

Religious Freedom Violations in the OSCE Region



NOVEMBER 15, 2017

Briefing of the
Commission on Security and Cooperation in Europe

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 2 p.m. in Room 385, Russell Senate Office Building, Washington, DC, Nathaniel Hurd, Policy Advisor, Commission for Security and Cooperation in Europe, presiding.

Panelists present: Nathaniel Hurd, Policy Advisor, Commission for Security and Cooperation in Europe; Ambassador Michael Kozak, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State; Dr. Kathleen Collins, Associate Professor of Political Science, University of Minnesota; Dr. Daniel Mark, Chairman, U.S. Commission on International Religious Freedom; Philip Brumley, General Counsel, Jehovah's Witnesses; and Stacy L. Hope, Director of Communications and CSCE Liaison to the Chairman's Communications Staff, Commission for Security and Cooperation in Europe.

Mr. HURD. Good afternoon, and welcome. On behalf of the chairman of the Helsinki Commission, Senator Wicker, and the co-chairman, Congressman Smith, I want to extend a very warm welcome to those of you that have braved the cold to make it here in person, and also to those of you watching online.

My name is Nathaniel Hurd. I'm a policy adviser at the Helsinki Commission. I want to say just a quick word about format. Our first panelist, Ambassador Michael Kozak, has a hard stop at 3:00, so after introducing our panelists, I'm going to turn it over to him for opening remarks. I will then ask him a series of questions. He'll answer them. I'll then open it up to questions for him from our fellow panelists, as well as to those of you in the audience and those of you watching online.

It is a delight to begin with Ambassador Kozak. He is a longtime friend and colleague of the Helsinki Commission. He actually led the delegation to the Human Dimension Implementation Meetings (HDIM) this past fall, and by all accounts did a fantastic job. So it's good to have you here.

Ambassador Kozak is a charter member of the Career Senior Executive Service in the U.S. Government. He has served in a number of senior positions in the U.S. executive branch, including as senior director on the National Security Staff from 2005 to 2009, in Principal Deputy Assistant Secretary of State level positions in three different bureaus,

Acting Assistant Secretary of State for extended periods of time, Ambassador in Belarus, and Chief of Mission in Havana, Cuba. Ambassador Kozak was a U.S. negotiator with Cuba to secure the return of criminals sent to the United States during the Mariel boat crisis. He also helped implement the Camp David Accords and negotiate the withdrawal of the PLO from Lebanon. Ambassador Kozak has been awarded the State Department Superior Honor Award, Younger Federal Lawyer Award, Presidential Ranks of Distinguished and Meritorious Executive, and the Order of Balboa presented by the president of Panama. He received his A.B. in political science and law degree from the University of California at Berkeley. Welcome.

Dr. Daniel Mark is the Chairman of the U.S. Commission on International Religious Freedom. He is an Assistant Professor of political science at Villanova University. There he teaches political theory and philosophy of law, politics and religion. At Villanova, he is a faculty associate of the Matthew J. Ryan Center for the Study of Free Institutions and the Public Good, and he holds the rank of battalion professor in Villanova's Navy Reserve Officers Training Corps unit. For the 2017 through 2018 academic year, Dr. Mark is on leave from Villanova as a visiting fellow in the Tocqueville Program for Inquiry Into Religion and Public Life at the University of Notre Dame. Dr. Mark is a fellow of the Witherspoon Institute in Princeton, New Jersey, and works with the Tikvah Fund in New York. He is also a member of the advisory council of CanaVox. He has served as an assistant editor of the journal *Interpretation*, and is a contributor to the Arc of the Universe blog. In addition to his academic writing, Dr. Mark has published on topics related to international religious freedom in *U.S. News and World Report* and other outlets and publications. He holds a B.A., M.A., and Ph.D. from the Department of Politics at Princeton University. Before graduate school, he was a high school history teacher for four years in New York City. Welcome.

Next, we'll hear from Dr. Kathleen Collins. Dr. Collins is an Associate Professor in the Department of Political Science at the University of Minnesota. She is the researcher for Central Asia for the Under Caesar's Sword Project, pioneered by the University of Notre Dame and the Religious Freedom Research Project at the Berkeley Center at Georgetown University, which focuses on the repression and persecution of Christians globally. The project's book, edited by Daniel Philpott and Tim Shah, is forthcoming with Cambridge University Press. Dr. Collins is the author of "Clan Politics and Regime Transition in Central Asia," which won the Central Asia Studies Society Book Award for Social Sciences. She has published articles in various journals and edited volumes, including *Comparative Politics*, *World Politics*, the *Journal of Democracy*, *Europe-Eurasia Studies*, *Political Research Quarterly*, the *Brown Journal of International Affairs*, and *Asia Policy*. She is currently writing two new books tentatively titled "The Rise of Islamist Movements: Islam and State in Central Asia and the Caucasus" and "Muslim Politics: Islam, Politics, and Public Opinion in Post-Soviet Kyrgyzstan and Azerbaijan." Dr. Collins has received grants from the Carnegie Corporation of New York, the MacArthur Foundation, the Kellogg Institute, the United States Institute of Peace, IREX, and the National Council for Eurasian and East European Research, among others.

Finally, we'll hear from Philip Brumley. Mr. Brumley is the General Counsel for Watchtower Bible and Tract Society of Pennsylvania. He received his law degree in 1988 from Brooklyn Law School, in New York. He has represented Jehovah's Witnesses in the U.S. Supreme Court and the European Court of Human Rights. Additionally, he supervised the filing of complaints to the U.N. Human Rights Committee that resulted in 15

favorable decisions. In addition to his work on behalf of religious freedom, he is an instructor at the Watchtower Bible School of Gilead and the School for Branch Committee Members, in Patterson, New York.

Ambassador Kozak.

Amb. KOZAK. Thank you, Nathaniel, and thanks to the commission for holding this briefing on religious freedom in the OSCE region.

Religious freedom is a cherished American value, universal human right, and a Trump administration foreign policy priority. I'd like to open by saying that the Department is hopeful that the Senate will soon confirm Governor Sam Brownback of Kansas to be Ambassador-at-Large for International Religious Freedom. Governor Brownback, former Commission on Security and Cooperation in Europe chairman and commissioner, is the highest-ranking government official ever nominated for this important post. He brings great commitment and experience, including having been a key sponsor of the International Religious Freedom Act. We could not ask for a more distinguished nominee.

Now turning to the conditions for religious freedom among the OSCE participating States, as head of the U.S. delegation to HDIM in Warsaw in September, it was my privilege to present the statement on freedom of thought, conscience, religion, or belief. I made the point that freedom of religion is an animating foundational principle of the United States and that the right to believe or not to believe is embedded in our Constitution and integrated throughout our national and state laws. At HDIM we were also very clear about our concerns in the region. In the OSCE region, the State Department has designated Tajikistan, Turkmenistan, and Uzbekistan as Countries of Particular Concern (CPC) under the International Religious Freedom Act for engaging in or tolerating systematic, ongoing and egregious violations of religious freedom. The other countries so designated are Eritrea, Sudan, Iran, Saudi Arabia, Burma, China, and Vietnam at one time. We have active dialogues with these countries to encourage them to take concrete steps to ensure that freedom of thought, conscience, religion and belief is fully enjoyed by all. We anticipate that the latest rounds of Country of Particular Concern designations will be finalized in the near future.

In Turkmenistan, members of religious minorities reportedly have been beaten and imprisoned for beliefs the government considers unacceptable, particularly unregistered Protestants, Jehovah's Witnesses, and Muslims the government views as extremists or Wahhabists. We are aware of one Jehovah's Witness prisoner of conscience, Bahram Hemdemov, and there is an unknown number of Muslims imprisoned for their religious beliefs. Religious groups there encounter significant obstacles to legal registration.

In Uzbekistan, we've welcomed the government's public expression of interest to work with us to be removed from the CPC list. We view it as positive that the U.N. Special Rapporteur on Freedom of Religion or Belief recently visited Tashkent and enjoyed high-level meetings. Concerns about religious freedom conditions in Uzbekistan include how people may be detained, questioned and fined for gathering to discuss their religious belief outside of government-authorized locations.

In Tajikistan, over a hundred people have been detained for membership in banned religious groups, and a number of individuals were subjected to long-term imprisonment for so-called extremist views. The government restricts children under 18 from attending public religious service. Tajikistan is the only country to enforce such a restriction nationwide.

In Kazakhstan, a country that previously had a well-deserved reputation for religious tolerance, we've seen continued negative steps, with proposed legislation that would severely restrict religious education, discussions, and literature. We urge the government of Kazakhstan to bring existing and proposed laws into conformity with Kazakhstan's international commitments on human rights.

We're closely monitoring proposed amendments on the religion law in the Kyrgyz Republic. As currently drafted, the amendments would give the government more control over religious groups and place further restrictions on proselytizing and registration.

We have pointed out in HDIM and elsewhere that Russia is misusing anti-terrorism and anti-extremism laws to suppress religious freedom in unprecedented ways, raiding houses of worship and homes, and harassing, fining, jailing and deporting members of religious minorities. NGOs have identified at least 111 persons as of 2016 imprisoned for their exercise of religious freedom, many of them on, again, so-called extremism charges. The Russian Supreme Court banned the Jehovah's Witnesses as an "extremist organization" on April 20, 2017, and upheld this decision again in July. A Danish member of Jehovah's Witnesses arrested in Russia and charged with so-called extremism remains in detention for holding a religious meeting.

The government of Azerbaijan continues to detain religious activists who local human rights groups deem political prisoners and the government considers as nontraditional groups, such as Jehovah's Witnesses and Muslim minority groups, and they face difficulties in legally registering. Adherents cannot freely practice their religions without risking police raids, fines, detention, arrest, or prosecution.

In Turkey, authorities continue to limit the human rights of some religious groups and some communities continue to experience protracted property disputes. Non-Sunni Muslims, such as Alevi Muslims, do not receive the same government protections as those enjoyed by recognized non-Muslim minorities and have faced discrimination and violence. Some foreign citizens, including several individuals with ties to Christian groups, faced detention, problems with residency permissions and visas, and so on under the state of emergency following the 2016 coup. The United States continues to advocate for the immediate release of Pastor Andrew Brunson, a U.S. citizen who's been wrongfully imprisoned in Turkey since October 2016.

Today religiously motivated manifestations of hate are persisting, evolving, and erupting in unprecedented ways around the OSCE region. Anti-Semitic violence continues to rise, giving new urgency to the need for participating States to respond with immediate, definitive action. Both age-old and contemporary forms of anti-Semitism are afforded unprecedented reach by the use of mass media, including online technologies. At HDIM, we urged all governments to denounce and combat anti-Semitism and work with Jewish communities to better protect them. The OSCE continues to benefit from the expertise of Rabbi Andrew Baker, the Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism and also Director for Jewish Affairs at the American Jewish Committee.

We're also deeply concerned about intolerance and violence towards Muslims. There's a growing trend of the governments across the OSCE region and elsewhere imposing restrictions on the ability of Muslims to freely practice their faiths.

Good data is essential to developing good policies. The United States supports the work of ODIHR's Hate Crime Unit and its efforts to collect comprehensive data. We also

encourage participating States to work with civil society to develop strategies for addressing the problem of under-reporting. In addition to HDIM, we work closely with the U.S. Permanent Mission to the OSCE to combat religion intolerance and coordinate policies and statements. At OSCE, for example, we've raised the targeting of members of religious minorities such as Jehovah's Witnesses in Russia and called upon Central Asian governments to bring their laws into conformity with their obligations.

In closing, I'd like to emphasize that we appreciate the commission's focus on international religious freedom issues. It greatly strengthens our hand in diplomatic efforts on behalf of religious freedom with foreign governments that this fundamental human right enjoys such deep, broad, and steadfast and bipartisan congressional support. We want to continue to work closely with the commission to help protect and promote international religious freedom in the OSCE Mission.

Thank you.

Mr. HURD. Thank you, Ambassador Kozak.

I will ask a basket of questions. After you've answered them, I'll open it up to the panelists and then to the broader audience.

Amb. KOZAK. Great.

Mr. HURD. As the U.S. Government representative, I'm sure you can expect that you'll start off in the hot seat, but things will hopefully get a bit cooler as we proceed.

I'll ask you three baskets of questions, several of which focus on Countries of Particular Concern.

Amb. KOZAK. OK.

Mr. HURD. The Frank Wolf International Religious (IRF) Freedom Act requires the State Department to issue the Annual International Religious Freedom Report on May 1st. The Act also requires the State Department to issue its designation of Countries of Particular Concern no later than 90 days after issuing the IRF report. This year, the Department released the IRF report on August 15th, more than three and half months late. The deadline just passed for CPC designations, and no designations have yet been issued, although you alluded that that will be happening soon. One question would be, why have there been delays regarding the report and the CPC designations? Do you expect to issue these by the end of the year?

Amb. KOZAK. On the delays on the reports, this is a bit of "damned if you do and damned if you don't." We were criticized this year for issuing the Human Rights Report exactly on time but not having the secretary participate in it. With the IRF report, we waited until the secretary could participate because he really wanted to participate in the rollout. But trying to get schedules aligned and so on with senior-level officials results in a delay.

So it's always a tradeoff between which we way go. We can send the report up, but then you lose the impact of having the secretary roll it out, and I think as any of you who saw the secretary's rollout of the IRF report this year, it was pretty powerful, and I guess I would say worth waiting for. So that is what happened with respect to the report itself.

With respect to the CPC designations, I have to take responsibility on that myself, because it's the actions of my bureau. We have not gotten the paperwork to the secretary at this point for decision. People like to think this is due to some titanic bureaucratic battle going on, but it tends to be more mundane stuff. As we were talking a little before

the hearing, when the new Frank Wolf Act was rolled out, it included some additional categories—for example, a special watch list, entities of particular concern. As we were moving towards getting all of our packages together, it suddenly dawned that there were, for example, a definitional question of what does severe violation of religious freedom mean. In the IRF Act, particularly severe violations are defined. It's not that.

So we had to work with lawyers to come up with what would be a reasonable and supportable interpretation that would be consistent with congressional intent. It also turns out that the entities of particular concern, the way the statute was drafted, didn't modify the IRF Act. So the existing delegations of authority don't apply to it. So now we have to work with the White House either to get that authority delegated or for the president to exercise it personally. Those are the kinds of things—it's not that the secretary is incapable of doing this. We were incapable of getting the paper to him on time. I think we're pretty confident we're going to have it up in the near future and give him the opportunity to consider and make the decisions. But the apologies for being late are on us.

Mr. HURD. The International Religious Freedom Act of 1998, which you alluded to, requires the president to take actions from the list provided in the legislation, including even sanctions, for any country where there are severe restrictions on religious freedom. However, it only requires sanctions be taken or certain commensurate action if the country is designated as a CPC. The Frank Wolf Religious Freedom Act requires the U.S. Government to provide fuller and more frequent responses when waivers have been exercised. The U.S. Government also has a range of authorities, including the Global Magnitsky Human Rights Accountability Act, for imposing sanctions on individuals for religious freedom violations.

Generally speaking, has the State Department found any particular sanction or action more or less effective in addressing global religious freedom restrictions? That's one question. A second question would be, is there a good model for judging the success of religious freedom diplomacy? Finally, does the administration intend to use the full range or authorities available to it to sanction foreign persons—individuals—suspected of particularly severe religious freedom violations regardless of whether they are in the list required by the Frank Wolf Act and regardless of the time of year, recognizing this can be done at any point during the year?

Amb. KOZAK. Let me try—and I may have forgotten part of the question, so please remind me.

Mr. HURD. Sure.

Amb. KOZAK. I'll try to start with the last first. The Global Magnitsky authority is something that's really important. That's relatively new. We're in the process now of gathering up names and identities of persons who would qualify under the terms of that act, including some who have engaged in religious freedom violations. Some are for other forms of human rights violations. I think, in my own experience anyway, sanctions that target individuals—senior-level individuals, their families, their cronies who provide support—tend to give us the most leverage effect that you can get. Broader, national-level trade sanctions and so on become part of the scenery. But when you bring it down to somebody has their assets blocked in the United States or their family can't go to college in the United States or can't come shopping here, or whatever it might be, it becomes a source of concern for them.

To me, the metric is, are we able to use these to actually leverage improvements in human rights conditions, or in this case, specifically in religious freedom conditions in other countries, and trying to make that linkage and get people off the list is sometimes difficult. This is something that our Office of Religious Freedom really has worked hard to do. It's not just to put people on the list for a punitive sake, but instead going to them and saying if you want to get off the list, which most of them do—just as a reputational thing, it's not good to be on a list of CPCs; that probably has as much leverage as any specific pain we inflict on them—but it's saying to them, OK, here is a menu of the kinds of things you would need to do in order for us to consider taking you off the list. So it's trying to keep that linkage between the punishment and the crime and what kind of improvements would get you from where you are to not being on the list.

The waiver issue is another matter. I think as you were mentioning, in the Act there are two types of waivers. One is when we feel that waiving the sanction would actually be in the interest of the purposes of the Act. So I say the time you would use that is a country has done a bunch of really bad things but they have a change of regime and they're negotiating a bunch of reforms. You don't want to hit them with a sanction right now. You want to encourage them to do the reforms that we're looking for. That we have not used—at least not very much. I don't think ever, actually.

The other one is the national interest waiver, and it's the much more mundane thing that you have a country that's engaged in egregious religious freedom violations, but we're also depending on them to allow us to transit military supplies through their territory to a theater of war, or something. In that case, the waiver is simply a tradeoff, and usually explained as such. I think that's perhaps what has happened with some of the acts. It just says the secretary determined it was in the national interest not to apply the waiver. Obviously, we'd be happy to come up and give a more in-depth briefing. That determination he makes is like a one-sentence type thing. But the reason behind it is something that people in our regional bureaus as well as us would be happy to go into.

I think it's fairly obvious where you see the ones that we've made waivers, all three of the Central Asians, it was Northern Defense Network of where we were supplying our troops in Afghanistan through their territory, and that was the tradeoff. It's not a way of saying or lessening the condemnation of their religious freedom violations. It's saying they did it, they deserve to be sanctioned, but we're going to forgo that because of these other considerations. Those do not rule out going after somebody individually or using Magnitsky or one of our visa authorities.

Mr. HURD. Of course one of the advantages of the Global Magnitsky Act is that it is a law that other countries can model in their own right. To the extent that they see the United States implementing it faithfully, hopefully it will inspire them to do likewise, which means that these individuals not only are denied access to the United States and to our financial systems and markets, but also in other countries as well.

Amb. KOZAK. Yes. Canada has been adopting a similar law. And there's actually another one. You asked about effectiveness of sanctions. The more allies you can get, the better on these, because denial of access to the U.S. financial system is a big deal. But if you're also nailed from travel to the EU countries and into Canada, you just start restricting the scope of activity for one of these evildoers. It amplifies what we're trying to do tremendously and so is something we always encourage.

Mr. HURD. One more set of questions before opening it up to our panelists to ask you questions, and then to the audience.

Governments, some of which you mentioned already—Tajikistan, Turkmenistan, Uzbekistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Russia, and Turkey—regularly invoke security to justify violating the religious freedom of groups and individuals. In your view—and in the broader view of the U.S. Government—does protecting and promoting religious freedom generally enhance security, including to combat terrorism and violent extremism? If religious freedom violations perpetrated by these governments have undermined security in their countries, how so? Are religious freedom violations in these countries isolated, or are they part of a broader pattern of infringement, restriction, violation of fundamental freedoms like freedom of assembly and freedom of expression—part of sort of a pattern of attempting to control the citizenry?

Amb. KOZAK. Last first. I can't think of a single case where the violation has just been against religious freedom and they allow freedom of assembly and speech and political openness and all of that. It all goes together. It's all governments that are trying to suppress legitimate political opposition to them, and they're afraid of anything that's not under their control, basically.

Our view is very much that respect for human rights, including religious freedom, is fundamental to securing peace and prosperity in a country and not creating a breeding ground for terrorists and so on. My own experience: I got into human rights work not because I was a human rights activist but because in the 1980s I was trying to figure out how to counter Soviet-backed insurgencies in Central America. A lot of us were saying just backing these military governments that are out slaughtering their citizens right and left isn't getting the job done. The people hate the insurgents, but they hate the government as much or more than they hate the insurgents, and that's not a way to win a war. So it's not only good human rights doctrine. It's good counterterrorist doctrine to be respectful of people's human rights.

This is something that's not just the IRF office or the Bureau of Democracy, Human Rights and Labor (DRL) out there promoting it. Our colleagues in the Counterterrorism Bureau and in the Political-Military Bureau and so on are making the same message, our colleagues in the U.S. military, because that's the way you win wars.

What you've got in this case is a bunch of governments that are charitably, you would say, misguided into thinking that by suppressing what they view as extremist thought—which is anything that deviates from the government-approved line—that that somehow is countering terrorism. I think in most cases the less charitable view is that they're just very afraid of any grouping of people or any independent thought that could possibly turn against them, so they justify it in terms of fighting terrorism.

It's not that they don't have terrorist threats. Most of these governments do. But they're treating entire swaths of their population as if they were terrorists when there are people who want to do nothing more than just practice their faith and associate with their colleagues. So that's our doctrine that we're pushing very, very hard, sometimes with some success, sometimes with less than we'd like.

Mr. HURD. It seems particularly counterproductive in this instance where you have individuals who are imprisoned, tortured or otherwise abused. We hear, whether it's in the OSCE region or in other places, they become especially susceptible to recruiting from terrorist groups, violent extremists.

Amb. KOZAK. Absolutely.

Mr. HURD. Especially when they entered prison they had no thought of these kind of activities.

Amb. KOZAK. The prisons are a great recruiting ground. It's also a broader recruiting thing that when people see their co-religionists imprisoned, supposedly for terrorist acts just because they didn't go along with the government-approved version of religion, or where, likewise, if they won't let peaceful political opponents express themselves freely and all of that, people start to say the only way I have of trying to defend my community or advance my views is to join the terrorists, because they're at least doing something about the problem I perceive. If the government shuts off all other ways for people to try to modify their situation, it ends up making terrorists a lot more popular than they would otherwise be.

This is something that is not philosophical. Empirically you can show that over and over and over again. And yet, we still have a lot of governments that adhere to the opposite view. It's something that not just the human rights folks are saying. It's our military and counterterrorism people because it's absolutely in our interest that governments learn to open up a little bit.

Mr. HURD. Before opening up the questions to the audience, do any of the panelists have questions for Ambassador Kozak?

Dr. COLLINS. Ambassador Kozak, thank you very much for your remarks.

I wonder if you could maybe speak a little bit more specifically about the situation in Uzbekistan and what constitutes the dialogue you're having with the new Uzbek Government about what they would need to do to get off of the CPC list.

Thank you.

Amb. KOZAK. No, thank you, Doctor.

I had the interesting experience not this last year at HDIM but the year before. President Karimov died like the day before HDIM started or something—I don't know, it was a very short time. The senior representative that they had sent there wanted to talk and was bringing messages from the new government about how they wanted to change their ways and get out of from not just CPC designation but the whole aspect that they have of being bad on human rights. We gave them some initial thoughts—be more open with NGOs—and they, to their credit invited some of the American NGOs there, giving them high-level access so that they could hear from them on release of prisoners. They've released a number of long-term political prisoners. Our IRF colleagues have been trying to give them things that they could do on that front.

Our concerns are pretty well known. We try not to say, do these five things and we'll let you off the hook, because we can't judge how difficult some of those things are. It's like, here are 15 things, and if you did enough of them it would really start to change the perception of what you're doing.

I think we're kind of at an early stage of this. They had this Special Rapporteur on Freedom of Religion or Belief come and visit them. We're basically promoting those things, because other people can give them good ideas, too. It's not just exclusively the U.S. Government.

We're hoping as soon as we get Governor Brownback on board, Senate willing, that we'll make a real effort at that one, because there seems to be at least some receptivity to not just maintaining the status quo. Our thought is, the more engagement, the better. We don't have a bright line test for what it would be. There are so many problems there

that if they did five or six significant steps, that would be helpful to people in the society, I think.

Thank you.

Mr. BRUMLEY. Thank you, Mr. Ambassador.

I just had a question regarding the situation of Jehovah's Witnesses in Kazakhstan. We seem to be caught between two forces within the government. There's one force that seems to be leaning towards applying the rule of law, protecting our rights, and opposing forces that are seeking to imitate what's going on in Russia. I appreciate so much that you mentioned the situation of Teimur Akhmedov, who's in prison right now, basically on trumped-up charges. Do you have a comment on whether the rule of law is strengthening, or whether the legal status that we have right now is even more in danger?

Amb. KOZAK. In Kazakhstan?

Mr. BRUMLEY. Kazakhstan.

Amb. KOZAK. It's hard trying to predict these different forces. Particularly when a lot of these states in that region have had the same leader since they became independent. President Karimov dying shows that nobody is immortal and so I think people are thinking about somewhere down the line. Unfortunately, Jehovah's Witnesses and other groups get caught up in all of that.

Mr. BRUMLEY. Yes.

Amb. KOZAK. So it's kind of hard to predict what they will do. What I can say more is what we're urging them to do is follow the rule of law.

Mr. BRUMLEY. Right.

Amb. KOZAK. Don't persecute groups as they've tried to do it a la Russia, where they say any religious thought that isn't approved by the government is "extremism."

Mr. BRUMLEY. Right.

Amb. KOZAK. When was the last time that a band of Jehovah's Witnesses took up arms and attacked somebody? It's—

Dr. MARK. Never.

Amb. KOZAK. Exactly. [Laughter.] So it's just manifestly absurd what they're worrying about. That's what we're trying to get across to them: don't do it. But as you say, it's a struggle to try to figure it out. You become sort of a surrogate or something for other struggles that are going on.

Mr. BRUMLEY. It's true.

Amb. KOZAK. I think the best we can do is to push back and say, look, neither one of you have an interest in picking a big fight over this, and what does it get you? So we need to increase the cost and then also increase the reward of doing the right thing.

Mr. BRUMLEY. Thank you. Good.

Amb. KOZAK. We'll keep trying, as I know you will.

Mr. BRUMLEY. Yes.

Dr. MARK. Thank you. Thank you, Ambassador.

I was actually just very recently back from Uzbekistan, which was an interesting trip. But last night we hosted with Senator Lankford a briefing on the Hill on Turkey. We had different other members of the commission there very recently. They were actu-

ally the first Americans who are not from the embassy and not his family to see Pastor Brunson since his detention, and that was obviously a very affecting experience for them.

Amb. KOZAK. Yes.

Dr. MARK. In the little picture—not that it’s insignificant, but just that there’s a focus on one person—it seems like they’re holding this man hostage. They want Gülen, other things. Then the big picture, of course, is everyone’s aware of the extreme exacerbation of the situation there for human rights in general in the last year and a half and the rising authoritarianism of Erdoğan. My question is—it’s sensitive, I guess—what’s next for U.S. policy? What should we expect or what could we expect in terms of a response on these issues? Or are political and economic and military considerations with the situation in the Middle East too great that we’re just going to have to look the other way on these things?

Amb. KOZAK. I don’t think anybody is arguing for just looking the other way. But you’re right that there is a tension in there. This all started with the attempted coup in 2016, which we condemned and believe that the Turkish Government was absolutely entitled to go after, and through a transparent legal process, bring to justice the people who had perpetrated that.

Instead, they’ve extended over and over beyond all reason the state of emergency, used it then to go after this whole cacophony of groups. It’s hard to even figure out why they’re going after somebody, on grounds that they’re Gülenists or something. That remains a matter of big concern.

We talk about it privately. We talk about it publicly. We’re urging the Turks, as Secretary Tillerson did publicly, to not just to release Pastor Brunson. As he said there’s absolutely no justification for holding this man. But for all of the similar actions that they’ve taken against other people, tens and hundreds of thousands of people now that have been removed from their jobs, and so on, on sort of vague allegations of association with Gülenists.

On the other side of it though, Turkey remains a valued NATO ally, a very important partner in a number of activities there, and we have to pursue those as well. I think it’s not an either/or deal, but it’s a how do we walk and chew gum and try to deal with both sets of issues at the same time—and not always easy.

We saw, unfortunately, the Turkish representative at HDIM walked out on the first day on grounds that the OSCE had registered an American NGO that the Turks accused of being Gülenist. Obviously we said no, we ought to apply the rules—if an organization is on the U.N. terror list or something, yes, but you can’t just declare somebody a terrorist in order to keep them from attending a meeting. So there have been a lot of difficult conversations with the Turkish authorities. But at the same time we are also trying to find those areas where we have common interests and work with them on that. Stay tuned is, I guess, all I can say.

Dr. MARK. Thank you.

Amb. KOZAK. Thanks.

Mr. HURD. We’ll now open up the discussion to those of you that are here in the audience. If you could please state your name, and if you have an affiliation, state that as well. We do have probably quite a few questions as well as our subsequent panelists. So if you could keep your comments and your questions brief, that would be much appreciated.

And if you could step to the microphone, please. Thank you.

QUESTIONER. Thank you very much.

Ambassador, great to see you outside of HDIM, where we met last time, in Warsaw. My name is Alex. I'm a journalist from Azerbaijan.

I want to ask about the country where almost half of political prisoners are actually religious prisoners, and the odd thing is that they get less attention from the U.S. than others. If that's the case, I wonder why.

My second question—I do see your point about the Magnitsky Act and waiving the act towards the countries which tend to be our best supporters when it comes to Afghanistan and others, let's say, on national security-related issues. But what contradicts that opinion is about repression. Let's say radicalization is through repression in countries like Azerbaijan, and that that is a challenge too. So which one is harder? Should we talk about Afghanistan or the new Afghanistan if this continues to be the case?

Thank you very much.

Amb. KOZAK. No, thank you. On political prisoners versus religious prisoners, we tend to deal with them together. Often it's difficult to get into the heads of the persecutor to figure out, were they persecuting this person because of their faith or were they persecuting them because their faith group is suspected of being politically opposed to the government, or something like that? We don't tend to prioritize one over the other. Obviously if it's our Ambassador-at-Large for Religious Freedom who's out talking to another government, they tend to focus on people where it's very apparent that they're in for religious reasons. The rest of us tend to run the two together and pick.

Oftentimes, too, what you try to do is start to get a chink in the armor of the other side. So if they've got thousands of political prisoners, you go in and say we ought to release all thousands of them, and they say we heard you, we're not going to do that. They're terrorists. And that's the end of the conversation.

But when you're able to say, OK, here are four people or something that you've got in, and we've really studied their cases, and there's no justification, you have a better shot at it. When you do that, you can then multiply on that and say, OK, you let those four go and you actually got some good press out of it, and here are 10 more people that are very similar to the ones you just released. So it's a tactical deal how you approach that.

On the national security stuff and whether you care about Afghanistan or Iran, we care about all of them, the threats posed by all. These are judgment calls. Is it better to keep some sanction on somebody to make our point, and can we forgo their cooperation on something we care about? Sometimes the answer is yes, that the cooperation isn't that valuable and making the point is. Other times we've got an immediate problem here we have to deal with. We need their cooperation on that, so we'll waive the sanction.

It's not like we're not doing anything. We're also calling them to task and making comments about them in the U.N. system and the OSCE and so on. So it's how do you get the sweet spot between all of those. That's always the dilemma.

Mr. HURD. There are additional questions from the audience. If you could please come to the microphone if you're able to. Also, just a reminder that those of you that are watching online, you can actually pose questions on Facebook as well.

QUESTIONER. I have a pretty good voice, but I'll use this.

Ambassador Kozak, I am retired State Department and worked in DRL for a number of years. So recently, when our president began to emphasize sovereignty, it gave me some

pause, because, as most of us know very well, in many countries individual freedoms, including religious freedom, simply do not play a part in the rights that are recognized for people.

Amb. KOZAK. Yes.

QUESTIONER. That's a determination of the government in the exercise of their sovereignty. If we are emphasizing recognition of sovereignty, have we diminished our grounds for speaking to these countries about their violations of what we consider the rights of their citizens or residents of their territory? And if so, how are you working around that?

Amb. KOZAK. Good question, and good DRL colleague.

I think when the president has emphasized sovereignty and so on, it was more in the sense that we're not going to be constrained by constructs of groupings of countries. This has been largely in the trade area and so on, that we should be able to go out and state our own point of view and be able to deal with other countries as we see fits our own interests, which includes promotion of human rights. I think he and the secretary have both been clear on that.

It's not saying that sovereignty means that you can ignore God-given human rights. I think that they've come across pretty strongly on that as well. I think when the secretary rolled out the religious freedom report, he said, I don't want to just call out our enemies. I want to call out our friends too. And he did. He expressed concern about a number of countries that we have very close relationships with.

I think what you see, as you go kind of issue by issue, what are we doing about it, the administration has been very clear that, for example, people should not have violence committed against them or be discriminated against because of their religion, because of their political view, because of their status as LGBT, because of disabilities. It's all the things we've always been concerned about. But they're coming at it from the standpoint of the individual. No individual should be subjected to that, regardless of what the supposed motivation is.

I think the thing I would mention that maybe will make you a little more hopeful is internationally, at the HDIM, I was really taken by how thoroughly we won the battle of ideas on individual rights versus state sovereignty during the Cold War. As each of those countries got up and talked, you either had countries like Uzbekistan, who were earnestly trying to explain the reforms they were undertaking to comply with OSCE commitments and so on, or you had the Russias of the world standing up and saying, well, the Americans and the Western Europeans violate all these things too, so nobody should blame us.

But they weren't questioning that these were the standards that you should live up to, that it was either, "You're just as bad as I am," or "I'm really trying to be better," was sort of the thing. I think that was good. It's a strength that we have and that we can work with, the fact that that is widely accepted now, is that universal human rights really are universal.

Even the Russians tried their old trick of saying, we have to spend a day on economic, social and cultural rights, because those are just as important as civil and political rights. Our people, to get the agenda agreed, agreed to that. So when it came time to do it, I led off and read our statement about what we do to protect economic, social and cultural rights in the U.S. The Russians gave a speech about how disgraceful it was that

the U.S. wouldn't speak to this issue. It was like, were you listening? It was a tactic from their standpoint, from the old Soviet playbook. But then they didn't bother themselves to talk about economic, social and cultural rights in Russia.

So it's really a strength that we've got, that the values that we hold dear have been so well internalized internationally. You really don't get that pushback—we don't have to follow these values because we have sovereignty. That's why the Russians and the others, the Turks and everybody, go to these great lengths to create these antiterrorism laws and all, because they're trying to find some way to justify what they're doing rather than just saying it's OK for us to be doing this. So this is something we can work with, and we can keep holding people to account. I think it's a strength we forget we have, and we ought to use it more often.

QUESTIONER. Hello. Thank you for being here today. My name is Nathan Wineinger. I'm the director of policy relations with the 21st Century Wilberforce Initiative.

My question: As an advocacy organization, we interact with all sorts of different organizations around the world on international religious freedom. As you work with foreign governments or talk to foreign officials or travel abroad—and this question can be for anyone on the panel—what are the particular policy mechanisms that you see, such as the Global Magnitsky Act, that people within foreign governments are starting to look at and pay attention to as potential areas where we can begin to advocate more effectively on?

Amb. KOZAK. I think some of the mechanisms we have that are most effective are sometimes the ones that are least dramatic. You mentioned working with civil society groups. One of the things that our embassies do all over the world and that we do when we travel abroad, also our colleagues from the regional bureaus, the secretary himself, the president, is meet with civil society.

When somebody is being repressed in a country, the fact that a senior foreign official will meet with the repressed people, it's a real dig at the government. The government usually is trying to say we can repress you and we can make the Americans stand by and ignore it, and so don't think you'll ever be able to get out from this. Just by having a meeting with them, we destroy that narrative and say, look, we value our engagement with the people in civil society or in the religious community that we're meeting with as much as we do that with the government. That tends to equalize them up.

That's a huge thing. It doesn't cost very much. You don't have to have legal sanctions and have the treasury and everything else doing it. I think that is effective. The calling people out—we use the U.N. mechanisms a lot. We use OSCE a lot to say what about this, what about that.

During HDIM, we had, and still have going on, the oppression of gay men in Chechnya. And we were every day asking the Russians, what are you doing about this? They didn't have their story down straight, and they would tell a different story every day and then contradict themselves in the press. We had a good time. That put pressure on them. We weren't doing it to embarrass the Russian Government. We were doing it to get them to do serious investigation and put a stop to this. I think that can be effective too.

Then we have a variety of tools. One that often gets done and nobody knows about is, in the Immigration and Nationality Act, there are exclusions for people who've committed torture or extrajudicial killings and so on. Our consular officers just apply that and

deny your visa. It doesn't necessarily involve a big policy action, but it means something to the person who had it denied.

Then we have the more policy-oriented exclusions as well, either under Section 212(a)(c)(3) or 214(b)—or not—214(b) is exclusion for—212(f) is what I'm thinking of; 214(b) is what happens to you when you don't have visible means of support. You get denied.

But anyway, the upshot is those kinds of things can have a real effect on people. I've been dealing with Venezuela of late, and, you know, there we denied and revoked the visas of a number of people who were involved in repression, including top generals and judges, prosecutors who were persecuting people. The impact is pretty sizable. You get other ones coming saying, please, please, what do I have to do to stay off your bad list? The answer is, don't repress people. But they make me do that. Well, no, you could actually resign, or refuse to do it, or something.

There are a lot of tools like that that are very effective. The big sanctions can be effective. But they're kind of a blunderbuss weapon. You sometimes hit more than you intend. It's finding the right combination of rhetorical—we do programmatic things to try to strengthen oppressed groups in other countries and give them support. Financial stuff, visa stuff, solidarity. All of those things in the right mix can have a real impact. But it's a constantly moving game, too. You can't just do something and then sit back and watch it. You have to keep working it.

Mr. HURD. We have a question from one of our viewers on Facebook.

Ms. HOPE. We do, from James on Facebook. He says: "Your genuine interest in the treatment of religious minorities, such as the Jehovah's Witnesses, is commendable. Have you seen any movement on the part of decisionmaking bodies in Russia that provides any basis for change?"

Amb. KOZAK. I guess my answer, as of today, would be no, unfortunately. But we don't give up easy, so we'll keep trying to bring this to their attention and see if we can get them to change their ways.

Mr. HURD. Are there any more questions from the audience?

Well, thank you very much—

Amb. KOZAK. Thank you.

Mr. HURD. As you can see, you have the rare diplomat who's transparent and candid, which is always much appreciated.

Thank you for your remarks and your insights.

Amb. KOZAK. No, thank you very much. And thanks to the commission for keeping the focus on these issues. It really makes a difference.

Mr. HURD. Thank you.

Amb. KOZAK. That's another thing you can do when I'm adding to the list of measures is exactly this kind of thing. It does help.

Mr. HURD. Now we'll return to the rest of our panel, starting with Chairman Mark.

Amb. KOZAK. Excuse me for bailing like this.

Dr. MARK. Thank you very much to my friend Mr. Hurd, and thank you to the Helsinki Commission, particularly the chairman and co-chairman, Senator Wicker and Representative Smith, for holding a briefing on this very important topic.

As you heard, my name is Daniel Mark, and I am chairman of the U.S. Commission on International Religious Freedom, or USCIRF, as we are affectionately known.

A quick word about USCIRF. USCIRF was created in 1998 by the International Religious Freedom Act. You heard a bunch about that just before, commonly known as IRFA. IRFA also created the State Department's Office of International Religious Freedom, as well as the position of Ambassador-at-Large for International Religious Freedom. We are very pleased that President Trump has nominated Governor Brownback to that position. It's a position that ought to be filled. We do hope that the Senate will end its delays and swiftly confirm him to this critical position, as Ambassador Kozak said.

We at USCIRF are tasked by Congress to monitor and review religious freedom abroad and to make policy recommendations to the president, secretary of state and Congress. To that end, Nathan's question was very germane in thinking about what are the things that actually work. If I could just digress for one moment on that and say that another thing, especially just coming from this Uzbekistan trip that's been very much on my mind, not just thinking about which are the big policies that are most effective, but what are the very specific things you can ask them to do that are doable, that you can really get.

Just to finish that thought with a specific example on Uzbekistan. In Uzbekistan, the government recently approved 3,000 more copies of the Christian Bible to be printed in that country and distributed. But that's not enough. Can they do more? You can ask them, can we have 3,000 more? Can they register—not just open up registration? That'll take time. But can they register one church in an area that has no churches? It's a very large country.

Typically Christian preachers are not allowed to preach in the Uzbek language, and not even allowed to have somebody doing simultaneous translation next to them. Can they allow perhaps preaching? And they do that, of course, to prevent the religion from spreading. These are things that are very specific, very concrete, and relatively small compared to the big things that we also need them to accomplish.

So that helps. I say that in the context of talking about our mandate to make recommendations, which include the kinds of things that Nathan was asking about, but also thinking about recommendations for the U.S. Government to ask for very specific and concrete things that are doable. In any case, that's part of our mandate.

The other thing we do that you heard about is, we make the recommendations to the State Department for CPC designations, Countries of Particular Concern. In April, along with our release of our annual report, which is out every year on time by the legislatively mandated deadline, we recommend 16 countries for designation as CPC because we believe they meet the legal standard of perpetrating or tolerating, quote, "systematic, ongoing and egregious violations of international religious freedom."

Religious freedom in the OSCE region is always a concern for USCIRF. Of course, as I just said, it's at the forefront of my mind, because I just returned a little more than a week ago from Uzbekistan. My fellow commissioner, John Ruskay, was there, as well as USCIRF policy analyst Andrew Kornbluth, who was with us as well. We had a very productive week. I'll say more about that soon.

USCIRF monitors a number of OSCE countries that were formerly part of the Soviet Union, as well as some others that weren't. My remarks today will be limited to just some

of those, and especially the ones that we recommend for CPC designation, including Turkmenistan, Tajikistan, Uzbekistan, and, for the first time in this year's report, Russia.

The State Department agrees with us on those other three. On the last, on Russia, it remains to be seen, because there hasn't been, as you just heard, a new round of CPC designations since our report came out this past April. We certainly encourage the State Department to make CPC designations in line with our recommendations, which are based on a careful and thorough review of all the available information on religious freedom in those countries. I must add, to emphasize, that the State Department did miss on Monday its legislatively mandated deadline for designating CPCs. I'm glad to hear that Ambassador Kozak is on top of it, has an explanation for it, and hopes to see it done soon.

I want to echo what he said about the excellent statement that Secretary Tillerson made when they released the International Religious Freedom Report three months ago. It was a bold and thorough statement. We hope that that rhetoric will be followed up with timely designations and action.

It sounds like, from what we heard from Ambassador Kozak, that these should be one-time delays. They didn't know about the EPC delegation of authority. So if next year we're hearing the same story, we know there's a problem. But it sounds like all the things that he accounted for are things that could be settled this year and not recur next year.

USCIRF also has a Tier Two that includes countries that have severe violations and that meet with at least one element of the systematic, ongoing and egregious standard. Within the OSCE region of the former Soviet Union, our tier two includes Azerbaijan and Kazakhstan. I asked about Turkey, but I'm not going to talk about that today.

Unfortunately, we at USCIRF are not optimistic with regard to the outlook for religious freedom in the OSCE countries we monitor. Generally speaking, the trend has been toward authoritarian governments imposing more and unwritten restrictions on expressions of religion. These restrictions are arbitrarily and capriciously enforced by courts that are not independent from the executive branch in their respective countries. Punishments range from police harassment and fines in the mildest cases to effective life imprisonment and death in prison by torture, starvation, in the most severe.

Uzbekistan, which has long been designated as a CPC by the State Department, and long recommended by us, is the one OSCE country reported on by USCIRF that currently seems to offer hope for improvement, although, as I will explain, USCIRF is still waiting for more evidence on much-needed reforms.

The religious freedom conditions in the OSCE countries monitored by USCIRF are similar in part because of their shared legacy of Soviet communist government. In the Soviet Union, all social and political movements not affiliated with or endorsed by the state were subject to constant scrutiny and repression by the omnipresent security services. Moreover, the state was officially atheist. I have to say, being in a country like Uzbekistan, you are reminded of how awful the legacy of communism. Everywhere communism went, it's just left devastation.

After the fall of the Soviet Union, elements from the security services became the ruling elites in many of the newly independent countries, and they remain deeply hostile to independent social mobilization. At the same time, the immediate aftermath of the Soviet Union's collapse from the early to mid-1990s was a time when the restraints on civil society imposed during the Soviet Union were temporarily relaxed as new regimes worked to consolidate their power.

In this early period, about a quarter of a century ago, many citizens of the new republics began to renew or re-examine their traditional faiths. Proselytizing movements, both Islamic and Christian, were able to operate relatively freely, connecting adherents to global religious trends and movements. By the late 1990s, the former Soviet countries viewed the wave of renewed religiosity with growing alarm. The authoritarian regimes, guided by the security services, were also more confident of their strength and ready to re-establish full control over civil society.

It was at this time that the legal architecture underpinning the repression of religious belief first began to be formulated. The linchpin was religion laws, which consisted of three restrictions—the requirement that religious communities register with the government, effectively requiring all religious groups to obtain government sanction for their legal existence; restrictions on the possession and distribution of religious literature; and restrictions on where and how proselytizing could occur—mostly it can't—with the aim of stopping and controlling the spread of religious ideas that were not officially approved.

Within a few years, laws on extremism, as we just heard, became another widely used tool for suppressing religious expression. While OSCE member countries monitored by USCIRF do have legitimate security concerns, their laws define extremism extremely vaguely to permit the suppression of virtually any kind of expression, religious or secular. With the rise of international terrorism, the need to combat radicalism became an even more convenient pretext for shutting down all forms of expression not approved by the government.

One of the surest proofs that extremism laws are often less about fighting terrorism than about repressing peaceful expression is the fact that Christian minorities in all of these countries, who pose no security threat whatsoever, are persecuted under these same statutes. Indeed, legitimate security concerns notwithstanding, these laws are often little more than legal excuses for the governments to take whatever actions they want against any individual or group they want.

It is these religion laws and the misuse of extremism laws that most concern USCIRF in the OSCE member countries that we report on, along with the corresponding arrests, torture and imprisonments. Our view of these countries shows that, for the most part, religious freedom conditions are only getting worse. The Russian Federation, which in many ways inspired or pioneered the use of religion and extremism laws to suppress religious freedom, has doubled down on religious repression. As everyone here is likely aware, this year saw the banning by the Russian supreme court of the Witnesses as a supposedly extremist organization.

While many observers wondered why Russia would target the 175,000-strong community of Witnesses, it fits a pattern of suspicion of the community dating back to the Soviet period—unwarranted suspicion. In addition, it is consistent with the effort on the part of the Russian security services to prove their success against extremism by going after a minority incapable of resisting.

The year before, in the name of combating proselytism, Russia also passed a law that effectively criminalized all forms of religious speech. Currently, one member of the Witnesses and five Scientologists are being held in pretrial detention, while dozens of Muslims are serving prison terms for peaceful expression of religion, or in some cases fabricated terrorism charges.

In the occupied Crimean Peninsula, Russia continues to persecute the native Crimean Tatar population, which it distrusts because of its Muslim identity and loyalty to the Ukrainian state.

Turkmenistan is perhaps the most egregious offender among the OSCE countries on our roster. Religious prisoners disappear in the notorious desert prison of Ovadan Depe, where they are held incommunicado under horrific conditions. One religious prisoner who died in the prison in 2016 is said to have weighed 55 pounds at the time of his death. No wonder, then, that another observant Muslim is believed to have committed suicide in December of last year rather than face arrest and imprisonment there.

In Tajikistan, the government's persecution of Muslims and Christians alike has become more zealous and shows no sign of relaxing. This year a Christian pastor was sentenced to three years for extremism. A teenage Witness conscientious objector received six months in jail. And Buzurgmehr Yorov, the lawyer for the banned Islamic Renaissance Party of Tajikistan, was sentenced to more than 20 years in prison, where reportedly he is tortured regularly. In addition, the government has launched new campaigns interfering in everything from the wearing of hijabs to the food served at wedding banquets.

With regard to Kazakhstan, USCIRF was deeply disappointed by the decision of that government to raid Witness Kingdom Halls only days after a meeting between government representatives and our commission, USCIRF. Kazakhstan's parliament is currently considering a number of changes to the laws, which may lead to further tightening of controls over religious life. This year the government also gave Witnesses a three-month ban on religious activity, and a member of their community who was ill with cancer was sentenced to five years in prison, allegedly for proselytism. In Kazakhstan, USCIRF is also concerned that campaigns against Salafism mask attempts to repress political unrest more generally.

I emphasize that USCIRF understands that many of the countries we follow have legitimate security concerns. Security and religious freedom are not mutually exclusive.

USCIRF is guardedly optimistic about the situation for religious freedom in Uzbekistan, particularly since our trip there. Although Uzbekistan has long been regarded as a severe violator of religious freedom, the new president, Shavkat Mirziyoyev, has relaxed longstanding restrictions on the majority Sunni Muslim population. In many circles there is real optimism, and we heard that as a consistent theme in our week.

That being said, the continuing atmosphere of fear and intimidation among Uzbek Christians and others is palpable. Registration of religious groups and the possession of religious literature are tightly controlled, and policies such as registration are used as tools to surveil and harass believers. Intimidation, arrests and torture remain a constant fear for both proselytizing Christian groups and those who, for whatever reason, fall afoul of the police.

Moreover, thousands of Uzbek Muslims continue to serve long prison sentences on trumped-up charges or fabricated charges. While we are hopeful about the future, USCIRF also wishes for the Uzbek Government to be more forthcoming and transparent about the substantive reforms to the architecture of religious control in their country.

In conclusion—and thank you for bearing with me a little bit long—USCIRF calls on all OSCE countries to adhere to international standards of religious freedom. Although the bright spots are few and far between, we remain hopeful that even the most egregious

violators will change their practices for the better, and we are ready to engage in dialogue with any OSCE member ready to do so.

Thank you.

Mr. HURD. Thank you, Chairman Mark.

Dr. Collins.

Dr. COLLINS. Good afternoon, ladies and gentlemen. Thank you for coming today, and thank you especially to Mr. Hurd and the Helsinki Commission for organizing this panel to bring attention to the timely issue of religious repression in the OSCE region.

In the interest of time, I will focus on the evolving situation in Kazakhstan and Kyrgyzstan and highlight in particular my findings with the Under Caesar's Sword project, which focuses in particular on Christian and other religious minorities across that region.

I agree with Dr. Mark. I'm quite skeptical about the prospects for the improvement of the religious situation across the region. The regional trend has been to adopt steadily more restrictive laws on religion together with changes in the administrative and criminal codes, and broad laws and programs that blend and merge religious practice with extremism and terrorism. The governments in the region look to each other and Russia as justification for these changes. Russia is the trendsetter, as you mentioned.

Across the region, with the partial exception of Kyrgyzstan, the legal framework for religion and the de facto implementation of these laws have in fact created a situation little better than during the later Soviet era. Thank you for mentioning that because the parallels are really quite striking. This is true in particular for the minority Christians and for any Muslims acting independently of the state-controlled Muslim hierarchies.

Kazakhstan, before its 2011 religion law, was in fact one of the most liberal religious environments in the region. Following the law, and especially since the adoption of new amendments in 2016—December 2016—Kazakhstan has increasingly curtailed religious freedom and engaged in continual violations of religious and human rights. The legal framework now includes broad provisions banning extremism, including the incitement of ethnic, religious or social discord, which is used very broadly.

Censorship of religious literature is also quite broad, banning already over 700 works. Crippling fines are imposed without recourse to court hearings. This year police raided several Protestant churches during Easter Sunday services, and scores of Christians were harassed and intimidated. There are multiple reports of churches being closed for several months at a time for alleged legal violations.

The new Kazakh Ministry for Religion in Civil Society, the state media, the Muslim Board, and the Russian Orthodox Church in Kazakhstan all collaborate in using intolerant rhetoric about groups they deem nontraditional. They foment societal animosity towards those groups, and the state has created anti-sect centers which are eerily reminiscent of Soviet policy. Under its new program to counter religious extremism and terrorism, even children are encouraged to report on those praying at home.

The recent turn to much harsher treatment of converts in Kazakhstan is particularly notable. For example, in late 2015, Seventh Day Adventist Yklas Kabduakasov, a recent convert to Christianity, was sentenced to two years imprisonment in a penal camp. The secret police had used extensive surveillance to trap and video record Mr. Kabduakasov discussing his faith in the Bible with other Kazakhs. He was charged as an extremist with inciting religious hatred against Islam.

This past year, multiple others, both Muslim and Christian minorities, have faced similar charges and prison terms. Jehovah's Witness Teimur Akhmedov, who I am sure you will discuss, was arrested, tortured in detention, and given a sentence of five years in a penal camp under very similar circumstances and charges.

In another case targeting converts, a pastor has been charged with allowing a child to attend a religious service with his father but without his mother's express permission. Followers of Tablighi Jamaat, another minority Muslim organization banned in Kazakhstan, are also regularly harassed, fined, and given prison sentences.

The Kazakh Government has recently proposed multiple new amendments in addition to those passed just last December. If adopted, these changes would further move Kazakhstan in the direction of its most repressive neighbors. Among other things, new provisions would ban teaching religion outside approved religious organizations of which there are very few. They would further restrict sharing religious beliefs and task local government with monitoring places of worship and religious practice. Penalties for violators would be significantly higher.

Kyrgyzstan likewise remains a country to watch. By comparison with its neighbors it generally looks relatively good—de facto religious practice has been considerably more free—but legal and societal trends raise alarm. Although previously known for religious tolerance and greater civic space, the 2009 law on religion and 2012 amendments are much more repressive. The law criminalizes unregistered religious activity while it has made registration far more difficult. The law still stands, despite religious groups' appeals to reverse it, despite international recommendations, and despite a supposed democratization process that has been going on since 2010.

This past spring, the State Committee on Religious Affairs in Kyrgyzstan proposed draft amendments that would make registration even more difficult, requiring now 500, not 200, signatures. All religious literature would be subject to mandatory censorship. The changes would effectively ban any dissemination of religious views by those not registered as missionaries, and they would restrict the private teaching of religion.

The proposed amendments have the support of many in government, the Muslim Board, and the Russian Orthodox Church. Minority religious organizations have been afraid to voice opposition. This is a moment when pressure from the international community and from the U.S. Government, I think, is absolutely critical to preserving some religious freedom for minorities in Kyrgyzstan.

Finally, societal discrimination against converts across the region continues to be high and is worth noting. In Kyrgyzstan, for example, local government and police foment societal mistreatment of converts, especially in conflicts over burial places.

The Under Caesar's Sword research project has been studying the response of Christians where they face repression and persecution. Christians' responses clearly vary with the level of repression and the realm that they have to operate in civic and public space. Their predominant strategies in Uzbekistan, Turkmenistan and Tajikistan reflect decades of Soviet-era experience. They hide, they avoid confrontation with the state, they pray in private or in-house churches, and they focus on mere survival. Others just simply emigrate. They occasionally disseminate Bibles or religious literature to friends and family, but most avoid any public sign of their faith. Yet even in these contexts, some Christians are more proactive and engage in proselytism, but they do so at enormous risk, as we've seen with the case of Jehovah's Witnesses.

By contrast, in Kazakhstan and Kyrgyzstan, where the situation has been somewhat better since independence, Christians have found paths yielding some limited success since 1991. For example, some churches have built ties with local government to pursue their religious calling through charity and social work. Church members provide care for orphans and the disabled, and care for the sick and hungry. They minister to prison inmates. This is all the basic charitable work of faith-based groups anywhere.

Multiple churches have established rehab centers for drug and alcohol addiction, a huge problem in the region, and they provide assistance to victims of domestic abuse. This is the work that the Central Asian regimes generally do not prioritize and often have limited funding and skills to do. Hence, local governments occasionally have allowed Christians to fill this important role.

In Kazakhstan, Christians have also engaged in interfaith dialogues with each other and the state in attempts to facilitate mutual respect. In Kyrgyzstan, an interfaith council, organized after the 2010 revolution, has organized civic projects and charitable work together with Muslims to bridge differences. Much more such work is needed to reduce interfaith hostility, especially against converts.

Churches have also—albeit rarely—banded together to protest unlawful arrests and torture. In the case of the arrest and psychiatric detention of Pastor Kashkumbayev in Kazakhstan, Christian churches protested. The Association of Religious Organizations of Kazakhstan, which includes about 600 churches, has often used its position and numbers to pressure the parliament to respect religious freedom.

The changes in the Kazakh legislation over the past year and the pending draft amendments in Kyrgyzstan pose such a threat to such civic work. Not long ago, for example, Christian women ministering to hospice patients in Kazakhstan were given crippling fines for reading the Bible and sharing the New Testament with the dying in their hospice centers. The Kazakh police have raided Baptist and other church youth camps, accusing them of violating religious laws and intimidating the children who were in attendance. Churches that engage in similar activities live in fear of closure and prosecution. One church in Kazakhstan has already closed five rehabilitation centers.

To conclude, the religious situation across the region is extremely poor and, I would argue, declining. Negative trends in Kazakhstan and Kyrgyzstan are particularly worrying, especially for religious minorities. Both society and state will suffer if the faith-based civic and humanitarian organizations that have worked there for the past 25 years are further restricted and ultimately shut down.

Thank you.

Mr. HURD. Thank you.

Before turning it over to General Counsel Brumley, just a note. The fact that he is last is not an indication that his is the least important presentation. It's actually an indication that it is the most important. Whether it's at a congressional briefing, a congressional hearing, other events on these issues, the voice of the individuals and groups that are being persecuted, whether it's for religious freedom or other human rights violations is actually most important for us to hear. I wanted to make sure that before we had our final question and answer period that his was the last voice that you heard.

General Counsel Brumley.

Mr. BRUMLEY. Thank you for those kind words, Mr. Hurd. And we want to thank the U.S. Helsinki Commission—Chairman Wicker, Co-Chairman Smith, and you particularly, Mr. Hurd—for hosting this briefing.

It has been also very illuminating and encouraging to hear the words of Ambassador Kozak, Dr. Mark, and Dr. Collins. Their insightful comments confirm our own concerns about the situation of Jehovah's Witnesses in the OSCE region.

There are over 8½ million Jehovah's Witnesses worldwide. Over 3 million live in the OSCE region. We enjoy religious freedom in 51 of the 57 participating States. The exceptions include Tajikistan, Turkmenistan, Uzbekistan and, since last April as we know, the Russian Federation.

When domestic courts have failed to protect our fundamental rights, we have resorted to seeking relief from international tribunals. Since 1993, we have obtained 64 favorable rulings from the European Court of Human Rights and 11 favorable decisions from the U.N. Human Rights Committee. But, Mr. Hurd, by far the worst problems we are facing in the OSCE region—by far—have to do with Russia, so I'll be concentrating on Russia in my presentation.

In 2006, the government amended its law on counteracting extremist activity. It removed incitement to violence as a component of what constitutes extremism. The U.N. Human Rights Committee, the Parliamentary Assembly of the Council of Europe, and the Venice Commission have all strongly criticized the amended law because it gives the Russian Government carte blanche to prosecute anyone it deems to be out of step with its version of what is acceptable. So, based on this law as it's been amended, the authorities concocted a three-step process to mis-categorize Jehovah's Witnesses as extremists and to use this as the foundation to strip us of our fundamental rights of speech, press and religion.

The first thing the government did was to criminalize our religious literature. And it did this through bogus expert studies, and then backed up by baseless court decisions. They even banned our website, JW.org. It's worthy to point out, gentlemen and gentleladies, that JW.org is available worldwide with the singular exception of Russia.

Second, Russia criminalized local congregations who had been using our literature even before it was declared extremist. Once literature that we had formally been using was on the extremist list, we removed it and stopped using it, but the authorities went so far as to plant banned literature in our places of worship so that they could later discover it and bring charges. And we have this on video.

Then, third, it criminalized our religious activity at our national offices and in our local places of worship. So since this amended law on extremism was enacted, Jehovah's Witnesses in Russia have been subjected to the following: searches of their homes, places of worship, loss of employment, having their bank accounts frozen, mistreatment of their children by school authorities, detentions, secret video surveillance of their homes, monitoring of their mail, and intimidation to abandon their faith. This decade-long campaign culminated, as you've mentioned astutely, on April the 20th with the Supreme Court decision. The court ruled that the administrative center and all of the 395 local legal entities are guilty of carrying on extremist activity and that their property should be confiscated and their activity terminated. Due to a risk of criminal prosecution, we have ceased using our places of worship and our national offices. Our branches in Europe, Canada and here in the United States inform us that there is an escalation in the number of Witnesses

from Russia seeking asylum. We're tracking three developments with particular interest, and you've mentioned them.

The first is the criminal prosecution of Dennis Christensen; he's a citizen of Denmark. If convicted, he faces 10 years' imprisonment. He's been denied bail and held in pre-trial detention since last May, and his offense, singularly: he was worshiping along with a local congregation.

Secondly, we're giving close attention to the proceeding by the government to take possession of our national offices. And this is in complete disregard for the fact that our administrative center, or our national offices, are owned by the Watch Tower Bible and Tract Society of Pennsylvania, a U.S.-based corporation, and that the national offices are worth millions. The government is nevertheless seeking to confiscate it.

Third, whether an appellate court will confirm a decision by a lower court to declare our Bible—the New World Translation—to be extremist. The New World Translation is available in over 150 languages and has been printed over 20 million copies. The very same translation in Russia is deemed to be an extremist publication. For just having this in one's possession, one risks criminal prosecution.

These relentless and coordinated efforts confirm that Russia is bent on a minimum of driving Jehovah's Witnesses underground. Now, that said, to date, we are not witnessing mass arrests of Jehovah's Witnesses, but as you brought up, Dr. Mark, there are 175,000 Jehovah's Witnesses in Russia. The government seems to be taking the position that someone can be one of Jehovah's Witnesses, but you have to be one of Jehovah's Witnesses and keep it to yourself. Anyone who, in any way, engages in any activity related to our worship risks criminal prosecution. So the government is saying, in essence, you can be one of Jehovah's Witnesses, but don't associate with other Witnesses. Don't read your Bible or any of your literature, don't gather for worship, and whatever you do, don't talk to anybody about your faith.

So we thank the many governments and their agencies, such as the U.S. Helsinki Commission, for your diplomatic efforts and statements. When we were at the hearing earlier this year—the Supreme Court hearing—the strong presence of the diplomatic community sent a clear message to the Russian authorities that the international community is well aware of what Russia is doing, and they're not deceived, either. They realized that these proceedings are nothing more than a thinly-disguised effort to legitimize the government's goal of stripping us of our fundamental right to worship.

And just, very, very briefly, I'm going to hit on the situation with Jehovah's Witnesses in Central Asia and in Azerbaijan. We mentioned that in Kazakhstan, we're caught between two camps within the government: one that seems to be leaning towards application of the rule of law and maintaining our legal status, and another component of government that is mimicking what's going on in Russia. We were banned in Tajikistan in 2007, and we continue to worship in secret. Uzbekistan is the second-worst offender of our fundamental rights in the OSCE region. Just to give you a capsule, since last September—September 2016—there have been 185 police raids on religious meetings, 153 convictions for religious activities, 148 fines. And by the way, these fines amount to 100 times the monthly minimum wage. They're not small. Seven Witnesses were jailed for religious activity, and there have been 15 documented accounts of severe beatings by the police of men and women who are Jehovah's Witnesses. Witnesses are fined for even having a copy of the Bible in their home.

With regard to Turkmenistan, we have the same situation. Bahram Hemdemov, a 52-year-old Witness, has begun serving a four-year sentence that he began in March of 2015. And his only offense, again, was worshipping with fellow believers. There have been some small improvements in Azerbaijan, but although we number less than 2,000 Witnesses in that country, we have 18 applications pending with the European Court of Human Rights, and we have filed 11 complaints with the U.N. Human Rights Committee.

So, in conclusion, we are gravely concerned about the welfare of our community in Russia. We are going to submit, for the record, a copy of my briefing and also a copy of a short video from Professor Heiner Bielefeldt—that's the former U.N. Special Rapporteur of Freedom of Religion or Belief, who commented on the state of religious freedom in Russia and gave particular emphasis to the situation Jehovah's Witnesses are facing in that land. His point was, or is, that as the space for one religion diminishes, civil society and religious freedom, in general, diminishes.

Thank you, once again, for allowing us to comment on the situation with Jehovah's Witnesses in the OSCE region.

Mr. HURD. Thank you. Just a quick reminder about the Q&A. I'll ask each one of our panelists two questions. If you could hold your answers until I finish asking all of my questions, and then we'll eventually turn it over to the audience. We'll start with Chairman Mark.

Taking advantage of your recent trip to Uzbekistan, in the full range of steps that they can and should take to improve their record when it comes to religious freedom, and, in particular—let's assume, for the sake of argument, that they're re-designated as a CPC—what are the most important actions the government needs to take in order to change that designation and improve the situation for religious freedom in Uzbekistan?

Secondly, was there an acknowledgment, when you were there, from the authorities that their crackdown on religious freedom over the years might actually be undermining their efforts to counter terrorist groups and counter violent extremists?

For Dr. Collins, going back to Kazakhstan for a moment, you've noted that prior to their 2011 religion law, at least in the region, they had one of the most permissive environments for religion and for religious freedom. Why the shift? Why the change?

Secondly, I was particularly intrigued at your comments that in your research of Christian groups in the region, they rarely band together in response to persecution. I'm wondering what your best hypothesis is, or evidence is, about the "why."

General Counsel Brumley, you noted that this persecution of Jehovah's Witnesses in Russia has been unfolding over many years. Why do you think it is that they've taken so long rather than just doing it immediately—rather than immediately banning you and taking the kind of measures and actions that you've outlined?

Secondly, this is not the first time that Witnesses have been persecuted in Russia. It's not the first time they've been persecuted in some of these other countries that you've mentioned, as well as in other parts of the world. Historically, how have they responded to a situation like the one in which they find themselves now in Russia? How have they compensated? Has there been, sort of, a change of practice, et cetera?

We'll start with you, Chairman Mark.

Dr. MARK. Thank you for the excellent questions and for the opportunity to talk more about the trip to Uzbekistan. I can't capture in a few minutes what we experienced in a week, but there are the big items. They told us in a meeting with government officials

and some others that they're working on a new religion law. Now, that's worrying, because in experience from other places, even Vietnam, this new religion law has been dragging on for years. The drafting actually did take some American comments and then the implementation is yet another year, and so on. But you've got to worry what's going to be in that law.

Now, of course, in principle, it's a good thing. Oh, there's a new religion law; they're going to revise, they're going to reform. The new president does seem to be better than the last one, and so maybe will be helpful. So I would say that there's a giant question mark hanging over the thing that depends on what happens, and again, based on what we know so far and the general trend, not overly optimistic, but it's an opportunity. It's an opening, and I think, with the right kind of pressure, we could see some improvements.

What would some of those look like? Well, the biggest thing that hangs over everything about religious freedom in the country is registration. Nothing can happen without registration. The group can't have property, it can't have services, it can't have literature. Everything depends, everything starts with registration. Of course, as we've said, registration is a problem because that's how the government starts its control and surveillance. Nobody wants to register.

So we sat in front of a government official who said nobody has applied for registration in 10 years, to register a church. Well, why is that? Is it because Christians don't want to open churches? It's not just Christians, by the way, because Christians don't want to open churches. No, it's because, when they say registration involves providing us a list of 100 names and addresses of people affiliated with your church, everybody says no thank you. That's just giving them a list of people to pick on. That's what they're going to do, and everybody knows this.

As I've been saying a lot post-trip, even insofar as the government does begin to implement reforms, they're going to have to work overtime to actually convince people that it's true and that they're sincere. So reforming registration—We at USCIRF and the human rights community in general probably would rather see this registration be done away with. You shouldn't have to register, but if you do have to register, there should be rule of law, there should be transparency, there should be protections and so on.

A second thing is education. To go to another part of the world, you travel a long way, and so maybe it feels like it should be as different as it is—where children are not allowed to attend religious services. Ninety-five-plus percent of the country is Sunni. If you're under the age of 16, or 18, depending on the circumstances, you just can't go to weekly services at the mosque, because you're just not allowed. Police will stand outside and keep children out. Government obviously controls all the education in the country, and the number of religious educational institutions are extremely limited, and the opportunities for religious education for children outside the home are almost non-existent. The most basic things that we take for granted here.

The third thing that I'll say, and just to give you a big three—I could go on of course—is prisoners. Until we are convinced that there are not many thousands of people being held in prison for their innocent religious beliefs, then Uzbekistan will not have an easy time getting off the CPC list. Our policy analyst, Andrew Kornbluth, who was with us on the trip—God bless him, he's sitting here too—was so diligent about asking at every opportunity, how many religious prisoners are there? How many have been released? Can you give us the name of one person who was in prison for his religious beliefs and now has been released? They basically ignored us. Until they want to get serious, at least,

about it. Even one laughed and said, oh, well, all the information's publicly available. Well, we can't find it. So until they get serious about that, they're just not going to be a normal place.

On the second question, is the crackdown undermining CVE efforts to counter violent extremism? Sure. I'll just say that the first or second day we were there was the day that the Uzbek terrorist perpetrated his attack in New York City, and that certainly gave a certain color to our trip. Where does that come from? How does that happen? Even if that person was radicalized outside of Uzbekistan, why was that person susceptible to the radicalization? We know that the crackdown drives movements underground, which is counterproductive. We know that the lack of education, proper religious education, leaves people susceptible to more radical and violent views.

We heard an amazing story from a person—he had just been out—three weeks out of prison after what was maybe an 11-year sentence, and he was just out sitting with us in a coffee shop. He said, people come to prison—this is the story from “Shawshank Redemption,” where he had to go to prison to become a criminal. He said that people who are too Muslim for the government's liking get sent to prison. Having been sent to prison, they see not only their own abuse, but then, the torture and other abuse of people and say, this is all being done in the name of the newfound Uzbek independence, in the name of the newfound Uzbek democracy. If this is what's being done in the name of Uzbek democracy, we want no part of it. So they come out of prison more radicalized than when they went in.

Now, that's not everyone, but it was such a striking example of the way the persecution exacerbates the problems they have and is counterproductive for their totally legitimate efforts to fight radical Islam. It's a pretext in the first case, and then an exacerbation of their own problem in the second case. Certainly, it is our line that all around the world, countries that truly want to commit themselves to countering violent extremism have to also commit themselves to religious freedom.

Mr. HURD. Before turning over to Dr. Collins, I just want to commend the project Under Caesar's Sword, of which she is a scholar. Not just as something interesting and important in and of itself, but also as a model. There are many groups and institutions that document the persecution of religious groups. What makes Under Caesar's Sword different is that it primarily focuses on how particular communities are responding to the persecution itself. It's certainly a model that I think can and should be replicated in looking at how other religious groups are responding to persecution. Dr. Collins.

Dr. COLLINS. Thank you very much. I would actually point you to Notre Dame's website, where there is extensive information about how different Christian communities are responding to persecution around the world. The focus is not just on Central Asia or Russia, but in many areas of the world where the situation is, sadly, even more egregious than what we're talking about right now.

On your first question, Mr. Hurd, why the shift in 2011? Well, I think that there has been a sort of gradual move towards this across the region, but in particular, I think, a couple of events triggered the Kazakh Government's crackdown on religious groups. There was the Kyrgyz Revolution—regime change in 2010, which created this sense of vulnerability and instability in the region. The Arab Spring in 2011, perhaps even more so, created this sense that we're not quite invincible. In Azerbaijan, for example, there was a statue of Mubarak and Aliyev which, at the time of the revolution, was something that gave the Aliyev regime some pause.

Not just Kazakhstan, but again, Kazakhstan in collaboration with Russia and other members of the SCO—the Shanghai Cooperation Organization—discuss these issues on a regular basis. They blend together issues of religious independence with issues of extremism and terrorism within the framework of their general security discussions and focus on security. I think these various events help, sort of, shift their thinking towards a mentality that we need to crack down on religion to a greater extent than we have in the past.

There's also this understanding that, even though Christians aren't the main target, we have to engage in this kind of equal-opportunity repression. We're primarily worried about independent Muslim opposition growing in the country. But they decided, in order to justify and legitimize their crackdown on independent Islam, they need to more broadly crack down on various forms of independent religions. I think that's driving much of this.

Then we see, of course, that there has been an escalation of the actual implementation of these regulations, post, about, 2014, when the growth of ISIS has made them more conscious of the security threat to the region. But again, it's this crackdown on both Christians and Muslims—as Christians and Jehovah's Witnesses are rolled into the crackdown on supposed supporters of ISIS. So that's on the issue of why this shift over the past few years.

The second question about why Christians rarely band together is an interesting one and a frustrating one, I think, as somebody studying this region. Why don't they engage in greater collaboration? The few instances where they have collaborated, as I mentioned with the example of the AROC in Kazakhstan, with the protests about Pastor Kashkumbaev, have sometimes garnered some success. This has been relatively rare; my sense is that there are a couple of reasons for this. Probably most importantly is a deep culture of distrust of sharing information, opening up to others, even opening up to other Christian organizations. I think that dates well back to the Soviet period, as Dr. Mark talked about so eloquently. Many of these groups have been around—despite being labeled by the governments as new groups or new Christians—many of them have been around since before the Soviet period. They endured repression under the Russian Czarist regime; they endured serious repression under the Soviet era when there was liberalization, finally, for the Russian Orthodox. They have still continued to endure repression.

So there is this sense of distrust of each other, not knowing who might be an informer, and that has undercut opportunities to work across different church lines. Together with that, there is a distrust of foreign groups or churches that have foreign and missionary ties internationally. So local groups have a sense of skepticism about the commitment of many internationally based or foreign religious groups and missionaries that have come into the countries in recent years. I think this culture of distrust hasn't broken down yet.

They also differ in their ideas about strategies, how to deal with the current situation. Many of those that have been in the region the longest and endured the Soviet repression would prefer to sort of stay underground, continue to hide, continue to worship in their house churches, whereas some of the newer groups—or some of the groups that have more international connections—have moved more towards these open, charitable opportunities and working with local-level governments. I do think that greater opportunity for collaboration and discussion of these strategies—which is something that the Under Caesar's Sword project hopes to facilitate—would help them to realize that, by adopting some of the more successful strategies, such as engaging with local government

and collaborating on social work, is something that might advance their cause and their religious freedom over the longer term.

I think those are probably some of the major reasons. The last thing I would note is that the governments in the region, as well as civil society actors in general, have undercut some of these efforts. Civil society, surprisingly, perhaps, because it is so deeply secular across much of the Central Asian, former Soviet regions, they tend to distrust religious actors. There is not a tradition of secular civil society working with religious actors and considering them also part of the religious and part of the civic sphere. Then the government, I think, to some extent, plays the same role with religious organizations that it does with political opposition, attempting to plant distrust and fear within that community to undercut any sort of collaborative efforts.

Thank you.

Mr. HURD. Thank you. General Counsel Brumley?

Mr. BRUMLEY. Thank you. Your first question had to do with, why is Russia proceeding the way it has and taking so long in its relentless pursuit or attack on Jehovah's Witnesses? Essentially, to give a veneer of giving Jehovah's Witnesses due process of law. That would be my answer. The concept is, we were registered—again, we gained legal status in 1992. Almost immediately, the General Prosecutor Office in Moscow began proceedings against the Moscow congregation. They instituted five different cases; they lost all five. The sixth one they won; that went all the way up to the Supreme Court in Russia. We appealed to the European Court of Human Rights. In 2010, the European Court handed down its decision, Jehovah's Witnesses of Moscow and Others v. Russia. It's a wonderfully written decision. It meticulously goes through the beliefs of Jehovah's Witnesses and whether any of these beliefs or practices pose any threat to the Russian people. The decision categorically rebuts every single argument raised.

Now, an objective reader of that recent decision would have said, OK, case closed. Jehovah's Witnesses are no threat, we can leave them alone. But even before the decision was handed down, Russia had already amended its laws, such as the law on counteracting religious extremism, essentially, to look for a new way of attacking Jehovah's Witnesses. If plan A didn't work, then we'll go to plan B. So it was illuminating earlier this year, in April, at the hearing before the Supreme Court, as the lawyers for Jehovah's Witnesses would raise procedural objections that were very cogently raised, the prosecutor would stand up and literally say two or three sentences, and the judge would look at the prosecutor, look at the lawyers for the Witnesses, saying, having heard from the defendants and having heard from the general prosecutor, I concur with the general prosecutor.

To give you two quick examples: In one motion, the attorneys representing Jehovah's Witnesses said, you are threatening to criminalize 395 local religious organizations. They have a right to be here in court if you're going to criminalize them. And the prosecutor stood up and said, they all make the same arguments, so when we hear from one or two, we've heard from all of them. And the judge says, yes, you're right, and so they don't need to be here. With the second motion—or a different motion that was raised was, as local religious organizations were being criminalized, the administrative center affirmatively sought to intervene in the case. The judges in each case said no, you're not a defendant; you're not concerned or a party to this. The administrative center then said, why should evidence adduced at those hearings now be introduced against us, when we did not even have the opportunity to defend ourselves? And again, the judge listened to the prosecutor say, essentially, two or three sentences, and overruled the motion.

So, Mr. Hurd, there is an effort to create a veneer of due process of law that Jehovah's Witnesses have had their day in court, where really, the determination is a foregone conclusion. Essentially, we're thinking, as well, that Russia is hoping that no one will notice. So the fact that the international community was present at trial and at the Supreme Court, and the fact that human rights organizations are talking about this, is helpful. It shows that what Russia is doing is not going to happen unnoticed.

Your second question is quite interesting as well, Mr. Hurd, about how this isn't the first time. It's interesting, in this decision of 2010—from the European Court—it brought out that Jehovah's Witnesses have been present in Russia since 1891. We were banned under communism, under the Soviet regime, gained our legal status again in 1992. So we're not an unknown community within Russia. In fact, many Russians are fourth-, fifth-, even sixth-generation Jehovah's Witnesses. What did we do when we were under ban during the Soviet era? It's the same principles we apply now and that we've applied where this situation, unfortunately, presents itself anywhere in the world.

In Apostle Paul's first letter to Timothy, he said something that we follow, that we pray—concerning kings and all those in high positions—that we may go on leading a calm and quiet life with complete Godly devotion and seriousness. The point there is that Jehovah's Witnesses just seek to worship in peace. As Mr. Bielefeldt said, we are the most peaceful people in the world in that we are doctrinally opposed to violence. So, the farthest thing from extremism. Our effort is to peacefully worship, but then, when a government says, no, you can't peacefully worship, then we go back to what the apostles said: We must obey God as ruler rather than men.

So regardless of whatever steps Russia takes, Jehovah's Witnesses are not going to disappear. We will continue worshiping and continue doing what we have done. History bears out that we actually grow when persecuted, sometimes faster than where we have legal status. So the efforts by the government to dissuade us from worshiping aren't going to stop us from doing so, as that's what history bears out.

Mr. HURD. Thank you.

I'm wondering if we have any questions from the audience. Yes, Cathy, and if you wouldn't mind using the microphone, please.

QUESTIONER. Thank you, Nate, for organizing this really great and informative hearing. I wanted to call quick attention to two aspects which haven't been discussed—well, they have been discussed, but I'd like to raise some new aspects. One is, the new minister in Kazakhstan of religion and civil society, I was recently told, is a 25-year veteran of the Kazakh state security services. Some of you obviously know this, but I just think it's worth highlighting publicly.

Also, in Uzbekistan, I was told that the government is taking steps to assess the degree to which various religious prisoners—I suppose mainly Muslim—have been, in fact, radicalized in prison. However, this is a highly corrupt process. In addition, of course, to the very dubious criteria I assume they will be using. So perhaps it would be useful to call on the Uzbek Government to follow international good principles that have been followed in other countries.

Finally, also, on corruption, I have been told by a Kyrgyz lawyer that there's widespread corruption in southern Kyrgyzstan, especially vis-à-vis the large Uzbek minority—that if Uzbeks want to avoid being arrested on arbitrary charges of being religious extrem-

ists, you have to pay bribes. There are some 200 people—this is as of several years ago—who were too poor to pay bribes, and hence, they're in prison.

Thanks.

Mr. HURD. Cathy Cosman was a long-time staffer as USCIRF, and one of the world's leading experts on religious freedom, in particular in Central Asia and Russia, as you can tell from the granularity of her question, but thank you. Any of the panelists should feel free to answer.

Dr. COLLINS. Yes, thank you for pointing that out. That's also the information that I have about the director of the new ministry. Again, hearkening back to Soviet-era policies, creating a ministry, which, allegedly, is about religion and civil society, in fact appears, by all accounts, starting with his leadership, to be actually about monitoring religion and undercutting its independence. So yes, I would agree with that.

On the other point about the role of corruption, it's interesting, because I think it cuts both ways. On the one hand, in Kyrgyzstan, the prevalence of corruption in the police force is something that in part, I think, accounts for the fact that there are fewer religious prisoners in Kyrgyzstan over the past few years, because people tend to bribe their way out. Rather than being readily imprisoned, they can bribe the police to pay lower fines or to avoid being imprisoned. But as you point out, that of course means that those who can't afford to pay the bribes are the ones who do, in fact, end up in prison on various charges.

Dr. MARK. I apologize. I have a plane to catch; I'm already cutting it pretty close. I didn't even get to plug our annual report yet, but I've got to excuse myself. But thank you, everyone, for being here, and I know you'll continue to learn a lot from the others.

Mr. HURD. Are there any other questions from the audience? Do we have any questions from our viewers on Facebook? No. Well, again, I'm grateful to all of you who are here in person, to those of you that are watching online, for being here on a wintry day, and in particular, to our panelists for, I think, what was a very rich, important and engaging discussion. I hope you'll join me in thanking our panelists.

Actually, before we do that, I do want to thank both the chairmen of the Helsinki Commission, Senator Wicker, and Co-Chairman Smith, for their support for this briefing and religious freedom more broadly, as well as to my colleagues Stacy, Jordan, and Olivia, who were instrumental in organizing this.

Please join me in thanking the panelists. [Applause.]

[Whereupon, at 3:59 p.m., the briefing ended.]

A P P E N D I X

PREPARED STATEMENT OF PHILIP BRUMLEY

I thank the U.S. Helsinki Commission, Chairman Wicker, Co-Chairman Smith and Nathaniel Hurd for hosting this hearing and for allowing me to brief you on the situation of Jehovah's Witnesses in the OSCE region.

There are over 8½ million Jehovah's Witnesses worldwide, with over 3 million in the OSCE region, including the United States.

We enjoy national registration and are free to practice our faith in 51 of the 57 participating States of the OSCE. The exceptions include Tajikistan, Turkmenistan, Uzbekistan, and, since April, the Russian Federation.

When domestic courts fail to protect our fundamental rights, we seek relief from international tribunals.

Since 1993 we have obtained 64 favorable rulings from the European Court of Human Rights and 11 favorable decisions from the UN Human Rights Committee. But, the main challenge we are facing is, by far, Russia's state-sponsored persecution.

Russia:

I. In 2006 the Russian government amended its Law on Counteracting Extremist Activity. It removed incitement to violence as a component of what constitutes "extremism."

A. The UN Human Rights Committee, PACE, and the Venice Commission have all strongly criticized the amended law because it gives the Russian government carte blanche to prosecute anyone it deems to be out of step with its version of what is acceptable.

II. Based on this law, as amended, the authorities concocted a three-step process to categorize Jehovah's Witnesses as extremists and to strip us of our fundamental freedoms of speech, press, and religion.

A. First, the government criminalized our religious literature through bogus "expert studies" and baseless court decisions. They even banned our web site, jw.org.

B. Second, it criminalized local congregations who had been using this literature before it was declared extremist.

- The authorities went so far as to plant the banned literature in our places of worship so that they could later "discover" it and bring charges.

C. Third, it criminalized the religious activity carried on at our national offices and in our local places of worship.

D. Since the amended law on extremism was enacted, Jehovah's Witnesses have been subjected to:

- searches of their homes and places of worship,
- loss of employment,
- having their bank accounts frozen,
- mistreatment of their children by school authorities,
- detentions, secret video surveillance of their homes,
- monitoring of their mail, and
- intimidation to abandon their faith.

III. This decade long campaign culminated with the April 20, 2017, Supreme Court decision.

A. The Court ruled that the Administrative Center and all of the 395 local legal entities are guilty of carrying on extremist activity, that their properties should be confiscated and that their activity terminated.

B. Due to the risk of criminal prosecution, we have ceased using our places of worship, and our national offices—worth millions of dollars.

C. Our branch offices in Europe, Canada and here in the United States inform us that there is an escalation in the number of Witnesses from Russia seeking asylum.

IV. We are tracking 3 developments with particular interest:

1. The criminal prosecution of Dennis Christensen, a citizen of Denmark, who if convicted faces up to 10 years imprisonment.

- Mr. Christensen has been denied bail and held in pre-trial detention since May.
- His offense? Worshipping along with a local congregation.

2. The legal proceedings by the government to take possession of our National Offices, in complete disregard for the fact that these offices are owned by the Watch Tower Bible and Tract Society of Pennsylvania.

3. Whether an appellate court will confirm the decision of a lower court to declare our Bible the New World Translation of the Holy Scriptures to be extremist.

V. These relentless and coordinated efforts confirm that Russia is bent on, at a minimum, driving Jehovah's Witnesses underground. That said, as we speak, Jehovah's Witnesses are not being arrested en masse.

VI. The government seems to be taking the position that someone can be one of Jehovah's Witnesses—in private. But anyone who in the least way engages in any activity related to our worship risks criminal prosecution.

- In other words, "You can be one of Jehovah's Witnesses, but
- Don't associate with other Jehovah's Witnesses,
- Don't read your Bible or any of your literature,
- Don't gather for worship with others of like faith, and
- Don't talk to anyone about your faith."

VII. We thank the many governments and their agencies, such as the US Helsinki Commission, for your diplomatic efforts and statements.

A. The strong presence of the diplomatic community during the Supreme Court hearings sent a clear message that the international community is also well aware of Russia's persecution of Jehovah's Witnesses.

B. They realize that these proceedings are nothing more than a thinly disguised effort to legitimize the government's goal of stripping us of our fundamental right to worship.

Central Asia:

I. Beyond Russia, we are contending with systemic violations of our rights in Central Asia and Azerbaijan.

II. The governments of Kazakhstan and Kyrgyzstan are considering amending their religion laws. If adopted, we could lose our right to worship in these lands.

Kazakhstan:

I. In Kazakhstan, we seem to be caught between opposing elements of the government; one that leans toward applying the rule of law, and the other that leans toward imitating Russia's methods of suppressing religious minorities.

II. In May, Teymur Akhmedov, a 61-year-old Witness in poor health, was sentenced to five years in prison under the charge of "inciting religious discord."

- In reality, he was merely sharing his religious beliefs with others.
- The UN Working Group on Arbitrary Detention condemned Kazakhstan for imprisoning Mr. Akhmedov and called for his immediate release.
- Sadly, the government has yet to comply.

Tajikistan:

I. The Ministry of Culture in Tajikistan banned our worship in 2007.

Uzbekistan:

I. Uzbekistan is the second worst offender of our fundamental rights in the OSCE region.

II. Just since September of 2016, there were:

- 185 police raids on religious meetings and searches of private homes,
- 153 convictions for religious activity,
- 148 fines-up to 100 times the monthly minimum wage,
- 7 Witnesses were jailed for religious activity, and there were 15 severe beatings of men and assaults on women by police.

III. Witnesses are fined even for having a copy of the Bible in their home.

IV. The authorities continue to deny legal registration to all congregations of Jehovah's Witnesses, except for one in Chirchik.

Turkmenistan:

I. We face similar issues in Turkmenistan. Bahram Hemdemov, a 52-year-old Witness, began serving a four-year sentence in March 2015 just for worshipping with fellow Witnesses in his home.

Azerbaijan:

I. Although there are some small improvements in Azerbaijan, we have 18 applications pending with the ECHR and 11 complaints filed with the CCPR.

Conclusion:

We are gravely concerned about the welfare of our community in Russia.

I would like to submit for the record my statement and also a video featuring Mr. Hiener Bielefeldt, the former UN Special Rapportuer on Freedom of Religion or Belief, who recently gave an insightful commentary on religious freedom in Russia. If anyone else here is interested in the video, we would be pleased to provide a link after the briefing.

Thank you once again for the privilege of addressing you on the issues Jehovah's Witnesses are contending with in the OSCE region.

* * *

The following links are to the videos.

<https://www.jw.org/en/news/legal/by-region/russia/heiner-bielefeldt-interview/>

<https://www.jw.org/en/news/legal/by-region/russia/russian-authorities-fabricate-evidence-video/>



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