator BROWNBAC. I hope it is something that they can get registered so that they can be able to practice.

Rabbi SAPERSTEIN. Let me just add to that that one of the things that we most strongly have urged the President to do directly is, in his meetings with Mr. Putin, to urge him to suspend that deadline, or at least urge him to suspend the mandatory requirement that the groups that have not registered be liquidated.

That decree issued by Mr. Putin slipped by the media. It was not really noted. It should have sent shock waves through this country here. We think that the moment of leverage that we have now, with this new President and our President meeting together in the coming months, should be an opportunity which is taken advantage of. That would at least give it some breathing time to begin to work through some of the more systemic problems that Dr. Kazemzadeh had indicated.

Senator BROWNBAC. Very good.

Senator SARBANES.

Senator SARBANES. Mr. Chairman, is this an opportune time to make an opening statement? I was not sure of what process you follow.

Senator BROWNBAC. Yes, if you would like to.

Senator SARBANES. Well, first of all, I want to thank you for holding this important hearing. I especially want to thank the Commission members for coming and forming this very important panel. I have known Rabbi Saperstein and Dr. Kazemzadeh for many, many years, and I am really very pleased that they have taken on this responsibility and that they could be here with us today. Of course, Elliott Abrams was at one time the Assistant Secretary for Human Rights and Humanitarian Affairs. And Nina Shea has worked in this area for many, many years now. I will refrain from identifying exactly how many.

I want to start off by saying that I think one of the most significant acts enacted by the Congress in the last few years was the International Religious Freedom Act which the President signed into law in October 1998. This act does several important things. It places the issue of international religious freedom at the fore-

front of our country's human rights policy. It allows the Commission to make policy recommendations to the President and the Secretary of State in an independent fashion. So, it in effect gives the Commission a screening, as it were, so they can act independently. It serves notice to countries around the world how deeply the United States cares about the right of religious freedom, and that an important component of our foreign relations with these countries will be, in part, how they respect this right.

I have to say I am impressed with the work of Ambassador Robert Seiple and, of course, with the work of the Commission, chaired by Rabbi Saperstein.

I think the Department's 1999 Annual Report on Religious Freedom was a thorough job in examining the situation of religious freedom around the globe. The Commission's report, of course, is focused on three countries of particular concern, and it brought a very focused spotlight to the questions in those countries and made a number of useful recommendations in terms of U.S. foreign policy.

I ought to note that the Annual Report on International Religious Freedom aptly notes that while religious liberty is an essential component of our own Constitution, that the International Religious Freedom Act does not attempt to impose the American way on other nations. Rather, it draws on the internationally accepted belief of inviolable dignity of the human person and of universal rights that flow from that belief. These rights are reflected in international covenants which are, in turn, cited in the act as key standards on religious freedom by which governments, including the U.S. Government for that matter, must be judged. So, the basis for this has an international underpinning, and I think it is important to underscore that as we hold this hearing and consider this report.

Of course, we are anxious that all countries should apply these international standards of religious freedom so that people can exercise freedom of religion without fear, intimidation, persecution, or in some instances even death. So, I think this is a very important hearing. I am glad it is being held in such a timely fashion, and we are very appreciative to the Commission for its very fine work.

Now, in that regard, I want to put one question to the chairman of the Commission. It is obviously important that the Commission's work continue in a sort of sustained and elevated fashion. There is sometimes a tendency in the Congress to act as follows: you get the first report in and you make the first appropriation, and then everyone turns their attention somewhere else. Thus, this very significant initiative that has been launched can lose its momentum.

So, we ought to try to get on the record where are you in your funding process. I guess it would be for the fiscal year beginning next October 1. You are funded for this fiscal year at a level of \$3 million.

Rabbi SAPERSTEIN. Right. In the original legislation, there had been an authorization, to the best of my recollection, for the life of the Commission of \$3 million a year. When the correcting legislation was done over the summer here—because when it was passed and appropriated, it did not have those magic words “and the Commission can spend it to further its purposes.” So, the money was

at GSA but we could not access it. So, there was correcting legislation that was issued. There the multi-year authorization was dropped. So, we need to go through the process every year. One possibility would be somehow to put back the language from the original bill.

But in terms of this particular year, we have made a request that is less than the \$3 million, in part because we have money left over from the first year, and in part because we now have a better idea of what it will take to run our operation, and we are trying to keep it as tight as possible. The request was for \$2.5 million this year.

A letter went from Senator Nichols and Senator Lieberman I believe recently asking that it be part of the CJS appropriations for this year. We have not heard definitely that that issue has been resolved where this actually goes. That would be the obvious place for it here. Beyond that, we are not aware of problems with it other than we need to have focused attention on it, and several of the offices represented here have been helpful in trying to see that that moves along here. But that is all I know at this point and our staff that is charged with relations with the Hill is monitoring that carefully and asking Senators if there is more that needs to be done.

Whatever you can do to help facilitate that appropriation would be invaluable to us. The concept that you bring to bear here, that there needs to be a sustained, consistent level of involvement, is for us the indispensable key to the success of the Commission. This is not a 1-year project. It will take several years. We are very gratified by the changes that have been made in a year within the way the Government does its work, and we talked about that earlier. But it is clear we have a long way to go. So, your help in this would be deeply, deeply appreciated.

Senator SARBANES. Mr. Chairman, that is probably the single most important contribution we can make to the work of the Commission to ensure that they do not run into either an authorization or an appropriation problem as they move forward into the next fiscal year. Perhaps subsequently we can discuss that and think of ways we might be of further assistance to them in trying to move forward.

Rabbi SAPERSTEIN. Thank you, Senator Sarbanes.

Senator SARBANES. What staffing level do you envision for the Commission once you have sort of settled into a more permanent pattern?

Rabbi SAPERSTEIN. We have staff of approximately 20 people. There are several people that are focused on work with the media in furthering the cause and attention to the cause that we are charged to represent; two, perhaps three people, that are focused on working closely with the Hill and the administration here, and then a very strong research staff that combines research on the law with what the facts are on the ground, although that crosses over into Ambassador Seiple's report as well.

We are also charged to analyze policy very seriously. Let us take a look at policy. What has been tried? What has worked? Why? What has not worked? Why? We want to set the context for the policy recommendations that we are doing. So, we have a strong research staff in that area as well and then obviously a very small

administrative staff together with the executive director of our Commission, Steve McFarland, sitting behind me, who oversees the whole thing. So, we are a little below 20 in terms of the numbers that we have.

Some of these people come on a 1-year fellowship or opportunities like that. We are doing things to try and keep the costs as tight as possible, but that is about where we are, a staff of about 20 people.

Senator SARBANES. Now, how well is the religious community in this country interacting with the Commission?

Rabbi SAPERSTEIN. There has been fairly strong interaction with the religious community across the board. There have been meetings with representatives of well over a dozen major religious groupings, not just regarding the traditional kind of Christian and Jewish community involvement in this, but meetings with a number of groups with small numbers here in the United States, but very much larger numbers in other areas across the globe. So, there have been ongoing communications with these groups, and we have in our plans an expansion of some of those efforts in the coming year. We hope not only to educate ourselves on what they are doing, but to talk with them about ways they could be more effective in the struggle for religious freedom across the globe as well. So, that is a very crucial part of our work.

Senator SARBANES. Now, does that include groups abroad that are concerned with this issue, as well as in this country?

Rabbi SAPERSTEIN. It includes groups abroad. We have visits where we have entertained probably a dozen delegations of various religious groups from across the globe. As I am doing the count in my head, I actually think quite a bit more than that. We have also had a number of individuals who come formally to our hearings representing religious groups in the countries about which we are holding hearings. We have had meetings, both formal and off-the-record, with leaders of religious groups. In addition, we have had many more informal meetings with foreign delegations who have come through and who make repeated requests to us to get together so they can talk about their problems.

These meetings have helped our work immeasurably. It has brought to our attention the plight of some of the situations you talked about earlier, Senator Brownback, which at the beginning we might not have been fully aware of. It gives us access to people who are on the ground in those areas and know firsthand what is going on. Because of these meetings, we are at the receiving end of the information that we then utilize to develop our reports and recommendations.

With the American groups, we see them, in terms of our role, as being charged to help make policy recommendations for this country. They, of course, under the first amendment have the right, and I would say on a religious basis the obligation, to share their views on that as well. So, we want them to be familiar.

So, there is an overlap between the domestic religious groups and the international religious groups. There have been quite extensive conversations. As I said, it has really been invaluable to us. We have learned immensely from the visits of religious groups from across the globe.

Senator SARBANES. Is there any counterpart to your Commission working in any other country?

Rabbi SAPERSTEIN. The United States is the first to begin this. One of the gratifying aspects of this—and this has come up in some conversations. I am really glad you asked this question—has been the response of some of the other nations across the world. Some of the affected nations respond in one way and sometimes in a positive way, saying, we see what you are doing. We do not want to be on your list. What can we do to make things better? And on that level, the process has some benefit.

But what has happened from some countries that are committed to religious freedom is they have approached Ambassador Seiple. They have approached the Commission and asked, tell us about your work. We want to think about doing something similar. So, let me give you one example.

Ambassador Seiple and I traveled to five or six countries in Europe, to Rumania and Bosnia. We spoke at the Human Rights Conference in Geneva, met with the Vatican. At the request and invitation of the Government of The Netherlands, we flew to meet with their top officials dealing with human rights concerns. They were particularly interested in the way we were working, wanted to find ways for us to work more closely together. One of the things that they indicated there they are going to do now is routinely take the country reports, both from our report and Ambassador Seiple's, send it to their staff, ask them to take a look into these matters and to work with the American Embassies and the Foreign Service officers there more cooperatively, and we are going to try to share information back and forth.

This is exactly the kind of impact that we want now because the EU countries are working more closely together as a common whole. They hope to use that as a leverage to move the EU community more broadly on this issue as well. So, we were very gratified by those kinds of responses to the vision embodied in the IRFA legislation.

Senator SARBANES. Yes, I think that is very encouraging. As I perceive it, the way the Commission is working, you established this concept of international religious freedom as sort of a prevailing principle, and to some extent, that takes it out of the context of one particular religion fighting another particular religion in a country where they often have religious strife, and moves it to a different level. I think to the extent you can encourage this kind of development that you talked about in The Netherlands—and I guess maybe England would be a prime possibility for something like that—it would be very helpful in moving the whole process forward.

Well, Mr. Chairman, thank you very much for holding the hearing, and I want to express my very deep appreciation to the members of the Commission who are here and their colleagues who are not present. I had a chance to look through your report. I confess I have not thoroughly studied it, but I am impressed with the work, and we really encourage you on. Thank you.

Rabbi SAPERSTEIN. Thank you.

Senator BROWNBACK. Thank you, Senator Sarbanes. Those were excellent thoughts and questions put forward.

I too am very appreciative of your work and your trend-setting that you are doing not only for this country, but for the rest of the world. I look forward to the day hopefully in the near future when all people, wherever they may be located, can practice their faith in full freedom and without fear of repression, reprisals, death, or whatever else. Unfortunately, that day is not yet but let us keep vigilant till it is.

I may be talking with the chairman about doing a followup hearing on this in a couple of months. So, Senator Sarbanes, your point about losing momentum, we establish and launch and then we go on somewhere else, was a good one. We may try to do this sort of hearing again in 3 or 4 months to see how your recommendations are proceeding.

Rabbi SAPERSTEIN. That is the kind of relationship we really envision having with the Congress. So, we are very heartened by that idea. Thank you.

Senator BROWNBACK. Thank you very much. The hearing is adjourned.

[Whereupon, at 12 p.m., the committee was adjourned.]

DISSENT TO TESTIMONY ON RELIGIOUS FREEDOM IN SUDAN

PRESENTED BY LAILA AL-MARAYATI, MD, COMMISSIONER,
U.S. Commission on International Religious Freedom

This statement is written in objection to segments of the testimony delivered before this committee on May 16, 2000.

First, the testimony fails to acknowledge my previously written dissent (as documented in the May 1 report) regarding the Commission's recommendation for non-lethal aid to opposition groups. I am opposed to such measures for the following reasons: (1) The Sudanese People's Liberation Army (SPLA), which would be the major opposition group to benefit from aid, is responsible for numerous human rights abuses in southern Sudan. (2) The U.S. Government has not exerted enough effort to date in bringing an end to the conflict through peaceful means and intense negotiations. These measures should be exhausted before considering aid to rebel forces. (3) By promoting one of the major antagonists in the civil war, the U.S. Government would actually be contributing to the prolongation of the conflict and the subsequent suffering of millions of Sudanese. (4) The distinction between lethal and non-lethal aid is artificial such that any U.S. assistance to rebel groups may be perceived by the Sudanese government as an act of aggression and a declaration of war which could have severe and violent repercussions for Americans in Sudan and elsewhere.

Next, while the testimony often refers to the "genocidal" nature of the Sudanese government's actions, it should be noted for the record that the Commission has not unanimously agreed that the Government of Sudan is deliberately carrying out a campaign of genocide. One of the recommendations of our report is that the State Department determine if indeed the situation in Sudan meets the criteria for such a definition which would require a specific response based on international law.

RELIGIOUS PERSECUTION IN THE WORLD

THURSDAY, SEPTEMBER 7, 2000

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:46 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Sam Brownback presiding.

Present: Senators Brownback.

Senator BROWNBACK. The hearing will come to order. Thank you all for joining us. I apologize for being late. I had another commitment where I was detained, so I apologize for starting the hearing late. We have two votes scheduled for just before 10 o'clock. Ambassador Seiple and those in attendance, we should go as long as we can, take a break for those two votes then continue the hearing after the votes.

It's my pleasure to chair this second hearing in the full Senate Foreign Relations Committee to examine religious persecution worldwide and in particular a new religious liberty report issued by the State Department. I would like to thank Senator Helms for scheduling this hearing. This follows up on our first hearing held on May 16, which examined the persecution report issued by the Commission on International Religious Freedom that included the three countries of China, Sudan, and Russia.

This morning our primary focus will be the religious liberty report which covers countries worldwide. It was issued September 5 by the State Department. We will examine some of the issues included in that report issued on September 5.

Our first testimony will be from the Ambassador at Large for International Religious Freedom, Robert Seiple, who announced this year's selected list of countries of particular concern regarding religious persecution.

This is also a good opportunity to acknowledge the imminent departure of Ambassador Seiple, which I am sorry to say. He is the first Ambassador at Large for International Religious Freedom for America, the first of many, I would presume, and I think he's set quite a distinguished record for this important post.

This is both a substantive and symbolic achievement, which has given hope to persecuted religious minorities worldwide. Therefore, I thank you, Ambassador Seiple, for your excellent efforts in enhancing religious freedom internationally. His efforts have included obtaining the release of religious prisoners in hostile countries, which is particularly near to my heart. I hope he takes this chance

to review his tenure and note some lessons for posterity and for future incumbents to this office.

Following Ambassador Seiple are three members of the Religious Freedom Commission, including the new Vice Chairman, Dr. Firuz Kazemzadeh, who is also the secretary for External Affairs for the National Spiritual Assembly of the Baha'is of the United States. Dr. Kazemzadeh will deliver the oral presentation. The two following Commissioners will field questions: Commissioner Michael Young, who is also the dean of the George Washington Law School; and Commissioner John Bolton, who is also the senior vice president of the American Enterprise Institute.

I note that the State Department report only lists two countries which have made notable improvements in the area of religious liberty worldwide. I wanted to particularly point out this positive aspect within the report. One of these countries is Azerbaijan, the other country is Laos. I commend President Aliyev of Azerbaijan, who has stuck by the promise he made to the entire nation through public addresses last year that Azerbaijan would uphold religious liberty and "not go back to the dark ages."

I think it is also important that, while we view the troubles in a number of countries, we also review the progress of some nations and highlight and extol that as well. I am hopeful that such progress will continue to be made throughout that entire region and throughout the world.

Since the passage of the International Freedom Act 2 years ago, increased focus has been given to religious persecution as never before, from the grassroots to the Halls of Congress, religious liberty has been inserted into the foreign policy debate. This, in turn, has already helped expand freedoms for embattled believers worldwide, as well as jump-start individual campaigns of awareness over hellish situations such as that in the Sudan.

In closing, I want to acknowledge the people who inspired these reports and list in the first place. They are the simple people of faith who stand against terrible odds in hostile countries. Many are forced to wage individual battles for this precious personal freedom. They stand with great courage against terrible odds.

I am proud that we are having this hearing because it is one more stone in the path to establishing religious freedom as a universal right for all of these embattled believers everywhere in the world, wherever they might be. Particularly since our Nation is blessed with incredible freedom, I consider this to be our reasonable duty.

Ambassador Seiple, I am delighted to have you here. I am delighted to know you as a friend. I am pleased with the work that you have done in helping to establish this as a fundamental human right. With that, welcome to the committee and the floor is yours.

[The following statement was submitted for the record.]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

Ambassador Seiple, I want to thank you for being here today, and for all of your hard work over the last couple of years. I also want to recognize the members of the U.S. Commission for International Religious Freedom that are here to testify and to thank them for their efforts.

I have consistently expressed my view that basic human rights are at the core of our national identity and at the heart of our national interests. Freedom of reli-

gion stands with other basic rights, like freedom of expression and association, as one of the bedrock principles of American democracy. These rights inform our national values and shape our national character.

Basic human rights are also critical to our national interests abroad. History has shown that unjust regimes tend to rot from within, often disintegrating into chaos. The pursuit of basic human rights is critical to our quest for a more stable world. It is only appropriate that our commitment to the basic rights of men and women should guide the U.S. abroad.

STATEMENT OF HON. ROBERT A. SEIPLE, AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador SEIPLE. Thank you very much. I appreciate the nomenclature of friend and friendship and certainly appreciate the leadership that you have shown on this issue and many other issues of values in your tenure here in the Senate.

I would say in the beginning that we have a larger report, testimony, that should be given to the record in the interest of time and maybe a couple of votes. I will speak from a much truncated version.

Senator BROWNBACK. We will accept the entire report in the record.

Ambassador SEIPLE. Again, I am honored to appear before you on the occasion of the issuance of our annual report. As I prepare to depart the position of Ambassador at Large after 2 years of service, I want to express to you again, Mr. Chairman, my gratitude for the support that you and your staff, and in particular Ms. Sharon Payt, have given to the Office of International Religious Freedom and to the cause of religious freedom around the world.

Mr. Chairman, I have two goals this morning. The first is to formally present the second annual Report on International Religious Freedom 2000¹, and to inform you of the Secretary's decision with respect to countries of particular concern under the International Religious Freedom Act. The second is to give you my sense of where things stand with respect to religious freedom worldwide.

During the course of the past 12 months, my office has monitored carefully the status of religious freedom worldwide. We have traveled to many of the countries in which religious liberty is at risk. We have had access to the large and growing volume of press and NGO reporting on religious freedom. Last, but perhaps most importantly, we have reviewed the excellent reporting from the U.S. missions abroad.

U.S. diplomatic reporting on religious freedom has always been good, but it has become better under the tenure of Secretary Albright, who made it a point of emphasis soon after her arrival in the Department. Some folks read the New York Times, the Wall Street Journal. We read the reports of a whole host of really top-flight bright young people who manage the Foreign Service posts around the world on behalf of people of faith.

This year's report covers the period from July 1, 1999, to June 30, 2000, contains 194 country chapters, an introduction, and an executive summary. This year the executive summary highlights

¹The report can be accessed at the Department of State Website: <www.state.gov>. It will also be available in print from the Committee on Foreign Relations in November 2000.

improvements, as you mention, in religious freedom. We have provided this section because it is prescribed by the act, but also because we think it is terrifically important that the United States encourage improvements. I am proud to present the second annual report on International Religious Freedom 2000, all 1,200 pages of it.

Now a word on designations under the act. Mr. Chairman, as you know, the IRF Act has established a very high standard for this designation. In order to be designated, the government of a country must have engaged in or tolerated particularly severe violations of religious freedom. As we apply the act's criteria in deciding what action to take, we try to place them in the context of diplomacy: Is diplomacy working? Are there trends in one direction or another? Is a particular action likely to help or to hinder our diplomatic efforts to improve the situation? None of these is determinative, but all are important as we decide how to proceed with any given country.

With respect to the Secretary's decisions this year, let me first note that she has decided to redesignate the five countries designated last year. They are Burma, Iran, Iraq, Sudan, and China. In addition, she is renewing her identification of Serbia and the Taliban of Afghanistan as particularly severe violators. Neither constitutes a "country" as envisioned by the act.

During the course of the year my office reviewed the records of all other countries which we believed might approach the designation standard. After carefully reviewing these records, I have concluded that no other countries reach that standard. I reviewed this matter with the Secretary. She has approved my recommendation, and of course I will be happy to answer any questions that you have on any one country that might come to mind.

Let me now give you a brief assessment of my office's work and a few thoughts on the status of religious freedom. I believe that we are implementing the terms of the IRF Act of 1998 in an effective way, faithful to the intent of the Congress, the President, the Secretary of State. The Office of International Religious Freedom is well integrated into the Bureau of Democracy, Human Rights, and Labor, thanks in part to my friend Assistant Secretary Harold Koh.

The process of producing the annual report has itself played a major role in integrating our office and the issue into the mainstream of U.S. foreign policy. The report has become a focal point for the discussion of religious freedom and has dramatically increased public awareness of our mission. Our mandate has also caused us to reach out to American religious communities. I am very proud of our outreach programs to the Muslim community. I consider this program a success and my office intends to expand it to other American religious communities.

My *ex officio* membership in the U.S. Commission on International Religious Freedom has been a productive and pleasant one. The Commission brings a separate set of eyes and a sharp focus to our common task of promoting religious freedom.

With the support of Assistant Secretary Koh, my office has grown to a staff of five officers other than myself and we are in the process of recruiting three more. Their workload is heavy and growing, and it involves some of the most invigorating work in the

field of diplomacy. We are met almost daily with a new challenge—a refugee family fleeing religious persecution needing our help, a new draft law that restricts minority religions, new arrests, deportations, or executions of religious people.

We have had some small but important victories. Our office has had the opportunity to improve the lives and fortunes of a few families and individuals suffering for their religious beliefs. These are the things, Mr. Chairman, that give us hope and make us even more determined to persevere in the promotion of religious freedom.

But in all candor, I must also tell you that we have made a very modest beginning in attacking the root causes of religious persecution and discrimination. The problem has no simple solution. The annual report provides a measure of the problem and shines a spotlight on it. On balance, it is a critical tool in our goal of promoting religious freedom.

But to get to the root causes of persecution, we must go beyond the spotlight, the designations, and the sanctions. We must convince governments that religious belief is not something to be feared, but a source of social and cultural strength. We must build bridges between religions, attacking the sources of fear and distrust that feed violence. We must encourage believers of all stripes to summon the best in their traditions.

Every world religion, Mr. Chairman, has some version of the Golden Rule. For example, the monotheistic religions believe that every human being, religious or not, believer or infidel, is created in the image of the Creator. To defile another human being, to destroy a person's dignity, to live without respect for human life, these are attacks on the very nature of things and on the divine source of that life.

Every religious tradition is plagued by men and women who exploit and abuse the sacred, expropriating it as a divine license for persecution and violence against others. In their hands, religion becomes a mobilizing vehicle for nationalist or ethnic actions. We have seen this outrage played out on stages from Afghanistan to Serbia to Sudan.

But we must not view the actions of such impostors and hypocrites as representative of any true religion. Religion can be, ought to be, a source of conciliation and hope, of unity and respect. The authors of our Constitution knew that religious freedom touches upon the most fundamental and universal attributes of humanity—the quest for ultimate meaning and purpose that is shared by every human being. In this, we are truly one human family.

So, Mr. Chairman, I am proud to have been the first Ambassador at Large for International Religious Freedom. I am satisfied that our office has done its job well, not only complying with the law, but laying the groundwork for future progress as well. When all is said and done, our work will be judged not by the denunciations we make or the sanctions we imposed, but by the people we help. As far as I am concerned, that endeavor lies at the heart of what it means to believe.

Thank you for having me here today and I will be happy to take any and all questions.

[The prepared statement of Ambassador Seiple follows:]

PREPARED STATEMENT OF HON. ROBERT A. SEIPLE

Mr. Chairman and members of the Committee, I want to thank you for holding this hearing. I am honored to appear before you on the occasion of the issuance of our Annual Report.

As I prepare to depart the position of Ambassador at Large after two years of service, I want to express to you, Mr. Chairman, my gratitude for the support you and your staff—in particular Ms. Sharon Payt—have given to the Office of International Religious Freedom, and to the cause of religious freedom internationally.

Mr. Chairman, I have two goals this morning. The first is formally to present the second Annual Report on International Religious Freedom, and to inform you of the Secretary's decision with respect to countries of particular concern under the International Religious Freedom Act. The second is to give you a brief retrospective of the past two years, and my sense of where things stand with respect to religious freedom worldwide.

THE ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM

During the course of the past twelve months, my office has monitored carefully the status of religious freedom worldwide. We have traveled to many of the countries in which religious liberty is at risk, and I have testified before Congress on the problems faced by religious minorities in Russia, China and Western Europe. We have talked to dozens of government officials, religious leaders, human rights groups and NGOs, as well as believers from many religious traditions, both here and abroad. We have had access to the large and growing volume of press and NGO reporting on religious freedom. Last, but perhaps most importantly, we have reviewed the excellent reporting from U.S. missions abroad.

U.S. diplomatic reporting on religious freedom has always been good, but it has become better under the tenure of Secretary Albright, who made it a point of emphasis soon after her arrival in the Department. We have some of the best minds in the business out there, Mr. Chairman, and their cables on religious freedom are the morning fare of my office. Some people read the New York Times or the Wall Street Journal. We read the reports of Embassy Moscow, Embassy Cairo, or Embassy Tashkent, or the other bright minds of the Foreign Service posted throughout the world.

These men and women report on religious freedom issues throughout the year, and it is they who do the initial drafts of the country chapters for the Annual Report. These drafts are then compiled and edited, in close consultation with my staff and the country desks, by the Office of Country Reports and Asylum Affairs in the Bureau of Democracy, Human Rights and Labor.

This year's report covers the period from July 1, 1999 through June 30, 2000. It contains 194 country chapters, an Introduction and an Executive Summary. The Introduction contains a brief account of the Act, and how the issue of religious freedom reached such prominence in U.S. policy. It also discusses the contribution that religious freedom makes to democratic governance, and vice versa.

The Executive Summary details various categories of abuses of religious freedom and U.S. efforts to deal with those abuses. It also contains a section that highlights certain improvements in religious freedom. We have provided an improvements section because it is prescribed by the Act, but also because we think it is terrifically important that the United States encourage improvements. Some will criticize this section because it appears to praise countries that have horrific human rights records in areas other than religious freedom, or because incremental improvements in the treatment of certain religions are not replicated in others. I recognize this problem, but nonetheless believe that we must use the report to acknowledge positive changes whenever we can.

Finally, the annexes to the Report provide texts of relevant international instruments, and a variety of information on U.S. religious freedom policy and practice.

I am proud to present the second Annual Report on International Religious Freedom.

COUNTRIES OF PARTICULAR CONCERN

Now a word on designations under the Act. As we sifted through the enormous amount of information at our disposal, we began to identify countries that needed closer examination in order to determine whether they should be designated as "countries of particular concern." Mr. Chairman, as you know, the IRF Act has established a very high standard for this designation, which entails consideration of economic sanctions and requires some action by the United States government. In order to be designated, the government of a country must have engaged in or toler-

ated “particularly severe violations” of religious freedom. Such violations are defined as “systematic, ongoing, egregious violations of religious freedom accompanied by flagrant denials of the right to life, liberty and security of persons, such as torture, enforced and arbitrary disappearances, or arbitrary prolonged detention.”

As we apply these criteria in deciding what action to take, we try to place them in the context of diplomacy. Is diplomacy working? Are there trends in one direction or another? Is a particular action likely to help, or to hinder, our diplomatic efforts to improve the situation? None of these is determinative, but all are important as we decide how to proceed with any given country.

With respect to the Secretary’s decisions this year, let me first note that she has decided to redesignate the five countries designated last year. They are Burma, China, Iran, Iraq, and Sudan. In addition, she is renewing her identification of Serbia and the Taliban of Afghanistan as “particularly severe violators.” Neither constitutes a “country” as envisioned by the Act.

During the course of the year, my office reviewed the records of all other countries which we believed might approach the designation standard. After carefully reviewing these records, I have concluded that no other countries reach that standard. I have reviewed this matter with the Secretary, and she has approved my recommendation. I will be happy to answer any questions you have on this subject.

THE STATUS OF RELIGIOUS FREEDOM

Let me now give you a brief assessment of my office’s work, and a few thoughts on the status of religious freedom.

I believe that we are implementing the terms of the IRF Act of 1998 in an effective way, faithful to the intent of the Congress, the President and the Secretary of State. As you know, the Act gave my office the mission of promoting religious freedom abroad. Carrying out that mission has required us to integrate the office into the work of the Department; to monitor religious persecution and discrimination on a daily basis; to meet with NGOs, human rights groups and religious groups here and abroad; and to advocate freedom of religion and conscience with foreign governments.

The Office of International Religious Freedom is well integrated into the Bureau of Democracy, Human Rights and Labor—thanks in great part to my friend, Assistant Secretary Harold Hongju Koh—and into the Department as a whole. Within our bureau, I want to note in particular the contributions of the Office of Country Reports and Asylum Affairs and the Office of Bilateral Affairs. We work closely with our colleagues in the regional bureaus, both to address problems and to develop policy. We communicate frequently with our embassies and consulates abroad. When we travel—and we have visited 26 countries, some of them more than once—we meet with U.S. Ambassadors and mission staff to discuss our policy and to hear their recommendations and their concerns.

The process of producing the Annual Report has itself played a major role in integrating our office, and the issue, into the mainstream of U.S. foreign policy. The Report has become a focal point for discussion of religious freedom—in conferences and journals for example—and has dramatically increased public awareness of mission. The Report also requires our embassies abroad to monitor religious freedom year-round. It encourages their development of sources of information among local communities of religious believers, NGOs, human rights groups and government officials. And it taps the impressive analytical skills of our officers, causing them to delve more completely into religious beliefs and customs that may be alien to them.

Our mandate has also caused us to reach out to American religious communities. I am very proud of our outreach program to the Muslim community. For a year and a half, we have met periodically with American Muslim leaders to brief them on our efforts and to hear their concerns. I consider this program a real success, and my office intends to expand it to other American religious communities.

In conjunction with the Department’s Bureau of Intelligence and Research, we are sponsoring a series of conferences on religious freedom and foreign policy, including segments that focus on the teachings of particular religious traditions. We have found a tremendous interest in this subject, and intend to continue and expand our conferences. We also attend conferences as participants as frequently as we can, contributing to the international dialogue on religious freedom.

My *ex officio* membership in the U.S. Commission on International Religious Freedom has been a productive one. The Commission brings a separate set of eyes and a sharp focus to our common task of promoting religious freedom. It has been a pleasure to work with the Commissioners. I should also note that the working relationship between the Commission’s staff and my own is an excellent one that continues to prove fruitful.

With the support of Assistant Secretary Koh, my office has grown to a staff of five officers (other than myself), and we are in the process of recruiting three more. Our existing staff comes from the foreign and civil services; one is a military chaplain. Their workload is heavy and growing, and it involves some of the most daunting, invigorating work in the field of diplomacy. We are met almost daily with a new challenge—a refugee family fleeing religious persecution and needing our help; a new draft law that restricts minority religions; new arrests, deportations or executions of religious people.

And we have had some small, but invigorating victories. I am proud to tell you that our office has had the opportunity to improve the lives and fortunes of a few families and individuals suffering for their religious beliefs. These are the things, Mr. Chairman, that give us hope, and make us even more determined to persevere in the promotion of religious freedom.

But in all candor, I must also tell you that we have made only a very modest beginning in attacking the root causes of religious persecution and discrimination. The problem has no simple solution. The Annual Report provides a measure of the problem, and shines a spotlight on it. Evidence in the Report provides a starting point for diplomacy—a basis for discussion. On balance, it is a critical tool and an important step in our goal of promoting freedom of religion and conscience.

It is, however, a step that must be followed with others. To get at the root causes of persecution, we must go beyond the spotlight, the designations and the sanctions. We must convince governments that religious belief is not something to be feared, but can be a source of social and cultural strength. And we must build bridges between and among religions, attacking the sources of fear and distrust that feed violence. We must encourage believers of all stripes to summon the best in their traditions.

Every world religion, Mr. Chairman, has some version of the Golden Rule. For example, the monotheistic religions believe that every human being—religious or not, believer or infidel—is created in the image of the Creator. To defile another human being, to destroy a person's dignity, to live without respect for human life—these are attacks on the very nature of things, and on the divine source of that life.

Every religious tradition is plagued by men and women who exploit and abuse the sacred, expropriating it as a divine license for persecution and violence against others. In their hands religion becomes a mobilizing vehicle for nationalist or ethnic passions. We have seen this outrage played out on stages from Afghanistan to Serbia to Sudan.

But we must not view the actions of such impostors and hypocrites as representative of any true religion. Religion can be—ought to be—a source of reconciliation and hope, of unity and respect. The authors of our Constitution, and of the 1948 Universal Declaration of Human Rights, understood that protecting freedom of religion and conscience provided no warrant for hatred. Rather, they knew that religious freedom protects an individual's right to pursue his or her quest for ultimate meaning and purpose, a quest that is shared by so many. In this, we are truly one human family.

And so, Mr. Chairman, I am proud to have been the first Ambassador at Large for International Religious Freedom. I am satisfied that our office has done its job well, not only complying with the law, but in laying the groundwork for future progress as well. When all is said and done, our work will be judged not by the denunciations we make or the sanctions we impose, but by the people we help. And, as far as I am concerned, that endeavor lies at the heart of what it means to believe.

Thank you for having me here today. I'll be happy to take your questions.

Senator BROWNBACK. Thank you very much, Ambassador Seiple. I appreciate your statement and your highmindedness. I think that is absolutely appropriate and the right track to take. I hope following ambassadors in your position will take such a view.

In January of this year, I traveled to Nepal and I met with a number of Tibetan refugees that had walked over the Himalayas in the winter to get to freedom. I personally interviewed somewhere between 15 and 20 of these Tibetans. There was probably about 150 to 200 people who had traversed over the Himalayas over that month. They were at a station in Kathmandu, Nepal, to build up some strength before going on to a more permanent site.

Virtually all of them told some story of persecution within Tibet, such as being jailed, or beaten. Only one lady had taken a public

means of transportation, but the rest had secretly escaped to make it out. Many told of imprisonments, and beatings that had taken place during that period.

Reportedly, religious freedom has declined substantially in China lately. Could you give me your view of this from your report and your personal experience of what is taking place in China? In contrast, you also hear others say that religious freedom, in some areas of China, has grown substantially.

Last December, I was in southern China, before going to Nepal, and saw what seemed to be a great deal of religious freedom. Please share your perspective on China.

Ambassador SEIPLE. Well, maybe I can begin with a question: Why has religion grown, the interest in religion grown in China? I think there are two reasons. I think the people of China have been betrayed twice, one by a bankrupt Communist ideology that absolutely has not delivered on any promises that it has made; and then second with the opening on the economic side, where more money was made available, more people came above the poverty line, the people of China realized that this in itself is not going to satisfy the deep longing of the heart.

There are a lot of concerns in China, macro concerns, and they are being played out in the lives of individual people who are searching for some sort of meaning other than the meaning that the government has established. The government, it is a 50 year old government. People talk about this is different, this is Asia, this is a culture that we have to begin to understand. The Communist government is the interloper here. The Asian culture has gone back millennia, but the interloper, the carpetbagger, if you will, is communism, and it has not worked. It has not worked anywhere else. There is no reason to expect it to work there.

But more than that, it has betrayed its promise to the people. Lots of problems and the people are turning to faith. The Falun Gong movement is an example. The house church growth is an example. The situation that you mention in Tibet, where people will risk life and limb and children, and many of them have left dead children on the hillsides as they came out in the course of the winter.

The Karmapa escapes—that is the language—escaped Tibet. Now, this is his territory. This is his homeland. These are his monasteries. What does it mean to have to escape all that? Something dramatic and terrible is wrong right now.

I am not quite sure how it gets fixed. I think ultimately it is going to take people from the inside, and these kinds of changes are going to have to happen from the inside. During that time period, I think it is our responsibility from the outside to maintain faith with those people who this day are suffering because of their faith.

Senator BROWNBACK. I have traveled to the Sudan. I have met with Sudanese refugees. They speak pointedly about, not being forced into one religious mode they do not share. I have met with individuals who have tried to flee out of the Sudan.

A gentleman started out with 30,000 refugees that were moving from Sudan to try to get to Ethiopia. They were intercepted by the military several times and at the end only 500 got out. He spoke

to me about walking over dead bodies, hiding under dead bodies, using the blood of his fellow compatriots who were with him to look as if dead himself, to be able to flee from that. It is a religious persecution of an enormous scale that is taking place.

Why isn't more action being taken by our government when we know what is happening there? The President recently traveled to Africa a second time. Why aren't we seeing more statements about this genocide that is so well documented? Why are we not speaking out more?

Ambassador SEIPLE. Sudan is both simple and terribly complicated. If it were easy, however, it would not have gone on for 17 years with the killing of 2 million plus people, most of them non-combatants. It also has been, unfortunately, a war without heroes in the south, certainly in the north. So it has been difficult sometimes to take sides and to know that the issues are going to be resolved.

There have been in this 17-year period upwards of 20 different militia working throughout the south. It has been said by other experts that more people probably have been killed in the south by southerners than by the north, just to give you a sense of the complications. This is no apology for the Khartoum Government.

The Khartoum Government has engaged, as you know, indiscriminately in bombing, systematic bombing, bombing of churches, bombing of hospitals, bombing of refugee sites. They have done that even while we have been in talks, in dialog with the diplomats, our interlocutors in Khartoum.

There is a major gap between what was being told to us and what is being done in the field. As long as that gap is there, it is going to be difficult to resolve the issue. It has to be named for what it is. It has to be seen for what it is, and the entire world, not just the United States, because frankly we have done about everything we can do in terms of sanctions, including throwing Tomahawk missiles at Khartoum, on the sanctions side.

But it is going to need a concerted effort from our allies working with ourselves across the board. Now, a special envoy has been appointed. Those discussions, the IGAD process, has continued, has been renewed and been revitalized. We are going to take steps forward. We are going to see steps taken backward. It is not going to be easy.

Ultimately, at the end of the day there has got to be a way to increase the gain or increase the pain to stop the conflict. Quite frankly, when they brought oil on line and had a revenue source, it made even that much more difficult to achieve.

Senator BROWNBACK. I would ask the administration not to open the embassy in Khartoum. I know people are considering moving in, and it appears to be some sort of beginning of a relationship. Even though the Government in Khartoum has much blood on its hands. The President previously traveled to Africa and says in Rwanda "Never again," and yet we have 2 million people killed in Sudan. We have U.N. planes that have been bombed by the Khartoum Government. We have the bombing of civilian hospitals. I have personally spoken to witnesses who saw their hospitals and their schools having been bombed.

We could provide direct development assistance to the south. We as a Government could do that. Also, we should speak out more forcefully and certainly not open up the embassy in Khartoum. We should protest their awful human rights abuses based around ethnic and religious persecution. Millions of people that have been killed and hundreds of thousands have been purposely starved when food aid waits at the borders.

I think there is more that we can do in the Sudan, and there are some steps that we must take to send the signal that their “charm offensive” is not working. It is hard to showcase murder as charming.

Ambassador SEIPLE. Well, we certainly are in agreement there on the charm offensive. There is no one in greater agreement in terms of all that you have just said than Susan Rice, our Assistant Secretary of State for African Affairs.

Again, we wish we had a silver bullet here. We wish we had an answer. We wish we had something that would work yesterday. I can assure you that it has engaged our building, our Department. Folks are working day and night to try to figure out how to proceed.

In terms of the issues that are opening up in Khartoum, of course, as you alluded to, the embassy really never was closed. It just was vacated after the situation with our two embassies in August 1998. Since that time we have had people coming and going. There is symbolism that is at play and there is reality at play, and sometimes one is the other.

We will continue to work with you. We know your passion on this issue. We know the passions on the Hill. We have got to find solutions that will endure, that will see through the symbolism, see through the charm offensives, and that essentially stop the carnage that has been going on over 17 years.

Senator BROWNBACK. I am going to put us into recess for a period of time for me to do these two votes that have been called. Then we will come back, I would hope, within 15 minutes, and start back up, then go to the second panel. We are in recess.

[Whereupon, at 10:11 a.m., the committee was recessed, then reconvened at 10:35 a.m.]

Senator BROWNBACK. I call the hearing back to order. I apologize about the time away for the votes.

Ambassador Seiple, one of the other areas of jurisdiction I have is the Near Eastern and South Asian Affairs Subcommittee. I was curious in your report you did not—you cited a couple of countries within that jurisdiction, Iraq and Iran, did not make mention publicly, at least here, of countries of concern of Saudi Arabia that you do hear a number of comments about, and also some other countries in that region.

I would appreciate your oral thoughts and comments about religious freedom, religious persecution in Saudi Arabia and in some of the other Middle East countries in that region that were not cited as countries of particular concern.

Ambassador SEIPLE. Well, we have major problems on the human rights side in general, but also in terms of religious freedom, in any number of those countries. Let me say that there are some that are much more tolerant than others. Jordan would fit

into that characterization, although we have some issues that we are working to resolve there, that have not gotten resolved this past year.

We have other areas where we have seen some improvements in methodology of dealing with them. Egypt was a case in point. We have an El Kush I and an El Kush II and the differences in how they treated those two crises is fairly remarkable.

There are no countries where I think you are going to see linear progression. Saudi Arabia would be a case in point. They work and they force us to work within some very narrow confines. That is a kingdom. It is the guardian of two of the three high holy sites for Islam. And they do not have a chip on their shoulder about this, but they are absolutely dug in.

What we have been able to do in the last 2 years is to get them to agree that non-Muslim worship can take place if it is done discretely and privately, without interference of the Mutawwa. Now, where we have had worship taking place discretely, which is a function of numbers and noise and how many people are there and so on, how long it goes on, we have had them step forward and do the right thing.

In fact, this past year Prince Turki made the statement in the Geneva Human Rights Commission that this was now a part of their policy, and it was promulgated widely within Saudi Arabia. That is very important because the Mutawwas sometimes seem to operate without anyone holding them accountable. So we have had fewer problems.

Now, again this is a situation where we wish things were different. We have a long way to go. We are working these issues at all levels with an ally. Saudi Arabia is certainly that. But at the same time, we have been very, very clear in the report: There is no religious freedom in Saudi Arabia.

Does it pass the bar for a country of particular concern? Well, it is systematic and it is ongoing, there is a pattern, there is an intentionality to it. But being egregious, in the term that we use of persecution—kidnapings and killings and so on in the period of our report this past year—no, that did not happen, and so they were not designated.

Senator BROWNBACK. But Afghanistan is not listed as a country of particular concern.

Ambassador SEIPLE. The Taliban, which is not a government, but they occupy 88, 90 percent of the land, has been redesignated as a gross violator. That was done a year ago and we have done that again this year. Primarily, a year ago that was done on the basis of an intra-Muslim conflict between Sunni and Shia, but a genocide of sorts up in the northern part, in Sharif, the village up there where systematically the Taliban went through and executed people.

So there are some terrible things that go on. You will see if you read the Iraqi report some terrible listing, recounting of abuses against the Shia in southern Iraq. We have had some improvements in Iran and frankly, looking forward, I hope that they continue, because we may see a major breakthrough there in the years ahead.

We have to be careful how we play that. We can throw it off course if our diplomacy is too visible, too overt. At the same time, there are some positive things happening. My friend Firuz Kazemzadeh can talk specifically about what they have done that play in a positive way in favor of the Biha'is, which have been very persecuted in Iran.

These are difficult countries. My office spends a great deal of time working very hard to prove Sam Huntington wrong. There does not have to be a clash of kingdoms, there does not have to be a clash of civilizations. Islam is not monolithic. You see various expressions of it, various expressions of Sharia law throughout the Middle East. We do a disservice when we superficially stereotype it. But we need to learn more about it, because we do not know much. Speaking of the collective "we," we do not know much about Islam in that part of the world and the impact that it has had historically and could have in the future, as we should. It is incumbent upon us to do those teachings and learnings.

Senator BROWNBACK. How about in Russia? The Commission report had cited Sudan, China, and Russia, the International Religious Freedom Commission. It expressed concern about some of the changes that have taken place in Russia. What is your viewpoint?

Ambassador SEIPLE. Let me say in general with the Commission report, we have had Susan Rice speak to the sections on Sudan with the Commission and there is a great deal of parallelism in what the Commission has recommended in the methodology of a way forward and what is being promulgated inside the State Department as policy there. In China there has been a major difference on PNTR. That was the major difference in the Commission and our findings.

In Russia, I think we are again of one mind. We have got some enormous macro events that have hit Russia, a relatively new country coming out of the Soviet era. But there has been political turmoil, there has been obviously the large economic turmoil. In the middle of that chaos, you always worry about scapegoating, anti-semitism. Although it has not been prevalent in the period of this report, it lies underneath the surface.

There is something akin to a Putin watch. We do not know all that we would like to know about this person. We now have some of his works. We have a few of his actions. But it is going to take a while to come to understand this person in terms of his own dedication.

We are seeing some troubling issues relative to missionaries, missionaries that are being forced out of Russia. There are pockets of these. Russia is a big place and there are thousands of Western missionaries in Russia. But still, there is some troubling aspects to it. Of course, monitoring the 1997 law, which we felt at the time was a giant step backward in the judicial system. There is uneven implementation of the legislation, the fact that they do not control the hinterlands in many respects, the Governors of some of these provinces.

You have all the potential for a chilling effect on the people who want to worship because of how they believe or who they believe, and can they do it under this particular system. So this is not a

bad report on Russia, but we would neglect what could happen potentially in Russia at considerable peril.

So the Smith amendment, for instance, that we have to make sure that the 1997 legislation does not do damage to minority faiths, is good legislation that we probably need to continue. I hope there comes a day when we can do the same with just the IRF report and our office.

But until we know more about what is going to happen, the registration process—what happens at the end of this year? A lot of these churches and mosques and synagogues and the Orthodox church itself, they are not going to be registered. The bureaucracy does not allow the fast moving of that. Are they going to be liquidated? Is the time going to be extended? Is it going to be a license for people to discriminate against people of faith? We are not sure.

So we are cautious, I think properly so, and we continue our points of discussion with them on these issues.

Senator BROWNBACK. I appreciate your service in the job, your statements, and your comments here, and I hope you will be available for future consultation. The only point of view that I would dispute with you is on the Sudan, not that you listed them as a country of particular concern. I think they deserve that designation. But I believe we must do more. I think we should not open the embassy. I think that the civilian bombing must stop now.

The gentleman who took me to Sudan last year, says I could not go in now because the bombing has increased that much on civilian targets.

We want to provide direct development assistance to the south. The President must include Sudan on his Africa list, where he says: "Never again." I think there are some obvious steps the administration has not taken on the Sudan. I appreciate your mentioning them as a country of particular concern. I do not think our actions have stepped up to plate. I know there is pressure to not get involved in Sudan, but this is a brutalized population. It is ethnic and religious persecution, and I think there is more that we could do.

Ambassador SEIPLE. Let me just say, as someone who was kicked out of the north in 1988 as the head of World Vision and having to work illegally in the South since 1988, there is nothing I would like to see more than a resolution of the conflict in a way that a solution is put together that endures.

I find it a very humbling place. Yes, there is probably more we could do. We need all the help we can get. We are grateful for yours. I say that on behalf of the State Department. We have got to find a way that has an acceptable end game and a solution to the conflict that will stand the test of time.

So many things in Africa, unfortunately, have unraveled. We have not gotten it either right or we were applying Band-Aids to symptoms. This is as complicated and as humbling as it gets. I said before, if it were easy it would not have taken us 17 years to get to this point. So we do indeed need your help on this. I do not think there is a lot of disagreement on the facts. It is just the methodology forward. At this point there are maybe some differences, but we should not stop talking on the subject.

Senator BROWNBACk. God speed to you, Ambassador Seiple. You have been a wonderful, wonderful person for the administration, and I think you have left a record of integrity and honor. Thank you very much.

Ambassador SEIPLE. Thank you very much, Senator.

Senator BROWNBACk. I will call up our next panel, which includes other members of the Commission. If you would please come forward. I believe one will testify and the other two will answer questions.

Dr. Kazemzadeh, welcome. Good to see you again. I understand you will be providing testimony and the other two Commissioners will be answering questions. Delighted to have you here today.

STATEMENT OF FIRUZ KAZEMZADEH, VICE CHAIRMAN, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, AND SECRETARY OF EXTERNAL AFFAIRS, NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF THE UNITED STATES, ALTA LOMA, CA; ACCOMPANIED BY: HON. MICHAEL K. YOUNG, COMMISSION MEMBER AND DEAN, GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, WASHINGTON, DC; AND HON. JOHN BOLTON, COMMISSION MEMBER AND SENIOR VICE PRESIDENT, AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY, WASHINGTON, DC

Dr. KAZEMZADEH. Thank you, Mr. Chairman. My name is Firuz Kazemzadeh and I am honored to serve as Vice Chairman of the U.S. Commission on International Religious Freedom. I wish to thank the committee for inviting a representative of the Commission to testify before you today on the annual report on International Religious Freedom. I ask that my complete written statement be made part of the hearing record.

Senator BROWNBACk. Without objection.

I note that Senator Wellstone may be joining us later, although he caught me on the floor and said he was carrying an amendment about religious freedom in China associated with PNTR. So, while he would love to be here at the hearing, he was doing the work on the floor, so he could not join us. He may join us later, though.

Dr. KAZEMZADEH. I also want to thank the committee for holding this hearing because it is through holding hearings like this that the issue of international religious freedom can become an integral part of this Nation's foreign policy agenda. That, after all, is one of the guiding principles and purposes behind the International Religious Freedom Act, the statutory basis for the State Department's annual International Religious Freedom report.

The annual report is important to keep religious freedom high on the foreign policy agenda and an important tool to promote religious freedom abroad. It brings to light the facts on the ground and, perhaps just as significant, it describes what the U.S. Government is doing to promote religious freedom around the world.

The International Religious Freedom report is not only a report to the world, but also to the Members of Congress. The Commission urges Congress to take special note of what the report says about U.S. policy toward violators of religious freedom and activities designed to promote the protection of religious freedom.

In the International Religious Freedom Act, Congress stated that it was the policy of the United States to oppose violations of religious freedom engaged in or tolerated by governments of foreign countries and to promote religious freedom, among other things, specific mandated actions targeting violators. In other words, the law requires the U.S. foreign policy to take into account the nature and severity of religious freedom violations. This report therefore is a yardstick with which to measure our progress in meeting the goals of the statute.

I would like to take a moment to speak about Ambassador Seiple. The Commission commends the hard work that Ambassador Seiple and his staff have put into not only the annual international religious freedom report, but also their substantial efforts throughout the year to keep religious freedom on the foreign policy agenda. Ambassador Seiple has made a significant contribution to the work of the Commission, on which he sat as an ex officio, nonvoting member, and we value him as a colleague. We very much regret his departure.

The Commission will strongly urge the next President to move quickly to fill the vacancy with a person as knowledgeable and distinguished as Ambassador Seiple. It will also urge the new Congress to impress upon the new President the importance of doing so.

As the Commission noted in its own first annual report, released in May, as important as the report itself is the impact that its preparation has had on the State Department and on our embassies. This year's report generally shows more complete understanding of religious freedom issues and extensive factfinding 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 I note with pleasure that some of the recommendations that the Commission made in its annual report appear to have been adopted by the Department. Each country report now has an introduction generally identifying the most significant religious freedom problems in that country.

There is a separate subsection detailing relevant law. Our 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 which 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 omission of important context.

For example, the report focuses in a dozen or so pages relating to Sudan mainly on the policies and practices of the Sudanese Government with respect to religious freedom per se, giving only a page to atrocities being committed as part of the civil war, including for example aerial bombing of hospitals and schools, abduction of women and children, and the burning and looting of villages. There are, moreover, significant gaps.

For example, the report fails to describe the pivotal role that oil extraction is having, especially in enhancing the ability of the Government of Sudan to continue in its criminal behavior. Similarly, it does not focus on the delivery of humanitarian aid, for instance the longstanding refusal of the Sudanese Government to allow hu-

manitarian aid to reach some regions. In short, the report fails to give the behavior of the Government of Sudan the attention it deserves.

Another problem is that this year's report includes a section in the executive summary entitled "Improvements in International Religious Freedom," which are 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.

Labeling what are positive developments—and such developments deserve to be noted—labeling them as improvements confounds positive steps with real and fundamental progress in eliminating religious persecution. The mention of such positive steps in the executive summary can overshadow an overall negative situation. The executive summary should be the place to report on fundamental lasting change in the protection of religious freedom, as may be the case in Azerbaijan, but not particular events that may be positive.

Several persecutors can make a positive gesture without improving the overall conditions of religious freedom. On occasion, they do it to deflect criticism and to mislead foreign observers.

In the case of Sudan, for instance, the positive developments highlighted in the executive summary are changes of a shallow nature and not the type of developments that would signal a change in the regime under which religious believers suffer horribly. Another example is Laos, where the release of religious prisoners, a welcome event, is characterized in the executive summary as significant improvement. But the Laos section noted "the government's already poor record for religious freedom deteriorated in some aspects." These contradictory messages are found in the report's discussion of Vietnam as well.

The Commission is pleased that the State Department has listed for a second year Burma, China, Iran, Iraq, and Sudan as "countries of particular concern," [CPC's] as well as the Taliban regime of Afghanistan and the Government of Serbia. This year's annual report affirms that the conditions in these countries have not changed significantly. The Commission is very disappointed, however, that the Secretary has not named Laos, North Korea, Saudi Arabia, and Turkmenistan as CPC's.

On July 28, 2000, the Commission wrote to the Secretary of State 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 CPC's. I have attached this letter to my written statement for inclusion in the hearing record.

Senator BROWNBACK. Without objection, it will be included in the record.

Dr. KAZEMZADEH. The Commission's conclusion was based on the information that was available to us at that time. The information contained in the 2000 annual report only confirms that these countries should be designated as CPC's. The label of "CPC" is important. It brings into the spotlight the egregious violators. But the act of labeling is only one aspect of the situation. The act requires policy responses and again the International Religious Freedom report

is a report on U.S. action or actions to promote religious freedom and not only report on facts and circumstances.

I would like to focus for a moment on actions taken in response to CPC designations and then speak more broadly to U.S. policy initiatives in certain countries that are of concern to the Commission. Nowhere in the report did the State Department mention the sanctions it may have imposed as a result of a country's designation as a CPC. This is consistent with State's previous practice. It has to our knowledge done nothing to publicize the sanctions imposed under IRFA and at times appears to go out of its way to avoid mentioning them.

In the cases of Sudan and China, the sanctions that the State Department identified are inadequate and ineffective. Regarding Sudan, the Department stated last October that in order to satisfy the sanction requirement of IRFA the Secretary of State also uses the voice and vote of the United States to oppose any loan or other use of funds of international financial institutions to or for Sudan pursuant to the International Financial Institutions Act. More effective action that the Commission has recommended included the closing of U.S. capital markets to companies that participate in the Sudanese oil fields and taking steps to end Sudan's ability to control foreign food aid and use it as a weapon of war.

Regarding China, the Department stated that the Secretary of State restricts exports of crime control and detection instruments and equipment. It is difficult to believe that this sanction sends a strong message to Beijing on religious freedom.

I would also note that under IRFA the President must take action or issue a waiver of the requirement to take such action with regard to all countries the governments of which engage in or tolerate violations of religious freedom and not only the CPC's. These actions do not appear to be so recorded in the annual report.

In general, the report shows that U.S. Embassy personnel in a number of countries have been working to raise the issue of religious freedom with their foreign counterparts. Embassy personnel have also made inquiries and sought to monitor the legal proceedings of some religious detainees. Ambassador Seiple and his staff have traveled widely to reinforce the message of the importance of religious freedom to the United States.

The Commission applauds these actions. However, progress in the promotion of religious freedom also requires that steps be taken at the highest level of interaction between the United States and foreign governments.

As a parenthetical point, I would like to note that in the executive summary of this year's report actions taken by the Commission itself are listed in the section on what the U.S. Government has done with respect to a number of countries. This practice should not be continued. The Commission is not empowered to implement U.S. foreign policy, but to make policy recommendations. Congress has required the Commission to report on its activities separately from the State Department. Including Commission actions in the annual report may blur the distinction between it and the State Department in the minds of the American public, NGO's, victim communities, and foreign governments.

The report shows a number of countries where a deterioration in the conditions of religious freedom has not resulted in the adjustment of U.S. policy toward them. In the case of China, the report bluntly states, and rightly so, that the Chinese Government's attitude toward religious freedom has deteriorated and the persecution of several religious minorities has increased.

The report reflects the situation in almost excruciating detail. Arrests of Falun Gong and Zhong Gong practitioners and Christian worshippers in unregistered groups have accelerated dramatically since June last year. At least eight Uigher Muslims from Xinjiang Autonomous Region have been executed in June and July on charges of splitting the country.

The receptivity of the Chinese Government to U.S. concerns about religious freedom in China also appears to have deteriorated. The Chinese Government has refused to reinstate official bilateral dialog on human rights and religious freedom. Government officials have refused to meet with U.S. Embassy officials who intended to raise religious freedom issues with them. The Department's Special Coordinator for Tibet and a member of her staff were denied visas for travel to Tibet.

It is distressing that the administration and the majority of the House of Representatives are willing to overlook all of this in pursuing their campaign for permanent normal trade relation status for China.

Turkmenistan is another example of where the State Department concludes that conditions of religious freedom have worsened and yet the reported U.S. actions do not appear to reflect any change in the U.S. policy. A promise by President Niyazov to the State Department to allow minority religious groups to register, thus legalizing their actions, has yet to be realized.

A third example is France, where the report describes in detail some disturbing recent events that threatened the protection of religious freedom of minority religious groups. In particular, the National Assembly in June of this year passed a bill targeting the so-called "sects" for dissolution and establishing a new crime of "mental manipulation." It is now pending in France's Senate.

The report also illustrates a number of instances where U.S. policy does not appear to be in line with the gravity of religious freedom problems in a particular country. The report on Sudan does not display any coherent, concentrated plan on the part of the U.S. Government for dealing with the atrocities being committed there.

When the Commission studied that situation over the past year, we were struck by the huge disparity between the scale of atrocities being committed by the Government of Sudan and the response of the President and the Secretary of State. Yes, event by event the administration has expressed outrage and disapproval, but we have not seen evidence of the sort of concentrated and coherent policy that would have any hope of success.

Consequently, in May of this year, as a key part of our recommendations on Sudan, we laid out a specific 12-month plan of action for the President, urging particularly that he personally launch a vigorous campaign to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities. In addition, the Commission has raised with the State Department and

the National Security Advisor the issues of delivery of humanitarian aid in the face of continued indifference by the Sudanese Government and oil extraction enhancing the ability of the Sudanese Government to prosecute the civil war.

The Commission has asked Mr. Berger to investigate reports that the Commission received from credible sources, Anglican and Catholic bishops in the Sudan, that the U.N.-provided humanitarian aid for Sudan, including U.S. aid, is being manipulated to force religious conversions among the country's displaced and needy religious minorities. I have attached a copy of the Commission's August 14, 2000, letter to the National Security Advisor to my written statement for inclusion in the hearing record.

Senator BROWNBACK. It will be included in the record.

Dr. KAZEMZADEH. With regard to North Korea, the report notes that the United States does not have diplomatic relations with that country. Nevertheless, the U.S. does have a policy with respect to North Korea and one that is undergoing significant changes, including the announcement of the lifting of certain sanctions against the country.

We are not taking a position on the wisdom of these actions. However, it is apparent from the report that human rights and religious freedoms have not played a role in the development of policy with respect to one of the world's worst religious freedom violators.

With respect to Iran, again a country with which the United States has no diplomatic relations and where there have been significant developments in U.S. policy during the last year, it is reported that the U.S. officials have raised religious freedom issues and problems facing religious minorities in international forums and in public statements at the highest level. However, the United States can and should make clear to Iran that respect for human rights and religious freedom is among the necessary elements of improved ties between the two countries.

The 2000 annual report states a sobering fact: Much of the world's population lives in countries in which the right to religious freedom is restricted or prohibited. As the richest and most powerful nation on Earth, the United States can do significantly more to vindicate this right abroad. As the freest nation on Earth, it must do more.

On behalf of the U.S. Commission on International Religious Freedom, thank you again, Mr. Chairman, for the invitation to present the Commission's perspective.

[The prepared statement of Dr. Kazemzadeh follows:]

PREPARED STATEMENT OF DR. FIRUZ KAZEMZADEH

INTRODUCTION

Thank you and good afternoon, Mr. Chairman and members of the Senate Foreign Relations Committee. My name is Firuz Kazemzadeh and I am honored to serve as Vice-Chairman of the U.S. Commission on International Religious Freedom. I wish to thank the Committee for inviting a representative of the Commission to testify before you today on the Annual Report on International Religious Freedom. I ask that my complete written statement be made part of the hearing record.

I also want to thank the Committee for holding this hearing, because it is through holding hearings like this that the issue of international religious freedom can become an integral part of this nation's foreign policy agenda. And that, after all, is one of the guiding purposes and principles behind the International Religious Free-

dom Act, the statutory basis for the State Department's Annual International Religious Freedom Report.

IMPORTANCE OF THE ANNUAL INTERNATIONAL RELIGIOUS FREEDOM REPORT

The Annual International Religious Freedom Report is important to keep religious freedom high on the foreign policy agenda and an important tool to promote religious freedom abroad. It brings to light the facts on the ground, and—perhaps just as significant—it describes what the U.S. government is doing to promote religious freedom around the world. The International Religious Freedom Report is not only a report to the world, but also a report to the Members of Congress. The Commission urges Congress to take special note of what the Report says about U.S. policy toward violators of religious freedom and activities designed to promote the protection of religious freedom. In the International Religious Freedom Act, Congress stated that it was the policy of the United States to oppose violations of religious freedom engaged in or tolerated by governments of foreign countries and to promote religious freedom, through, among other things, specific mandated actions targeting violators. In other words, the law requires that U.S. foreign policy take into account the nature and severity of religious freedom violations, and be adjusted accordingly. This report is the yardstick with which to measure our progress in meeting the goals of the statute.

I would like to take a moment to speak about Ambassador Seiple. The Commission commends the hard work that Ambassador Seiple and his staff have put into the Annual International Religious Freedom Reports, but also their substantial efforts throughout the year to keep religious freedom on the foreign policy agenda. Ambassador Seiple has also made a significant contribution to the work of the Commission, on which he has sat as an *ex-officio* nonvoting member, and we value him as a colleague. The Commission regrets his departure. The Ambassador at Large for International Religious Freedom is a very important part of U.S. policy initiatives to promote religious freedom abroad—the State Department 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 will strongly urge the next president to move quickly to fill the vacancy with a person as knowledgeable and distinguished as Ambassador Seiple. It will also urge the new Congress to impress upon the new president the importance of doing so.

REPORTING ON THE FACTS AND CIRCUMSTANCES OF RELIGIOUS FREEDOM

A few words on the Annual Report's reporting of the facts and circumstances of religious freedom.

Although we have not had the time to review Tuesday's thousand-page report in its entirety, it is apparent that the Department has done a highly commendable job of telling the tragic story of religious freedom around the globe. As the Commission noted in its own first annual report released in May, as important as the report itself is the impact that its preparation has had on the State Department and our embassies. This year's report generally shows 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 I note with pleasure that some of the recommendations that the Commission made in its annual report appear to have been adopted by the Department. Each country report now has an introduction generally identifying the most significant religious-freedom problems in that country. There is a separate sub-section detailing relevant law. Our 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.

For example, the Report focuses, in its dozen or so pages relating to Sudan, mainly on the policies and practices of the Sudanese government with respect to religious freedom *per se*, giving only a page to atrocities being committed as part of the civil war, including for example, aerial bombing of hospitals and schools, abduction of women and children, and the burning and looting of villages. There are, moreover, significant gaps. For example, the Report fails to describe the pivotal role that oil extraction is having—especially in enhancing the ability of the government of Sudan to continue in its criminal behavior. Similarly, it does not focus on the delivery of humanitarian aid—for instance, the long-standing refusal of the Sudanese govern-

ment to allow humanitarian aid to reach some regions. In short, the Report fails to give the behavior of the government of Sudan the attention it deserves.

Another notable problem is that this year's report includes a section in the executive summary entitled "Improvements in International Religious Freedom," which are 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. Labeling what are really positive developments—and such positive developments deserve to be noted—as "improvements" confounds positive steps with real and fundamental progress in eliminating religious persecution. The mention of such positive steps in the executive summary can overshadow an overall negative situation. The executive summary should be the place to report on fundamental, lasting change in the protection of religious freedom, as may be the case in Azerbaijan, but not particular events that may be positive. Severe persecutors can make a positive gesture without improving the overall conditions of religious freedom. On occasion they do it to deflect criticism and mislead foreign observers.

In the case of Sudan, for instance, the positive developments highlighted in the executive summary are changes of a shallow nature, and not the type of developments that would signal a change in the regime under which religious believers suffer horribly. Another example is Laos, where the release of religious prisoners—a welcome event—is characterized in the executive summary as "significant improvement." But the Laos section noted that "the government's already poor record for religious freedom deteriorated in some aspects." These contradictory messages are found in the report's discussion of Vietnam as well.

COUNTRIES OF PARTICULAR CONCERN

The Commission is pleased that the State Department has listed for a second year Burma, China, Iran, Iraq, and Sudan as "countries of particular concern," (CPCs) as well as the Taliban regime in Afghanistan and the government of Serbia—which, while not recognized states, also remain "particularly severe violators of religious freedom." This year's Annual Report affirms that the conditions in those countries have not changed sufficiently so as to warrant a change in designation.

The Commission is very disappointed, however, that the Secretary has not named Laos, North 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.¹ The Commission's conclusion was based on the information that was available to us at that time. The information contained in the 2000 Annual Report only affirms that these countries should be designated as CPCs.

In Laos, during the last 12 months, increasing numbers of Protestants, Baha'is and Catholics have been subjected to detention, arrest and harassment, and over 50 persons have been reportedly imprisoned for the peaceful practice of their faith.

In North Korea, notwithstanding the difficulty of obtaining reliable information on conditions in the country, it is apparent that religious freedom is non-existent. As this year's report 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. Not identifying this repressive government as a CPC effectively rewards it for suffocating free speech, press and travel so thoroughly that information on religious persecution is limited.

In Saudi Arabia, the government brazenly denies religious freedom and vigorously enforces its prohibition against all forms of public religious expression other than that of Wahhabi Muslims. Numerous Christians and Shi'a Muslims continue to be detained, imprisoned and deported. As both the Department's 1999 and 2000 Annual Reports bluntly summarize: "Freedom of religion does not exist." How then can Saudi Arabia not be deemed a country of particular concern?

In Turkmenistan, where the ruling regime is reminiscent of Stalins, only the official Soviet-era Sunni Muslim Board and the Russian Orthodox Church are recognized by the state as legal religious communities. Members of unregistered communities—including Baha'is, Christians, Hare Krishnas, and independent Muslims—have been reportedly detained, imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed. This year's report notes a decline in the

¹I have attached this letter to my written statement for inclusion in the hearing record.

Turkmenistan government's overall respect for religious freedom, and notes "severe restrictions" on minority religious groups.

In addition to the four countries that the Commission recommended be named as CPCs, the Commission advised the Secretary of State that another four governments are close to earning the CPC label. India, Pakistan, Uzbekistan, and Vietnam are among those countries that have attracted the Commission's particular scrutiny, and they deserve the Department's as well. Its own report bears this out.

REPORTING ON U.S. ACTIONS TO PROMOTE RELIGIOUS FREEDOM

The label of CPC is important; it brings into the spotlight the egregious violators. But the act of labeling is only one aspect of the statute. IRFA requires policy responses and, again, the International Religious Freedom Report is a report on U.S. actions to promote religious freedom and not only a report on facts and circumstances.

I would like to focus for a moment on actions taken in response to CPC designation, and then speak more broadly to U.S. policy initiatives in certain countries that are of concern to the Commission.

U.S. ACTIONS IN RESPONSE TO CPC DESIGNATION

Nowhere in the report did the State Department mention the sanctions it may have imposed as a result of a country's designation as a "country of particular concern." This is consistent with State's previous practice: it has, to our knowledge, done nothing to publicize the sanctions imposed under IRFA and at times appears to go out of its way to avoid mentioning them. In the cases of Sudan and China, the sanctions the Department of State identified are inadequate and ineffective. Regarding Sudan, the Department stated last October that "in order to satisfy the sanction requirements of the IRFA, the Secretary of State also uses the voice and vote of the United States to oppose any loan or other use of funds of international financial institutions to or for Sudan pursuant to the International Financial Institutions Act." More-effective actions that the Commission has recommend include closing U.S. capital markets to companies that participate in the Sudanese oil fields (the revenue from which helps to fund the Sudanese government's war effort) and taking steps to end Sudan's ability to control foreign food aid and use it as a weapon of war. Regarding China, the Department stated that the Secretary of State "restricts exports of crime control and detection instruments and equipment." It is difficult to believe that this sanction sends a strong message to Beijing on religious freedom.

I would also note that under IRFA, the President must take action (or issue a waiver of the requirement to take such action) with regard to all countries the government of which engages in or tolerates violations of religious freedom, and not only CPCs. These actions do not appear to be so recorded in the Annual Report.

U.S. ACTIONS TAKEN TO PROMOTE RELIGIOUS FREEDOM

In general, the report shows that U.S. embassy personnel in a number of countries have been working to raise the issue of religious freedom with their foreign counterparts. Embassy personnel have also made inquiries and sought to monitor the legal proceedings of some religious detainees. Ambassador Seiple and his staff have traveled widely to reinforce the message of the importance of religious freedom to the United States.

The Commission applauds these actions. However, progress in the promotion of religious freedom also requires that steps be taken at the highest levels of interaction between the U.S. and foreign governments. Religious prisoners and persecution must be prominently raised in virtually every meeting between American diplomats and violator governments.

As a parenthetical point, I would like to note that in the executive summary of this year's report, actions taken by the Commission itself are listed in the section on what the U.S. government has done with respect to a number of countries. This practice should not be continued. The Commission is not empowered by Congress to implement U.S. foreign policy, but to make policy recommendations. Congress has required the Commission to report on its activities separately from the State Department. Including Commission actions in the Annual Report may blur the distinction between it and the State Department—in the minds of the American public, NGOs, victim communities and foreign governments.

The report shows a number of countries where a deterioration in the conditions of religious freedom have not resulted in an adjustment in U.S. policy toward those countries.

In the case of China, the report bluntly states, and rightly so, that the Chinese government's attitude toward religious freedom has deteriorated and persecution of several religious minorities has increased. The report reflects this situation in almost excruciating detail. Arrests of Falun Gong and Zhong Gong practitioners and Christians worshiping in unregistered groups have accelerated dramatically since June of last year. At least eight Uigher Muslims from the Xinjiang Autonomous Region were executed in June and July on charges of "splitting the country." The receptivity of the Chinese government to U.S. concerns about religious freedom in China also appears to have deteriorated. The Chinese government has refused to reinstate official bilateral dialogue on human rights and religious freedom. Government officials have refused to meet with U.S. embassy officials who intended to raise religious freedom issues with them. The Department's Special Coordinator for Tibet and a member of her staff were denied visas for travel to Tibet. It is distressing that the Administration and a majority of the House of Representatives is willing to overlook all of this in pursuing its campaign for Permanent Normal Trade Relations status for China.

Turkmenistan is another example of where the State Department concludes that conditions of religious freedom have worsened, and yet the reported U.S. actions do not appear to reflect any change in U.S. policy. A promise by President Niyazov to the State Department to allow minority religious groups to register, thus legalizing their activities, has yet to be realized.

A third example is France, where the report describes in detail some disturbing recent events that threaten the protection of religious freedom of minority religious groups in that country. In particular, the National Assembly in June of this year passed a bill targeting so-called "sects" for dissolution and establishing a new crime of "mental manipulation." It is now pending in France's Senate. However, a comparison of this year's report on what the U.S. has done, in comparison to last year's report on what the U.S. did, shows that despite worsening conditions, the U.S. appears to have done less. This deserves an explanation.

The report also illustrates a number of instances where U.S. policy does not appear to be in line with the gravity of religious freedom problems in a particular country.

The Report on Sudan does not display any coherent, concentrated plan on the part of the U.S. government for dealing with the atrocities being committed there. When the Commission studied that situation over the past year, we were struck by the huge disparity between the scale of atrocities being committed by the government of Sudan and the response of the President and the Secretary of State. Yes, event-by-event, the Administration has expressed outrage and disapproval. But we have not seen evidence of the sort of concentrated and coherent policy that would have any hope of success. Consequently, in May of this year, as a key part of our recommendations on Sudan, we laid out a specific 12-month plan of action for the President—urging particularly that he personally launch "a vigorous campaign . . . to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities." In addition, the Commission has raised with the State Department and the National Security Advisor the issues of delivery of humanitarian aid in the face of continued interference by the Sudanese government and oil extraction enhancing the ability of the Sudanese government to prosecute the civil war. The Commission has asked Mr. Berger to investigate reports that the Commission received from credible sources—Anglican and Catholic bishops in Sudan—that U.N.-provided humanitarian aid for Sudan, including U.S. aid, is being manipulated to force religious conversions among the country's displaced and needy religious minorities. I have attached a copy of the Commission's August 14, 2000 letter to the National Security Advisor to my written statement for inclusion in the hearing record.

With regard to North Korea, the report notes that the U.S. does not have diplomatic relations with that country. Nevertheless, the U.S. does have a policy with respect to North Korea, and one that has undergone significant change in the last year, including the announcement of the lifting of certain sanctions against the country. We are not taking a position on the wisdom of those actions. However, it is apparent from the report that human rights and religious freedom have not played a role in the development of policy with respect to one of the world's worst religious freedom violators.

With respect to Iran, again a country with which the U.S. has no diplomatic relations and where there have been significant developments in U.S. policy during the last year, it is reported that U.S. officials have raised religious freedom issues and problems facing religious minorities in international forums and in public statements at the highest levels. However, the United States can and should make clear

to Iran that respect for human rights and religious freedom is among the necessary elements for improved ties between our two countries.

CONCLUSION

The 2000 Annual Report states a sobering fact: “Much of the world’s population lives in countries in which the right to religious freedom is restricted or prohibited.” As the richest and most powerful nation on Earth, the United States can do significantly more to vindicate this right abroad. As the freest nation on Earth, it must do more.

On behalf of the U.S. Commission on International Religious Freedom, thank you again, Mr. Chairman, for the invitation to present the Commission’s perspective.

[Enclosures.]

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM,
800 NORTH CAPITOL STREET,
Washington, DC, July 28, 2000.

The Honorable MADELEINE K. ALBRIGHT
Secretary of State,
U.S. Department of State,
Washington, DC.

Re: Recommendations for Presidential Designation of Severe Violators of Religious Freedom

DEAR MADAM SECRETARY:

In its first year of operations, the U.S. Commission on International Religious Freedom has investigated violations of religious freedom engaged in or tolerated by governments of a number of countries, using information from victims, religious groups and other private organizations, the United States government, and others. Although it continues to be denied access to embassy cable traffic, the Commission has carefully reviewed the Department’s Annual Report on International Religious Freedom—1999 and its Country Reports on Human Rights Practices—1999.

Based on this information, the Commission concludes that the governments of Laos, North Korea, Saudi Arabia, and Turkmenistan have engaged in particularly severe violations of religious freedom, and therefore recommends that the President designate these four countries as “countries of particular concern” (“CPCs”), for purposes of Section 402(b) of the International Religious Freedom Act of 1998 (“IRFA”) [22 U.S.C. § 6442(b)].¹

In Laos, during the last 12 months, increasing numbers of Protestants, Baha’is and Catholics have been subjected to detention, arrest and harassment, and over 50 persons have been reportedly imprisoned for the peaceful practice of their faith.

In North Korea, notwithstanding the difficulty of obtaining reliable information on conditions in the country, it is apparent that religious freedom is non-existent. The government has imprisoned religious believers and suppresses all organized religious activity except that which serves the interests of the state. Not to identify this repressive government as a CPC would effectively reward it for suffocating free speech, press and travel so thoroughly that information on religious persecution is limited.

In Saudi Arabia, the government brazenly denies religious freedom and vigorously enforces its prohibition against all forms of public religious expression other than that of Wahabi Muslims. Numerous Christians and Shi’a Muslims continue to be detained, imprisoned and deported. As the Department’s 1999 Annual Report bluntly summarized: “Freedom of religion does not exist.”

In Turkmenistan, where the ruling regime is reminiscent of Stalin’s, only the official Soviet-era Sunni Muslim Board and the Russian Orthodox Church are recognized by the state as legal religious communities. Members of unregistered communities—including Baha’is, Christians, Hare Krishnas, and Muslims operating independently of the Sunni Muslim Board—have been reportedly detained, imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed.

The Commission further concludes that all of the seven governments or entities named by the President last October as CPCs—Burma, China, Iran, Iraq, Serbia, Sudan, and the Taliban in Afghanistan—continue to engage in particularly severe

¹ Commissioner John Bolton voted “no” on the vote to include Saudi Arabia, and Commissioner Laila Al Marayati abstained.

violations of religious freedom, and therefore should continue to be designated as CPCs.

The Commission also notes grave violations of religious freedom engaged in or tolerated by the governments of India, Pakistan, Uzbekistan, and Vietnam. The actions of the governments of these countries may not meet the statutory threshold necessary for designation as CPCs. Nevertheless, the Commission notes that under IRFA, the President must take action (or issue a waiver of the requirement to take such action) with regard to all countries the government of which engages in or tolerates violations of religious freedom (and not only CPCs) [Sec. 401(b)(1), 22 U.S.C. 6441(b)(1)]. Because of the seriousness of the violations in these four countries, the Commission urges the Department to closely monitor religious freedom in these countries during the upcoming year, and to respond vigorously to further violations there (including CPC designation later in the year, if appropriate).

In India, the central government appears unable (and possibly unwilling) to control growing violence by self-proclaimed Hindu nationalists targeting religious minorities, particularly Muslims and Christians. Priests and missionaries have been murdered, nuns assaulted, churches bombed, and converts intimidated in scores of violent incidents over the past year.

In Pakistan, large numbers of Sunni Muslims, Ahmadis and Christians have been harassed, detained, and imprisoned on account of their religion under laws that prohibit blasphemy and essentially criminalize adherence to the Ahmadis faith. In April of this year, the military government abandoned its expressed intent to soften the blasphemy laws.

In Uzbekistan, scores of Muslims worshipping independently of the state-controlled Muslim organization have been detained on account of their religious piety. Several religious leaders—including Muslims, Jehovah's Witnesses and Evangelical Christians—have apparently disappeared under mysterious circumstances, died from mistreatment in custody, or have received long prison terms.

In Vietnam, the law provides for the extensive regulation of religious organizations by the state, and leaders and members of the banned Unified Buddhist Church of Vietnam, the ba Hao sect of Buddhism, the Cao Dai religion, as well as Protestants and Catholics have been detained without charge, imprisoned, heavily fined, harassed, or subject to government surveillance.

The Commission is also deeply concerned about the violence between members of different religious communities in Indonesia and Nigeria.

In Indonesia, current communal violence in the Maluku region has reportedly claimed the lives of 4,000 Christians and Muslims since January 1999, and there is evidence that the Indonesian government is not controlling its armed forces, resulting in murder, forced mass resettlement, and torture.

In Nigeria, disputes surrounding the actual and proposed enactment of elements of Islamic law into the criminal codes of many states in the northern part of the country have sparked a cycle of violence between Muslims and Christians in many parts of the country.

The Commission recommends that the United States urge the Indonesian and Nigerian governments to do all they can to prevent further violence and bring the perpetrators of such violence to justice.

Thank you, Madam Secretary, for considering the Commission's recommendations.
Respectfully yours,

ELLIOTT ABRAMS, *Chairman*.

Commissioner Michael Young, joined by Commissioner Nina Shea, states:

"Because I am convinced that the government of India tolerates particularly severe violations of religious freedom, I dissent from the Commission majority's decision not to recommend that the President designate India a 'country of particular concern' under section 402 of the International Religious Freedom Act (22 U.S.C. 6442(b)).

"Reliable reports from the media as well as religious and secular human rights groups in India portray a marked and lethal increase in violence against religious minorities in the past year. Christian converts, missionaries and clerics have suffered over forty violent assaults in the past year, including murder, rape, and church bombings. Officials are slow to investigate and even slower to prosecute when the alleged perpetrators are Hindu and the victim is not. This violence is fomented, if not commissioned, by strident Hindu nationalist organizations from which the Vajpayee Government refuses to distance itself; indeed, its complacency has implicitly sent a message that federal authorities will do little to stop attacks on non-Hindus or interfere with state laws that intimidate Christian evangelism (e.g., among Dalits).

“IRFA dictates that the President ‘shall designate each country the government of which has engaged in *or tolerated* [severe violations] as a country of particular concern for religious freedom.’ Unfortunately, this certainly describes India during the past year, and thus it should be so designated. Accordingly, I dissent from the Commission’s failure to request such a designation for India.”

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM,
800 NORTH CAPITOL STREET,
Washington, DC, August 14, 2000

Mr. SAMUEL R. BERGER
National Security Advisor,
The White House,
Washington, DC.

DEAR MR. BERGER:

As you know from your meeting with members of our Commission, the situation in Sudan has been a central preoccupation of ours over the last year. Recent reports have greatly increased our concern. Last week various newspapers reported that the UN had suspended relief flights into southern Sudan as a result of bombings conducted by the government of Sudan. Last month we received reports from church leaders in Sudan alleging that needed food aid is still not reaching the so-called “no-go” regions and that the government has been using food aid to force religious conversions. I am writing to (1) express our alarm over these reports, (2) learn more about the relevant facts and current U.S. policy, and (3) follow up on our May 1, 2000 recommendation that the Administration strengthen the Sudan Sanctions Regulations.

We respectfully request that you respond to this letter before the end of August, prior to the return of the Congress. Our sense of urgency about Sudan is high. Not only have we received these reports regarding the suspension of relief flights, starvation and disease in the “no-go” regions, and forced conversions, but the government of Sudan apparently is continuing to engage in the bombing of civilian populations and aid centers and to consolidate its ability to do so through the development of the oil fields in southern Sudan. The overall situation seems only to be worsening.

First and foremost, we would like to know your assessment of, and the Administration’s plans for responding to, the UN suspension of relief flights. How soon is the UN likely to resume flights? What are the prospects for an increase in human suffering in the meantime? What is the Administration doing or planning to do to assure that civilians in southern Sudan will receive the humanitarian aid they need?

We have detailed below our concerns about the “no-go” regions, forced conversions, and sanctions.

A. Food Aid

1. Availability in Non-OLS Areas of Sudan

The government of Sudan has long barred the UN’s Operation Lifeline Sudan (OLS) from providing humanitarian aid in some areas of the country. Over the past several months, representatives of the Administration have given assurances that U.S. aid to such areas would be increasing. But church leaders on the ground in the Nuba Mountains and other “no-go” zones report that their people are again dying from starvation and disease and that U.S. humanitarian aid is not being delivered to them.

This apparent discrepancy between stated policy and actual practice may be explained by the following finding in the State Department’s *Interagency Review of U.S. Civilian Humanitarian & Transition Programs* (January 2000), Annex 3, p. 4-5:

4) Lines of authority and accountability within the U.S. for some key humanitarian issues related to Sudan remain unclear. Some examples include:

a) *The reform and revitalization of OLS*

OLS’s inability to effectively address issues related to access to vulnerable groups has been cause for concern. Lack of access was identified by USAID as a contributing factor to the 1988 [sic] famine. While a U.S. Action Plan called for aggressive efforts at UN/OLS reform, it was unclear to those interviewed for this Case Study how to make this happen. Should the State Department or USAID be in the lead? Is it a UN reform question or a re-

gional, Sudan-specific one? What Agency and what level of staff in that Agency have the authority to engage other donors, the UN and the Sudanese government and rebel movements on this question?¹

The authors of the Interagency Review in their next sentence reached the disturbing conclusion that:

No steps have been taken on this important issue, even as access issues again loom as a cause for concern in southern Sudan.²

At hearings on the United Nations and Africa before the Senate Foreign Relations Committee on July 12, 2000, more than six months after the Interagency Review was issued, United Nations Ambassador Richard Holbrooke acknowledged that he has “never worked on Sudan at all in the UN context.” After no less than four Senators raised the issue of the United Nations policy allowing the government of Sudan to veto the delivery of OLS food aid, he then agreed to communicate this concern to the United Nations Secretary General.

In identifying religion as a major factor in the conflict raging in Sudan, the Commission stated in its May 1, 2000 report that the Sudan government is committing atrocities at “genocidal” levels. A principal weapon of the Sudan government has been mass, selective starvation. As a result of Khartoum’s banning of delivery flights of international food aid to designated “no-go” areas, hundreds of thousands of Sudanese civilians have already died of hunger and related illnesses. These deaths could have been averted since U.S. aid was available for Sudan. Senator Bill Frist, who has made several fact-finding visits to Sudan, stated at the Senate hearings on July 12 that he “conclude(s) the United Nations has not even put up a struggle to the restrictive terms that have been used to allow these so-called ‘no-go’ zones.”

We respectfully ask for an update on the efforts of the United States to assure that humanitarian aid reaches the “no-go” areas, including efforts to resolve the coordination issues highlighted by the *Interagency Review*. We request your personal engagement to assure appropriate and timely distribution of U.S. humanitarian aid within Sudan, especially to the Nuba Mountains, Blue Nile region and other “no go” areas where thousands of lives are at risk.

2. Forced Conversions

The Commission has received reports from credible sources that UN-provided humanitarian aid for Sudan, including U.S. aid, is being manipulated to force religious conversions among the country’s displaced and needy religious minorities.

In mid-July, Sudan’s Anglican Bishop Peter Munde of Yambio diocese in southern Sudan and Catholic Bishop Macram Gassis of El Obeid diocese in the Nuba Mountains and northern Bahr al Ghazal reported separately to the Commission that, under the influence of the government of Sudan some relief groups distribute UN aid with the precondition that those receiving the aid convert to Islam. Such coercive practices would directly violate fundamental principles of religious freedom.

Bishop Munde attested in a written statement to the Commission as follows:

One of the tactics of the NIF government is to force conversion by withholding food for those who will not convert to Islam. My wife, nine children, and I were denied food for four days because we are Christians. I have witnessed people dying from hunger in towns where food is plentiful, especially in Juba town in the south of Sudan. In Juba I have seen food brought in, but after offloading, the food disappears. It is sold at a higher price to people other than those for whom it is intended, or it is withheld from those who will not convert to Islam. . . .

According to the two church leaders a conversion-to-eat policy is routinely enforced in the government-controlled camps outside Khartoum where two million Christian and animist refugees are wholly dependent on international aid. Although we do not know how many people are being affected, both bishops reported that such coerced conversions are “longstanding practices,” “common,” and “well-known” throughout government-controlled areas in Sudan. They said they have received many reports of such practices from their priests and parishioners who had escaped from the camps. “If you want to eat, you must convert,” reported Bishop Gassis about the relief practices in areas of his diocese of El Obeid.

¹The start of this passage may be found at <<http://www.gwu.edu/NSAEBB/NSAEBB30/05-04.htm>>

²Ibid.

The bishops identified "IARA" (Islamic African Relief Agency) and "Dawa Islamiya" as NGOs that engage in such coercive practices.

We are deeply disturbed by these reports. We respectfully request that you take urgent action to investigate and put a stop to any use of U.S. humanitarian aid for coercing religious conversion, whether the aid is delivered through the UN or NGOs outside the OLS system, and that you inform us by the end of August of the steps you have taken or plan to take. For your information, we have also brought these reports to the attention of USAID.

B. *Strengthening the Sudanese Sanctions Regulations*

In our May 1 Report, the Commission made recommendations to the President about the ongoing and severe violations of religious freedom in Sudan. We were especially concerned that the accelerating development of the oil fields in Sudan is increasing the ability of the government of Sudan to wage what has become a genocidal war. We urged the President, among other things, to strengthen the economic sanctions against Sudan so as to further restrict the ability of companies that are helping to develop those oil fields from raising capital on the U.S. market. We respectfully request that you provide us with a response to that recommendation.

The Commission's recommendations appear in the *Report of the United States Commission on International Religious Freedom, May 1, 2000*, a copy of which is enclosed. The relevant recommendations are Recommendations 1.8 and 1.9, which provide as follows:

1.8 The United States should prohibit any foreign-organized corporation from obtaining capital in the U.S. markets as long as it is engaged in the development of the oil and gas fields in Sudan, including exploration, extraction, piping or refining.

1.9 In view of the linkage between oil and gas revenues and the human rights violations of the government of Sudan, the United States should mandate that any foreign-organized corporation engaged in the development of the oil and gas fields in Sudan must:

- (a) in the event it intends to make an IPO in the United States, disclose fully whether or not it intends to use the proceeds of the IPO for development of those oil and gas fields before it may proceed with the IPO; and
- (b) in the event it is engaged in revenue-generating activities in the United States, submit periodically for public review reports on the nature, extent and duration of its involvement in developing those oil and gas fields and its revenue-generating activities in the United States.

C. *Conclusion*

Because of the urgency and severity of the situation in Sudan, we ask that you respond to this letter by the end of August. I or our Vice-Chairman, Dr. Firuz Kazemzadeh, would be pleased to respond to any questions you or your staff may have. Thank you for your time and attention.

Sincerely yours,

ELLIOTT ABRAMS, *Chairman*.

Senator BROWNBACK. Thank you very much, and I appreciate your willingness to travel the world to areas of great concern. I appreciate your willingness to be critical of, the administration and its conclusions.

Dean Young, I would be curious if I could ask you about a particular reference to China. News reports indicate reduced religious liberties in China. My own personal experience has actually been mixed in that regard. With the Tibetan refugees, there is clearly a great deal of persecution. I spent a week in the south adopting a daughter in December last year, and there seemed to be a great deal of freedom in that region. This merely a personal and limited experience.

You are an expert in this field. I would appreciate your views on China's religious freedom and whether that has been decreasing within the last couple of years.

Mr. YOUNG. Thank you, Senator. I appreciate the opportunity to be here as well and to talk just a little bit about China.

As you know, in our report the Commission did identify China as a serious problem and recommended that we seek substantial improvements in the human rights area, particularly relating to religious freedom, and listed four or five areas that might reflect that kind of improvement. That has been made public in our report and in subsequent press releases.

I think we, if anything, feel more strongly about that in the last few months than when we actually issued the report. As our chairman said not so long ago, people told us not to expect significant improvements in the near term as we engage with China in deeper trade relations. They did not tell us to expect a substantial deterioration, and that is in fact what we believe we have seen.

There have been reports in a variety of areas. I refer you to a press release that we issued on religious persecution in China on September 4 of this year, in which we highlight the extensive campaign against Falun Gong and Zhong Gong, and that seems to have accelerated, not only in the past few months, but even in the past few weeks and past few days. As many as 35,000 people may have been detained. Upwards of 27 to 30 reports, credible reports of beatings that have resulted in death, over 5,000 people now detained in labor camps, many of those receiving sentences that are at least as long as a decade, and this is continuing and accelerating.

The Uigher Muslims, as it was also mentioned in Dr. Kazemzadeh's testimony, is another indication of those problems. We have seen even in the past few weeks an acceleration of harassment of the house churches, as well as attempts to further control the Catholic Church by ordaining bishops and so forth.

The police have been particularly active in Tibet, including ransacking and expelling monks from some of the holiest shrines and so forth.

So I think it is certainly fair to say that one has seen in the past decade a substantial increase in freedom in certain kinds of areas in China. I think that is undeniable, I think that is laudable, and I think much of our engagement with the Chinese has had a positive effect in precisely that regard.

I think simultaneously, however, there has been substantial decline in confidence in the ideology of the Communist party and it has resulted in some resurgence of a variety of different kinds of religions in China. Those seem to be viewed increasingly as a threat to the Chinese and suppressed with a vigor and force that, despite China's tremendous interest in joining the WTO and engaging in broader trade relations, despite that interest it has not deterred the Chinese in the slightest from this expanded crackdown, even, as I say, in the past few weeks, not to mention past few months and years.

Senator BROWNBACK. How have the Chinese justified the recent crackdown to the Commission? Has the Commission inquired directly of the Chinese Government about this?

Mr. YOUNG. We have sought from the Chinese Government the opportunity to actually go to China and have not been granted that permission yet. As was mentioned earlier, one of our staff members has actually been denied a visa to go to Tibet. We have been trying to engage the Chinese Government. We have sought appointments

with the Ambassador to talk about this at more length and in more detail, and we have not had any satisfactory official explanations. We have certainly talked to China experts as well as to victims of this persecution, but have not yet had the kinds of in-depth discussions with Chinese officials to try and ascertain their views on this.

Senator BROWNBACK. So they have just denied any sort of discussion and have not engaged in any discussion at all?

Mr. YOUNG. Yes, I think that is fair to say. I would not say they denied it. In typical Chinese fashion, we are awaiting a reply.

Senator BROWNBACK. They have delayed it.

Mr. YOUNG. Yes, they have delayed it.

Senator BROWNBACK. Mr. Bolton, thank you for being here with us as well today.

I might just open the floor up for you. Do you have a couple of comments you would like to assert about the report, or discuss what has occurred recently regarding religious freedom?

Mr. BOLTON. Thank you very much, Mr. Chairman. I just add two points perhaps, one on China. I think it is significant from the point of view of American interests in dealing with China that the execution of the Muslim Uighers in Xinjiang Province was announced by the PRC as having to do with their efforts, at least in the PRC's view, to split Xinjiang away from Beijing's rule.

This concern about "split-ism," as the Chinese Government calls it, is something, although not limited to religious freedom, is something that gets the attention of people in other parts of that region, in Taiwan for example, which is also repeatedly criticized by Beijing for split-ist tendencies. Now, the particular sin of the people on Taiwan is they keep voting and, even worse than voting, they keep voting for elected officials who do not agree with what Beijing believes to be the correct political status of Taiwan.

That is not something within the Commission's jurisdiction, but I can assure you that people on Taiwan are quite concerned about the future of their own population, their own government, their own status, many of whom are people of faith themselves—Christians, Buddhists, Falun Gong, many different confessions. They watch with particular care what Beijing is doing in its equal opportunity repression of all religious faiths inside China.

So that this question of the treatment of the Uigher Muslims is not simply something that we object to as a matter of the repression of their religious freedom, but it plays directly into the calculations of leaders in other countries in that region that have a direct bearing on American national security.

Second, Mr. Chairman, if I could just say a brief word about Korea and echo what Firuz Kazemzadeh said in his statement, the Commission's full statement, about how disappointed we are that North Korea has not been designated as a country of particular concern. As I understand the position of the State Department in interpreting the Religious Freedom Act, their view is that they have to look on a year by year basis for a deterioration in the conditions of religious liberty within a country and then meet all the criteria that Ambassador Seiple referred to before they can designate it as a country of particular concern.

The problem arises where you have a country, like North Korea, where the level of religious freedom is already at absolute zero, so

that if in the course of 365 days there is no further deterioration in the condition of religious liberty because it's not possible to get any worse, as I understand the State Department view, that precludes them from adding North Korea to their list.

Now, we have considered this question within the Commission. As on many other things, we have a variety of views. But it was our consensus, as expressed in the letter to Secretary Albright that Firuz Kazemzadeh referred to that is attached to the testimony, that North Korea, precisely because its level of oppression of religious freedom is so intense, that it should have been—the State Department should have designated it as a country of particular concern.

We looked at the same statutory criteria and we were able to come to the conclusion that it fit the description that Congress intended when it wrote the Religious Freedom Act. I would hope that the State Department would reconsider that question, but I would just flag that as something the Congress may want to take a look at. I cannot believe when you wrote the act you did not intend to catch up countries like North Korea. Indeed, precisely because of the change of policy toward North Korea, as to which as a Commission obviously we take no position—again, we are of different views on that—but precisely when there is an opening in discussion with a country like North Korea, that is precisely the time for the administration to make very clear to the Government of North Korea what our views on this subject are.

Senator BROWNBAC. I certainly agree with that statement. If we are going to engage with North Korea at this point in time, we should be clear as to what we view as a fundamental human rights standards, including religious persecution. North Korea has a dismal record in this regard.

Could I ask you, Dr. Kazemzadeh, how can we help the Commission to become more effective? Are you getting sufficient information and support from the State Department?

Dr. KAZEMZADEH. It took us some time to be able to read cables from U.S. Embassies in various countries of concern. We attribute this partly to the usual bureaucratic lack of efficiency. But over time cooperation has increased and undoubtedly Ambassador Seiple and his staff have played an important role in persuading the other elements of the State Department to let us see that cable traffic, which is really important.

We have been also receiving information from other Federal agencies, the Central Intelligence Agency, and I do not think at this point we really have any complaints, and we are happy to acknowledge that cooperation. As far as making the Commission more effective, well, in the first year the Commission labored under a handicap because it took months to acquire a place of business, to gather a staff. Our first annual report was produced under extremely unfavorable conditions. We thought at times that our staff might not even survive because of the amount of work that they had to do at the last moment.

Those conditions obviously have now improved. There still can be improvements made. We probably will need a little bit more help. But on the whole, I think we are in good shape.

Senator BROWNBAC. Good.

Dean Young, I limited your statement earlier. Do you have other areas that you would like to put forth as a brief statement for consideration?

Mr. YOUNG. No. I think that we have largely covered it in our written submission. I would just note that, in addition to the countries we have mentioned as those that ought to be considered as countries of particular concern, we also have listed some others that we think bear watching and particular scrutiny, including on that list was certainly India, as well as Pakistan, Uzbekistan, and Vietnam. Those are all countries about which we have some concern.

I think that for the most part the State Department's report reflects the nature of our concerns. But those are also countries that I think bear particular consideration and particular watching. India I think is one that has particular potential for problems, and that is something that we will be certainly watching closely on our side and hope that, in the absence of improvements, that we will have a chance to come back and talk with you and work together to devise ways in which we may effectively and positively influence that.

Dr. KAZEMZADEH. May I add to this?

Senator BROWNBACK. Yes, please.

Dr. KAZEMZADEH. We are also concerned with Uzbekistan and Vietnam. Reports from these countries are distressing and the Commission plans to look very carefully at both of these.

Senator BROWNBACK. Very good.

If I could just say thanks to all of you. I have met with a number of people since my service in the Senate has begun who have been persecuted for their religious beliefs in their home country. People who live in fear that their loved ones will be killed because they have a different religious persuasion. Each time I felt a dart in my side to think that millions suffer for their faith worldwide.

I do not know if there is a more noble thing that we could be involved in than this task of giving voice, support, effort, and recognition to religious liberty.

We have a long ways to go. I think your report clearly illustrates this. But we have started down the right path, and each of you have contributed greatly toward this effort.

So keep up your excellent work. Godspeed to you. You are really doing work that impacts millions and millions of people across this planet.

The record will remain open for the requisite number of days. The hearing is concluded.

[Whereupon, at 11:30 a.m., the committee was adjourned.]

ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

RESPONSES FROM UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD OF SEPTEMBER 7, 2000

Question. What, if any, cooperation have you had in gaining access to information collected and/or produced by federal agencies? In particular, could you speak to cable traffic made available about the State Department? How can Congress help?

Answer. In most cases, federal agencies have been very responsive to Commission inquiries for information related to international religious freedom. In the case of the State Department's cable traffic, in August 2000, the Commission was granted permission to review redacted cables. Under this agreement, the Commission submits names of countries and mutually agreed upon search criteria which the State Department uses to locate relevant cables. State's Freedom of Information Office then identifies portions of the cables that they believe should be redacted because they deem it irrelevant to the CIRF's work, it reveals the "deliberative process" of DOS authors, or some similar reason. The Office of International Religious Freedom reviews the recommended redactions to determine if they agree, and then sends the cables to the country desk officer for a final decision. The Freedom of Information Office redacts information based on the country desk officer's instruction. Commission members and staff with security clearances are then allowed to go to the State Department to read the redacted cables. Under this agreement, the Commission is subject to cost-sharing for redacted cable information.

Section 203(b) of the International Religious Freedom Act ("IRFA") (as amended by Section 1 of P.L. 106-55), 22 U.S.C. §6432a, gives the Commission power to secure information from any Federal department or agency that the Commission considers necessary to carry out its statutory mission. Although pleased to have access to information in State Department cable traffic, the Commission wishes the Congress to clarify under what terms that information should be shared. The Commission's reports to Congress might be materially improved if it had access to the "deliberative process" of embassy officers in persecuting countries.

Question. Does the Commission think the President should have taken further actions against China, given its status as a "country of particular concern?"

Answer. In the case of China, the Commission believes that the sanction the Secretary of State identified as meeting the requirements of IRFA as a result of China's designation as a "country of particular concern" ("CPC") is inadequate and ineffective. The Department stated that the Secretary of State "restricts exports of crime control and detection instruments and equipment." It is difficult to believe that this sanction sends a strong message to Beijing on religious freedom. In its letter of October 22, 1999, sent to Congress and constituting its report to Congress pursuant to Section 404 of IRFA, the Department also stated: "As a matter of policy, the Department of State, in conjunction with other U.S. agencies as appropriate, will continue vigorously to pursue all other available means of altering Chinese behavior with respect to religious freedom." Judging from the Department's Annual Report on International Religious Freedom—2000, it is not at all apparent that the State Department has vigorously pursued "all . . . available means" of altering Chinese behavior toward religious freedom.

As confirmation of this view, in September 2000, in light of the re-designation of China as a CPC, the Secretary decided "to take no further action with respect to [China] since the action taken last year for [China] is still in effect." In other words, the State Department took no further action against China despite a marked deterioration of religious freedom and the marked failure of the Department's initial response (i.e. the export restriction on crime control equipment). In its first Annual Report of May 1, 2000, the Commission set forth a number of policy recommendations to the President, the Secretary of State, and Congress in order to respond to the systematic, ongoing, and egregious violations of religious freedom engaged in by the Chinese Government. In its second Annual Report, the Commission will again consider appropriate policy responses with respect to religious freedom in China.

Of particular concern to the Commission is the current ability of the Chinese government to obtain capital on U.S. markets. In 1998, the government sold bonds in large quantity to U.S. investors, without having to disclose with specificity how it planned to use the proceeds. It stated merely that it planned to use the money "for general governmental purposes, including infrastructure projects." Those purposes, however, include oppressive regulation of domestic religious activity and development of oil resources in Sudan. Recent press reports indicate that China plans another large bond offering in the near future. The Commission recently informed the President that, in its view, he has authority under IRFA to bar U.S. institutional investors from purchasing such bonds and asked him whether he agrees and plans to exercise that authority. The Commission plans to take the President's response into account when it formulates its recommendations. Options include not only preventing such sales until China makes substantial improvement in respect of religious freedom, but also requiring greater disclosure and sufficient assurances to guarantee that the proceeds are never used for religious persecution.

Also of concern is the current ability of Chinese corporations to sell their securities to U.S. investors. The proceeds from these sales could end up supporting the

repressive policies of the government, inasmuch as it controls the corporations. But, in addition, the money might be used directly or indirectly to support development of the oilfields in Sudan, where at least one Chinese corporation is heavily involved. One option that the Commission is studying for dealing with these risks is more specific disclosure about the use of proceeds in SEC registration statements.

Question. A letter to Mr. Berger, released yesterday [September 6, 2000] by the Commission, inquires of recent reports of two Muslim relief groups in Sudan forcing conversion to Islam for food. Has the Administration responded to the Commission's inquiry?

Answer. The Commission has asked National Security Advisor Berger to investigate reports that the Commission received from credible sources—Anglican and Catholic bishops in Sudan—that humanitarian aid for Sudan provided by the United Nations, including U.S. aid, is being manipulated to force religious conversions among the country's displaced and needy religious minorities. In response to our inquiry, we were told by the USAID that they conducted some preliminary investigations in Khartoum—talking to humanitarian groups on the ground. USAID has asked for additional information from the Commission, such as specific dates on which the alleged practices were said to have taken place. They have also briefed the Commission on their food aid distribution and verified that one of the non-governmental organizations in question is no longer eligible to be a direct recipient of USAID funds (as reported by the New York Times). The Commission will continue to engage the appropriate federal agencies in pursuit of a full investigation of these matters.

Question. The religious and sectarian violence in Indonesia has led to the deaths of thousands of people. What is the Commission's assessment of the situation and what actions should the U.S. Government take to end the violence?

Answer. The Commission is gravely concerned about the current communal violence in the Maluku region of Indonesia. There are reports that at least 3,000 Muslims and Christians have been killed since the outbreak of violence in January 1999. The situation worsens as the killing continues and supplies of food and medicine reportedly dwindle in the region. The Commission is particularly concerned because there is evidence to suggest that the Indonesian government is tolerating systematic, ongoing, and egregious violations of religious freedom such as murder, forced mass resettlement, and torture. There appears to be little question but that the targets and victims of such violence are selected on the basis of their religion. Moreover, places of worship have been primary targets for destruction.

On July 5, 2000, the Commission wrote to Secretary of State Madeleine Albright with recommendations for a stronger U.S. Government response to the Muslim-Christian violence wracking Indonesia's Maluku Islands. The Commission recommended that the United States Government: (1) use all diplomatic means at its disposal to encourage the Indonesian government to stop the violence and to investigate and prosecute those responsible; (2) provide whatever assistance is necessary to help the Indonesian government in these efforts as well as to alleviate the humanitarian situation; (3) monitor closely the implementation of the state of civil emergency in the Malukus that President Wahid declared on June 25, 2000; and (4) if the Indonesian government is unable to control the violence, press for the deployment of an international peacekeeping force, as was done in East Timor. Further investigation has been stymied by the ban on travel to the affected areas.

Question. Explain why you think India should be listed as a "country of particular concern?"

Answer. On July 31, 2000, the Commission wrote to the Secretary of State and concluded that "the governments of Laos, North Korea, Saudi Arabia, and Turkmenistan have engaged in particularly severe violations of religious freedom, and therefore recommends that the President designate these four countries as 'countries of particular concern' ('CPCs'), for purposes of Section 402(b) of the International Religious Freedom Act of 1998 ('IRFA') [22 U.S.C. § 6442(b)]." In addition, the Commission noted grave violations of religious freedom engaged in or tolerated by the governments of India, Pakistan, Uzbekistan and Vietnam, and urged the State Department to closely monitor religious freedom in these countries during the upcoming year, and "to respond vigorously to further violations there (including CPC designation later in the year, if appropriate)." Experts and first-hand witnesses at the Commission's public hearing on Capitol Hill on September 18, 2000, confirmed a marked deterioration of religious freedom for religious minorities in India.

In the July 31, 2000 letter, Commissioner Michael Young, joined by Commissioner Nina Shea, stated: "Because I am convinced that the government of India tolerates particularly severe violations of religious freedom, I dissent from the Commission

majority's decision not to recommend that the President designate India a 'country of particular concern' under section 402 of the International Religious Freedom Act (22 U.S.C. 6442(b)).

"Reliable reports from the media as well as religious and secular human rights groups in India portray a marked and lethal increase in violence against religious minorities in the past year. Christian converts, missionaries and clerics have suffered over forty violent assaults in the past year, including murder, rape, and church bombings. Officials are slow to investigate and even slower to prosecute when the alleged perpetrators are Hindu and the victim is not. This violence is fomented, if not commissioned, by strident Hindu nationalist organizations from which the Vajpayee Government refuses to distance itself; indeed, its complacency has implicitly sent a message that federal authorities will do little to stop attacks on non-Hindus or interfere with state laws that intimidate Christian evangelism (e.g., among Dalits).

"IRFA dictates that the President 'shall designate each country the government of which has engaged in or tolerated [severe violations] as a country of particular concern for religious freedom.' Unfortunately, this certainly describes India during the past year, and thus it should be so designated. Accordingly, I dissent from the Commission."

Question. The United States has valuable relationships with nations like Egypt and Saudi Arabia. And yet religious freedom is curtailed in those nations to a very real extent. How do we factor in religious freedom in determining what our overall relationship is with a strategic friend? How do we conduct an alliance relationship with nations with such visible blemishes? How should we conduct our diplomacy with regard to issues other than religious freedom—and with what linkages to the issue of religious freedom?

Answer. The role that religious freedom should play in the formulation and implementation of U.S. policy with respect to any foreign country should be based on the particular circumstances of that country and its relations to the United States. Strategic allies should understand that the U.S. Government, as well as the people of the United States, take human rights and religious freedom seriously and that these constitute a significant element in relations between the U.S. and any foreign country, in particular friendly relations with an ally. In this respect, the openness of a foreign government to scrutiny of the factual situation and its religious freedom policies is especially important. Linkages between religious freedom and other policy objectives can be made both in the positive and negative sense in that, under appropriate circumstances, benefits can be withheld or inducements offered based on improvements in religious freedom. These linkages should be seriously considered where improvements in the protection of religious freedom are possible based on the leverage available through the linkage. Finally, the U.S. should be particularly cautious to avoid actions or policies in pursuit of a strategic friendship where those actions or policies may tacitly acquiesce in or inadvertently contribute to a foreign government's engagement in, or toleration of, violations of religious freedom or conditions in society that promote religious intolerance and persecution.

Question. The Commission put out a "Statement on Religious Persecution in China" this past Monday [September 4, 2000]. What dimensions of religious persecution in China should Senators be thinking about in contemplating the conduct of a China policy after annual debates about MFN/NTR disappear?

Answer. In the aforementioned statement, the Commission noted the deteriorating conditions of religious freedom in China since June 2000, including the brutal crackdown against the Falun Gong and Zhong Gong spiritual movements, executions of Uighur Muslims, the rising detention and harassment of Protestants and Roman Catholics who refuse to join the state-controlled religious organizations, and the tightening controls on Buddhists in Tibet. The Commission stated that "the U.S. government has a moral obligation to speak out and let the Chinese government know that these abuses are unacceptable."

In the context of the then-upcoming vote on Permanent Normal Trade Relations (PNTR) with Vietnam, the Commission made a number of specific recommendations, reiterating its first Annual Report. These recommendations included that PNTR should be granted only after China makes substantial improvement in respect for religious freedom. As measurements for such improvement, China should:

- (a) open a high-level and continuing dialogue with the U.S. on religious freedom-issues;
- (b) ratify the International Convention on Civil and Political Rights, which it has signed;

(c) permit the U.S. Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(d) respond to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief or whose whereabouts are not known, although they were last seen in the hands of Chinese authorities; and

(e) release from prison all religious prisoners.

Also, before granting PNTR, the U.S. Congress should:

(a) announce that it will hold annual hearings on human rights and religious freedom in China; and

(b) extend an invitation to the Dalai Lama to address a Joint Session of the Congress.

Further, the United States should use its diplomatic influence to ensure that China is not selected as a site for the Olympic Games until it makes significant improvement in human rights, including religious freedom.

Now that PNTR has been granted, the Commission believes that these policy goals and responses are still relevant to U.S. policy toward China. Congress should pursue other available opportunities to influence the behavior of the Chinese Government, for example through holding public hearings, insisting upon effective action by the Executive Branch under IRFA, and supporting the work of the new federal commission on China and this Commission. It is the Government of China, through its laws and policies, that engages in gross violations of religious freedom. The Commission further believes that it is incumbent on those in Congress who supported PNTR because they believed that further engagement with China in trade and in the international institutions concerned with trade would improve human rights in China to pay close attention to the conditions of human rights and religious freedom in China, and to speak out when necessary as part of that engagement with the Chinese Government and people.

Also, beyond trade, another major aspect of our relationship with China is the ready access that the Chinese Government and Chinese corporations currently have to U.S. capital markets. As discussed above, that access raises important policy questions that Congress should address. For example, should not the Chinese Government, before it can offer sovereign bonds, have to rule out the possibility that it will use the proceeds for religious persecution or for enhancing the ability of the Sudanese Government to make war against its Christian and animist citizens in southern Sudan?

Question. What do you make of the persistent efforts of the Chinese Government to root out spiritual groups—like the Falun Gong, the Zhang Gong, and the China Fang-Cheng Church—under the so-called “Evil Cult Law?”

Answer. Over the past several years, Chinese officials have been employing increasingly strict laws and regulations as instruments to harass religious groups and maintain control over religious activities. Officials responsible for enforcing the strict laws continue to be guided by Communist Party policy directives on religion. Furthermore, the Chinese legal system does not protect human rights from state interference, nor does it provide effective remedies for those who claim that their rights have been violated. Thus, this Commission finds that even though the Chinese Government modified its means of state control by moving to a system of regulation of religion according to law, it has not improved the conditions of religious freedom in China—quite the contrary.

The anti-cult provision of the Chinese Criminal Code has been used against many groups. Action is largely directed at organizations with national networks that have raised what authorities perceive to be political challenges. Following a peaceful demonstration in Beijing by Falun Gong practitioners in June 1999, the Civil Ministry declared Falun Gong an illegal organization and charged it with endangering social stability and propagating “superstition.” Security forces have detained thousands of prisoners and continue to do so. On July 22, 1999, the Department of Public Security prohibited all Falun Gong activities.

Several other qigong groups have been banned including Go Gong, Chi Bei Gong and Benevolence Practice. In January of 2000, Zhong Gong, a meditation and exercise group claiming 20 million practitioners, was added to the list of banned organizations. Also outlawed under anti-cult provisions of the law is a Buddhist group called Guan Ying School.

The anti-cult provision of the Criminal Code also has been used against Christian groups apparently in a response to a bold move in the summer of 1998 by leaders of 12 house church networks. Frustrated by policies that render their evangelical

and charismatic worship services illegal, these leaders issued a communiqué calling on the leadership of the Communist Party to open dialogue with the “Chinese House Church.” The communiqué demanded the unconditional release of Christians imprisoned for practicing their religion, modification of regulations that limit the activities of house churches, an end to government harassment of house churches, and clarification of the definition of the term “cult.” Religious leaders associated with the document have been arrested. There is some evidence that the crackdown on Falun Gong and Christian Fellowship involved not just local Religious Affairs Bureau and Public Security Bureau personnel, but national security forces as well, indicating a determination by central authorities to deal forcefully with this broad network of churches.

Question. Should the detention on August 24th (and then the expulsion on August 26th) of three Taiwan-born American citizens—Henry Chu, Sandy Lin, and Patricia Lan—among 130 detainees of the China Fang-Cheng Church be special cause for U.S. concern? When U.S. missionaries, Christian missionaries in this case, are the targets of persecution, does that increase the imperative for the U.S. Government to respond? What should the response be?

Answer. The International Religious Freedom Act of 1998 states that it shall be the policy of the United States to condemn violations of religious freedom and to promote the fundamental right to freedom of religion. Thus, incidents such as the detention (and subsequent expulsion) of three U.S. citizens in August of this year on account of their religious activities in China are definitely a cause of concern. According to press reports, these three were arrested for participation in a house church function of the China Feng-Cheng Church. The concern over apparent violations of religious freedom such as this is heightened when U.S. citizens are victims of such violations, particularly when they are detained or imprisoned. In this way, U.S. citizens who are lawfully present in a foreign country as religious workers, or those simply engaged in personal religious activities, should be treated no differently by the U.S. Government than U.S. citizens present in a foreign country for other purposes and engaging in other peaceful activities. On occasion, foreign religious workers or other visitors may run afoul of domestic laws, policies, or practices, the enforcement of which violates the home country’s legal norms regarding freedom of religion or its international human rights commitments. In such cases, the U.S. government should urge (and use appropriate pressures to try to ensure) that the home country act in accordance with its international obligations.

