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THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: FIRST ANNUAL REPORT

HEARING

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

MAY 24, 2000

Serial No. 106–166

Printed for the use of the Committee on International Relations

Available via the World Wide Web: http://www.house.gov/international_relations

U.S. GOVERNMENT PRINTING OFFICE
68–021 CC WASHINGTON : 2000

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THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: FIRST ANNUAL REPORT

WEDNESDAY, MAY 24, 2000

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

The Committee met, pursuant to notice, at 10:25 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Chairman GILMAN. The Committee will come to order.

The 105th Congress enacted the International Religious Freedom Act of 1998 to give priority to combating religious persecution worldwide among U.S. foreign policy objectives. The Act established the United States Commission on International Religious Freedom, which monitors religious freedom in other countries and advises the President, our Secretary of State and Congress how best to promote religious freedom and to combat religious persecution abroad.

The Commission has held hearings on religious persecution in China and in Sudan, and commissioners have given congressional testimony on religious freedom in China, in Russia, in the Sudan, and in Turkmenstan. In addition, they have spoken out about intolerance and persecution in Egypt, Indonesia, Iran, and Vietnam.

Personally, I am very troubled by the reports we are hearing about persecution of Christians in Egypt. We would hope that the next report of the Commission would look more closely at that problem.

Nevertheless, we are very pleased with the Commission's work and its first annual report released on May 1. It pulled no punches and made very pragmatic recommendations.

For example, the Commission is right on the mark by recommending that before granting Permanent Normal Trade Relations [PNTR] to China, that Congress should announce it will hold annual hearings on human rights and religious freedom in China, and extend an invitation to His Holiness, the Dalai Lama, to address a joint session of the Congress.

Among the Commission's many recommendations on Russia were two that would significantly help focus the Administration's Russia policy, including that the State Department should make the humanitarian and human rights crisis in Chechnya a high priority issue in United States-Russian relations, and that the U.S. Government, as an urgent diplomatic priority, should press President

Putin to reverse the edict requiring liquidation of nonregistered religious groups.

With regard to the Sudan, we are very pleased that the Commission suggested that our Nation should launch a vigorous campaign led by the President to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities.

We also agree with the Commission that the United States Should engage in a multilateral and bilateral effort to increase economic and other pressures on the Sudan's government.

Today the Congress will be voting on whether or not to grant the People's Republic of China [PRC] Permanent Normal Trade Relations status. The significance for our Nation of the outcome of this one vote is enormous for our national security, for our economic strength, and for our moral standing around the world.

As the Commission suggests, it would be an extraordinary mistake to empower China's military and repressive dictators with more trade-generated wealth and resources. To lend our assistance to their unrelenting repression of religion is unconscionable.

This Commission sends a bold message to governments around the world that American citizens believe the right to worship God freely is one of our most cherished human values.

I would hope that as we consider the Commission's suggestions, we will give them the highest priority as we fashion our Nation's foreign policy. I look forward to hearing the Commissioners' statements.

I yield to the gentleman from Connecticut, Mr. Gejdenson, our Ranking Minority Member.

Mr. GEJDENSON. Mr. Chairman, I will be brief. Thank you.

I think we all in this country recognize the centrality of an individual's right to his own religious views, and obviously we oppose an official central government view of religion, although that seems to come under attack, even in this Congress periodically, as we see arguments for the Ten Commandments being placed in schools. So even our own tolerance of religious differences, or people who choose not to believe in any organized religion, sometimes comes into question here.

I think we are a tremendous force for freedom and independence, and we also have to figure out how it fits into other societies where traditional issues may make it more difficult to have the same set of rules that we operate under.

Clearly, we would be uneasy in the midst of an attempt to bring some peace and order to Kosovo to see massive efforts at conversion and proselytizing going on. So I think what we have to do is make sure that our very serious and proper effort to give people religious freedom and to give religious organizations the rights that we would hope could exist in any society, I think we have to understand that not every society is the United States, and if we think of what is happening today in Lebanon, or if we go back a few years when the fighting between Muslims and Christians ceased, I do not think on day one we would want to argue, for instance, that everybody should be out there trying to proselytize each other.

While I hope we can continue what we have done, I hope that we also recognize that there are societal differences, and that we want to make sure that as we press for religious freedom, we do

not create flashpoints in societies; that this process has to be one that builds confidence that individual rights, individual family values, individual beliefs are protected as well.

Thank you, very much.

Chairman GILMAN. Thank you, Mr. Gejdenson.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

First of all, I want to welcome our distinguished panelists and thank them for their great work they have done in this report.

The first annual report of the United States Commission on International Religious Freedom is, indeed, a milestone in the struggle to end persecution of religious believers around the world. The chairman of the Commission, Rabbi David Saperstein, and the eight other commissioners are to be congratulated on their diligence and thanked for their courage.

I am very pleased that Chairman Saperstein and Commissioners Elliott Abrams and Nina Shea could be here with us today.

The 70-page report, together with a companion 158-page staff memorandum, carefully analyzes the factual situation in certain countries where religious freedom is stifled, and recommends concrete steps that the U.S. Government should take if it genuinely wants to improve religious freedom around the world.

The report demonstrates that the Commission is doing its job looking honestly at the facts, and then speaking truth to power, whatever the political cost.

In particular, it took great courage for the Commissioners, some of whom were appointed by President Clinton, to unanimously oppose Permanent Normal Trade Relations for the People's Republic of China.

One of the report's key recommendations is that, while many Commissioners support free trade, the Commission believes that the U.S. Congress should grant China PNTR status only after China makes substantial improvement in respect for religious freedom. That would be as measured by several specific standards outlined in the report.

That guidance, driven not by politics or ideology, but by the dismal facts of the situation in China, deserves careful consideration this week, and especially today as we move toward a vote on the House floor.

I urge each of my colleagues to look at that documentation and to read other documentation like the country reports on human rights practices.

Mr. Chairman, I think a little historical lookback very briefly is in order. We will recall that in 1992, President Clinton accused his opponent of coddling the dictators of China, and promised that he would deny MFN to China, and this is his words, "As long as they kept locking people up." .

Facing the spring of 1993 with a vote that was likely to strip China of MFN, Mr. Clinton preempted congressional action that year with the issuance of an executive order that gave the PRC one more year to reform—"significant progress in human rights" were the words that were used in the executive order, and the President, in his speech, in announcing the executive order, said in part, "Starting today, the United States will speak with one voice on

China policy. We no longer have an executive branch policy and a congressional policy. We have an American policy. We are here today because the American people continue to harbor profound concerns about a range of practices by Chinese Communist leaders. We are concerned that many activists and pro-democracy leaders, including some from Tiananmen Square, continue to languish behind prison bars in China for no crime other than exercising their consciences. We are concerned by the Dalai Lama's reports of China's abuse against the people and culture of Tibet. The core of this policy will be a resolute insistence upon significant progress on human rights in China. To implement this policy, I am signing today an executive order that will have the effect of extending most-favored-nation [MFN] status for China for 12 months. Whether I extend MFN next year, however, will depend on whether China makes significant progress in improving its human rights record."

Mr. Chairman, I and many others on both sides of the aisle, had nothing but praise for the President. However, within weeks and certainly within months, there were profound doubts about the seriousness of the policy.

In January 1994, midway through the probationary period, I led a human rights mission to China, and was shocked to be told by every Chinese leader that I met, every single one of them, and I met with many, that Mr. Clinton would continue MFN without conditions, and that his human rights linkage was pure fiction.

Ambassador Stapleton Roy accompanied me on many of those, and was a witness to them saying, we are going to get it. This is nothing but politics back in the United States.

A year later, the Administration, after the executive order was issued, delinked human rights and trade. The Chinese hardliners' new profits trumped respect for human rights. A very dangerous precedent was set so that every dictatorship around the world stood up and took notice. When it comes to intellectual properties and the pirating of CDs and video cassettes, then and only then this Administration employs the credible threat of sanctions to ameliorate Beijing's behavior.

Mr. Chairman, and Nina Shea and everyone who is testifying knows this, our subcommittee has had 18 hearings and markups, and several more where China was part, but 18 hearings and markups where we focused on Chinese religious persecution, on Chinese use of the Laogai, forced abortion, the ongoing oppression against religious freedom and Tiananmen Square protestors, the crackdown that has been unrelenting, and yet we continue this love affair with the Chinese dictatorship, hoping next year somehow things will improve.

I want to thank, again, the Commission for the very important contribution it has made, looking only at the facts, and going where the facts take us.

The Commission's report and recommendations on the Sudan outline a welcome and specific means of strengthening the U.S. response to the hell on earth that is created by Khartoum's genocidal religious war against southern Sudan. The United States must seek new ways of ending that conflict, which has already claimed 2 million lives.

I am troubled that the State Department has restricted the Commission's access to documents regarding U.S. policy toward Sudan, and I intend to use my subcommittee's oversight jurisdiction to help rectify this denial of critical information to the Commission in the future.

I am very glad there was a focus on the 1997 Russian law and on freedom of conscience and religious association being used to repress citizens. I am also glad that other examples in Vietnam, Saudi Arabia, and others are cited. Hopefully more will be done in those areas in the future.

The United States Commission on International Religious Freedom, Mr. Chairman, has provided Congress and the Administration with a detailed, objective, and responsible blueprint for curtailing religious persecution abroad. I hope that every Member will read it. I hope members of the press will take the time to read it, analyze it, and hopefully we will act upon it in the very near future.

Chairman GILMAN. I thank the gentleman for his comments.

If no other Member seeks recognition, we will now proceed with the testimony of our panelists.

We have with us today Nina Shea, who is the director of the Center for Religious Freedom, Freedom House. She has had more than 20 years of work in international human rights as an attorney. She is the author of "In the Lion's Den," a book on anti-Christian persecution around the world. Previously she served on the Advisory Committee on Religious Freedom for the Secretary of State.

We also have with us Elliott Abrams, president of the Ethics and Public Policy Center. He is the former Assistant Secretary of State for Human Rights and for Inter-American Affairs in the 1980's. He is a former assistant counsel to the Senate Permanent Subcommittee on Investigation and special counsel to Senator Jackson, and served as Chief of Staff to Senator Moynihan.

We have with us also Rabbi David Saperstein, who is the director of the Religious Action Center, Reformed Judaism. Rabbi Saperstein has headed several religious coalitions and served on the boards of numerous national organizations. He also is an attorney and teaches seminars in both the first amendment, church and State law, and on Jewish law at Georgetown Law School. He is the Chair of the Commission.

His latest book is Jewish Dimensions of Social Justice, the United States Commission on International Religious Freedom, Moral Choices of Our Time.

We welcome our three distinguished panelists. Our panelists may summarize their statement and put their full statements in the record. You may proceed according to your decision on who goes first.

STATEMENT OF RABBI DAVID SAPERSTEIN, CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Rabbi SAPERSTEIN. Mr. Chairman, thank you very much, not only for the gracious invitation to appear here today on behalf of the Commission, but to you and Mr. Gejdenson and Mr. Smith. It is hard to think of three more effective and outspoken advocates on behalf of religious freedom across the globe, so we are eternally

grateful for the leadership that you have shown in this, and for your lifelong work on behalf of the oppressed, wherever they might be today.

We report to you on a milestone event, the issuance of the first annual report of the United States Commission on International Religious Freedom.

It is a result of the IRFA process, the International Religious Freedom Act passed unanimously by Congress. The vision of the IRFA process is this: The founders of our country understood that the words "were endowed by our Creator with certain unalienable rights" put religious freedom at the center of the fundamental rights and liberties to which every human being is entitled.

It is the first of the enumerated rights in our first amendment. It is central to the human condition and to what we have striven for during so many decades of the 200-plus-year history of this country; to ensure that the religious life of the individual and of religious communities could flourish without the government restraining or interfering with that freedom, that this is a part of the vision of human rights that cuts across the global community, and as such, it ought to be at the heart of the United States' foreign policy.

As we look around the globe, however, we find that this fundamental liberty is under serious threat. In Sudan, the Islamist extremist government is bombing church-run schools and hospitals. In China, we see mass arrests of phoning practitioners, the harassment and arrests of leaders of the Muslim Uiger community, the continued systematic infringement of the Tibetan Buddhists' religious freedom, and the arrests of leaders of the underground Catholic and Protestant churches. In Iran, Baha'is are sentenced to death just because they are Baha'is.

All these things testify that the work of this Commission is urgent work, work of fundamental liberty and of priority importance.

There are two observations 1 year into this process. First, in creating the Ambassador-at-large for international religious freedom and mandating a State Department report once a year, something significant has changed in the way the U.S. foreign policy work is done.

Over an extended period of time, in preparing the State Department report on religious freedom, foreign service officers and embassies across the world and regional bureaus here in Washington at the State Department, who are charged to oversee this report had to focus on what to say about religious liberty, how to deal with it, how to express it, how to define it, how to describe what is happening on the ground in countries across the globe, and what America's interests are regarding this issue. Difficult decisions required the attention and involvement of high-ranking State Department officials.

As our Commissioners traveled to other countries this year, throughout the world we met and worked with foreign service officers who are now knowledgeable about the issue of religious freedom, who have nurtured relationships with religious leaders of oppressed groups and more accepted groups in those countries; who have overseen their plight; who have raised issues for them with

the governments to which they represent us, and are involved in diplomatic efforts to combat religious persecution.

It is the role of this commission on an ongoing basis, and then summarized once a year in its report, to make recommendations directly to the President, to the Secretary of State, and to you, the Congress of the United States, related to combating religious persecution and enhancing religious freedom.

Because of the delay in appointments of members of the Commission and delays in the congressional funding, we have only been staffed for 6 months and in offices for about 4 months. As a result, we decided that while, and this is the essential point, Mr. Chairman, that while engaging in the ongoing monitoring of general U.S. policy on religious freedom, while we were visiting a number of countries, while we made ongoing policy recommendations regarding emerging urgent situations wherever and whenever they occurred, and in total, these recommendations made throughout the years addressed urgent situations in nearly a dozen countries, that we would focus on three priority countries. This was not to the exclusion of other countries.

Let me just take for a moment the country that you raised, Egypt. Throughout the year we kept a very clear eye on what was happening in Egypt. Twice we communicated directly with the national security adviser and with the President of the United States upon President Mubarak's visits here to raise the issue of religious freedom generally, and the situation of the Copts in particular. The President did so at a meeting. He was present in the room where human rights advocates raised these issues at the second meeting.

We have urged the Secretary of State, who has been quite responsive to our requests, to continue to raise the issue of religious freedom in Egypt. That is representative of the work that we did in an ongoing basis in a number of countries.

However, we hear your concern on this issue. It was not one of the three priority countries. We will be expanding the list of priority countries, a decision to be made over the next few weeks, which that would include. But we will continue to focus on Egypt and other countries whenever the circumstances so require. We will continue to share with you, Mr. Chairman, our views on that issue. We welcome your thoughts on this issue as to what we ought to be recommending and urging as well.

Of the three priority countries that we focus on, two represented countries in which systematic egregious and ongoing manifestations of religious persecutions occurred. Those countries are China and Sudan. My colleagues will talk at some length on those two countries in a moment.

At the same time, we selected another country that I will spend a few minutes on, Russia, which reflected a completely different dynamic, a country that allows much more religious freedom. There are not the same manifestations of religious persecution we find in the countries of particular concern, but there are, in Russia, growing problems.

This is a country with which the United States has close relations, and the ability to make its voice heard more effectively. So we targeted Russia because there are so many religious groups in that country, and in many ways, it is a litmus test for all the other

newly independent countries that have sprung up in central Asia and throughout Eastern Europe after the collapse of the Soviet empire.

We are deeply concerned about some of the trends in Russia. In particular, we are concerned that in 1997, the Duma passed a so-called religion law that creates a hierarchy of religious organizations that effectively restricts the rights, powers, and privileges of smaller, newer and religious communities and establishes an onerous and intrusive registration process and other mechanisms of State interference with the activities of religious organizations.

Congress has been following that. We commend the work of this Committee on behalf of the religious groups in trying to find ways to encourage Russia not to implement that law.

At a national level, the country of Russia has been restrained. Clearly, at the regional and local level, however, there are widespread abuses.

One of our major recommendations is that the State Department and the Congress monitor what is happening at the regional and local levels and try to encourage the national government to create checks on the abuses that are happening there as well.

Mr. Chairman, there is a new development that should attract the attention of this Congress as an issue of urgent concern. On March 26, little noticed by the media, President Putin signed an amendment to the 1997 religion law.

On the good side, it extended by 1 year the deadline for the registration or reregistration of religious organizations. However, it also had an alarming negative note, requiring that unregistered groups be liquidated after December 31, 2000.

In addition, in January 2000, President Putin signed an important directive specifying that one of the measures necessary to protect Russian national security is "a state policy to maintain the population's spiritual and moral welfare and counter the adverse impact of foreign religious organizations and missionaries."

Mr. Chairman, it is too early to say how this directive will be interpreted by regional and local authorities who have been the most zealous in denying registration, harassing, and liquidating unregistered religious communities. The range of groups that have been affected include the Roman Catholics, Mormons, Baptists, Seventh Day Adventists, even orthodox Old Believers.

The liquidation of unregistered religious communities after December 31 of this year would have particularly grievous consequences for hundreds, if not thousands, of smaller religious groups.

The Commission has, therefore, recommended that this Congress, the U.S. Government, continue as a major diplomatic priority to make efforts to insure that legitimate religious groups that have not registered are not liquidated. We hope you will join us in urging the President of the United States, when he meets directly with President Putin at the upcoming summit, to raise this issue as an issue of priority concern.

Regional and local authorities not only have interfered in practice with the religious freedoms of unregistered groups. One-third of Russia's constituent regions have enacted regulations that are plainly unconstitutional and have affected all religious groups.

Central authorities in most cases failed to enforce Federal law, and in many cases, have themselves been guilty of violating both national and international human rights standards.

Let me bring to the Chair's attention one other development of this past week. There has been a long tradition of anti-religious feeling against Muslims, against Jews, going back many decades, many centuries in Russia.

We have seen some alarming new developments in terms of the Jewish community in the past week. Vladimir Kuzinsky, who is a media mogul there but the chair of the Russian Jewish Federation, has been targeted by the government television. He is accused of being your tool, the U.S. Congress, and of the international Jewish community.

This is language that has no place being sanctioned by the government of Russia. We urge that our government ask the Russian government to stand up and to denounce the mounting anti-Muslim, anti-Jewish, anti-religious rhetoric that we are hearing here.

This is something that needs to be dealt with at an early point, and your intervention on behalf of our efforts is of the utmost importance.

Finally, I appreciate Mr. Smith's admonition that we need to have the full cooperation of the State Department on the whole. We have been surprised at the level of cooperation. They have been very open to our recommendations.

We need their support in making documents available, and we need your support in the funding for this Commission in the future. We look forward to increased cooperative relations between the Congress and the Commission in the years to come.

[The prepared statement of Rabbi Saperstein appears in the appendix.]

Chairman GILMAN. Thank you, Rabbi Saperstein.

Former Assistant Secretary of State, Elliott Abrams.

STATEMENT OF ELLIOTT ABRAMS, COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. ABRAMS. Thank you, Mr. Chairman. My job is to talk for a few minutes about China. I guess I cannot complain about the timing today.

The Commission did, over the last several months, conduct research, and we held hearings about religious freedom in China. We found a sharp deterioration in religious freedom in China in the past year.

We found that violation of religious freedom in China is egregious, ongoing, and systematic. Let me give some examples of what we mean by that.

First, the right to freedom of belief is explicitly denied to the 60 million members of the Chinese Communist Party, to all members of the Chinese military, and to all citizens under the age of 18, and that obviously means hundreds of millions of people.

The State has reasserted its monopoly over the spiritual education of children, and participation by children in any religious activity can be prevented.

Second, the State has control over all authorized religions. Regulations now require that all religious groups register with local

units of the Religious Affairs Bureau of the Ministry of Civil Affairs, and affiliate with an official organ of one of the five recognized religions.

It is in this very narrow officially sanctioned space, this cage, that people may exercise their religious beliefs in China. Many of these limits imposed on registered churches are clearly in violation of accepted international standards of freedom of religion, such as the Universal Declaration of Human Rights.

To take one example, authorities limit the building of mosques, monasteries, and churches, even for the approved religious groups. They restrict the numbers of students in Christian seminaries, in Buddhist monasteries, in Islamic schools.

Third, it seems that the authorities are determined to eliminate all religious activity they cannot directly control. If it is not under government control, they want it stopped. Of course, the clearest example of this are the Protestant house church movement and Catholic churches loyal to the Vatican. Leaders of large Protestant house church networks who in 1998 challenged the government to a dialogue, have been targeted for arrest. Unauthorized Protestant places of worship have also been destroyed.

There is a concerted effort to eliminate underground bishops and bring them under the authority of the officially sanctioned Catholic church. The bishops are being pressed not for cooperation only, but for obedience. In January of this year, the official government Catholic church ordained five bishops without Vatican approval.

Probably the worst incident in the last year happened 1 year ago in May 1999, when a young priest, Father Yan Wei Ping, was detained while performing mass. He was found dead on a Beijing street shortly after being released from detention.

There is continuing repression in Tibet and Xinjiang, some of the worst repression in China. Amnesty International reports that the authorities in Xinjiang have closed mosques and Koranic schools, halted the construction of unauthorized mosques, prohibited the use of Arabic script, and required Muslims who are party members or who work in government offices to abandon the practice of Islam or lose their jobs.

In Tibet, religious institutions are likewise tightly controlled. To take an example of what is going on, in 1995, the Dalai Lama identified a young boy as the new Panchen Lama. The Chinese government immediately denounced his choice, detained that boy and his family, and pushed the acceptance of their own choice as the new Panchen Lama.

The Chinese authorities continue to hold the Panchen Lama at an undisclosed location and refuse all requests to visit him put forward by official and unofficial foreign delegations. Over 1,000 monks and nuns were expelled from their monasteries in 1999, making over 11,000 since 1996.

Finally, I would mention the Falun Gong Sect. You are familiar, of course, with what has happened. The government detained more than 35,000 Falun Gong practitioners in the last year. Some detainees were tortured. Others have been held in mental institutions for reeducation. In closed trials, some Falun Gong leaders have received prison sentences of 6 to 18 years.

When Congress established the Commission, you asked us to make recommendations about policy to the executive branch and the legislative branch. Commission members represent both parties and represent several religions, but we were unanimous in our recommendations about China. Let me just read you what we said about China.

The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which, in turn, has been central to the development of a more open society and political system.

This belief has been a major factor in the annual decision by presidents and congressional majorities of both parties to grant MFN to China each year over the past two decades.

Moreover, a grant of PNTR and China's membership in the WTO may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

Nevertheless, and this was the Commission's recommendation, given the sharp deterioration in freedom of religion in China during the past year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval.

The grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause in a moment of great difficulty. The Commission, therefore, believes Congress should not approve PNTR for China until China makes substantial improvements in respect for freedom of religion.

We then gave some recommendations. We suggest the following standards for measuring whether there have been improvements in China:

(1) An agreement by China to establish a high-level dialogue with the United States about religious freedom.

(2) China has signed the International Covenant of Political and Civil Rights in 1997 and never ratified it. What about ratification?

(3)Permitting unhindered access to prisoners, religious prisoners, for the Commission or other groups like it; disclosure of the condition and whereabouts of persons imprisoned for reasons of religion or belief; release from prison of all persons incarcerated for religions reasons.

(4) We also hope Congress would establish a mechanism for annual review of human rights in China, annual hearings or proposals like the Levin Commission.

(5) We urge that Congress invite the Dalai Lama to address a joint session of Congress.

(6) We hope the United States will continue to initiate a resolution to censure China at the annual U.N. Human Rights Commission meeting, and that this effort, which we failed at for several years now, be led personally by the President.

(7) We urge a multilateral campaign to seek the release of Chinese religious leaders imprisoned or under house arrest.

(8) We urge the United States to raise the profile of conditions in Xinjiang for Uighur Muslims there.

(9) Finally, we urge the United States to use its diplomatic influence with other governments to ensure that China is not selected as a site for the International Olympic Games.

The Commission does not suggest that all the actions outlined above serve as preconditions for PNTR. They are standards to measure progress. We did not propose a strict formula. Congress

must weigh the evidence and decide how much must be done before PNTR is granted.

Without any further action, we fear that elimination of the annual review mechanism for trade relations with China may be seen as a symbol of American indifference to human rights and religious freedom in that country. That would be a terrible message to send to the government and to the people of China.

Mr. Chairman, thank you for the privilege of appearing here today. Thank you for our continuing leadership on religious freedom and human rights issues around the globe.

[The prepared statement of Mr. Abrams appears in the appendix.]

Chairman GILMAN. Thank you, Secretary Abrams.

Ms. Shea.

STATEMENT OF NINA SHEA, COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Ms. SHEA. Thank you, Mr. Chairman, for inviting me to testify on behalf of the Commission today. I will be addressing Sudan.

The United States Commission on International Religious Freedom decided to focus on Sudan because we found that it is the world's most violent abuser of the right to freedom of religion and belief.

A civil war has raged in Sudan for 17 years, a war that ignited when the regime in Khartoum attempted to impose Sharia or Islamic law on the non-Muslim south and in which religion continues to be a major factor.

Last January, Commissioner Elliott Abrams traveled to the Sudan for the Commission and interviewed a church leader, who concluded that the government would like to remove the church from Sudan, to "blow out the candle," as he put it so poignantly.

Moreover, he said this persecution is intensifying, making ever worse the security problems the church faces from the war itself. "Islam is the crux," he explained. The government wants all the resources in its hands, and wants to use them to create a fully Islamic country, he told Commissioner Abrams.

As it prosecutes its side of the war, the government of Sudan is carrying out genocidal practices against its religious and ethnic minorities. Such practices include aerial bombardment, scorched Earth campaigns, massacres, slavery, forcible conversion, and its most lethal tactic, what Senator Frist has termed "calculated starvation," which brought 2.6 million people to the brink of starvation in 1998 alone.

Calculated starvation is achieved by using brutal means to drive entire communities off their lands, thus creating vast numbers of internal refugees who are dependent on humanitarian relief for survival, while at the same time barring international relief flights from delivering aid.

Estimated at 4.5 million, they number the largest internally displaced population in the world. As a direct result of the conflict, some 2 million persons have been killed, mostly Christians and followers of traditional beliefs in south and central Sudan. This is more than Bosnia, Kosovo, Rwanda and Sierra Leone combined.

That the government of Sudan has not yet prevailed in the war may be due to the fact that until last year, it has been financially strapped and in default to the IMF and other international lenders. Last August, oil developed in south Sudan by foreign companies in joint venture partnership with the Khartoum government came on stream, and has begun to provide windfall profits to the regime, as well as a critical source of new international respectability.

As Secretary Albright recognized, the proceeds from the oil revenues will be used to support the Sudanese military's actions, and the human tragedies in Sudan are likely to become worse. There is ample evidence that this is already happening.

Since February, a Catholic primary school in the Nuba Mountains has been bombed, killing 19 children and their teacher. Samaritan's Purse Hospital near Juba, operated by the family of Reverend Billy Graham, has been bombed five times. A clinic of Voice of the Martyrs, the Clinic of Irish Concern, and other relief centers, churches and civilian targets in south Sudan, have all been bombed by the government in one of the most relentless bombing raids of the war. This is all since February.

In addition to the conflict which the Sudanese government declares to be a Jihad against both non-Muslims and dissident Muslims, the regime is responsible for other forms of religious persecution throughout the country. These concern the Commission as well.

Muslims who do not subscribe to the government's extremist interpretation of Islam are persecuted. They are forced to conform in their dress, their prayers and practices, and in their sermons to the regime's strict interpretation of Islam.

Other Muslims are perceived as disloyal to the regime, declared apostate, and thus targeted for death. Christian schools were nationalized in 1992. Christian churches and prayer centers continue to be demolished, and the government has not granted permission to build or repair a church in over 30 years. The regime suppresses Christian and African traditional religions in a variety of ways.

The scope of the humanitarian tragedy of Sudan dwarfs all those of other recent conflicts, and yet Sudan receives far less international attention. Neither the international community nor the United States has any plan to address the mounting tragedy in Sudan, although the United States Commission proposes a comprehensive set of policy options to significantly strengthen the United States' response to the crisis in Sudan.

The Commission's recommendations provide both disincentives and incentives for the Sudanese government to comply with international standards of religious freedom and other basic human rights.

These include bringing world moral opprobrium to bear upon the genocidal regime by raising the profile of the Sudanese regime's atrocities, given Sudan's greater priority in foreign policy, and making a determination on whether it, in fact, constitutes genocide under international law.

Our recommendations also include providing non-lethal aid to opposition groups in order to strengthen the defenses of the vulnerable civilian populations once certain conditions are met.

In addition, the Commission recommends increasing economic pressure on the regime, especially by restricting foreign companies involved in Khartoum's strategic oil industry from raising money in U.S. capital markets.

The Commission calls for greater transparency and disclosure for foreign companies engaged in Sudan's oil sector that are seeking to obtain capital in U.S. markets. Also, because of the extremely egregious, in fact genocidal, nature of the religious persecution in Sudan, the Commission urges that access to U.S. stock and bond markets be restricted in this specific case where foreign companies are engaged in a Sudanese enterprise that is itself sanctioned under U.S. law.

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

The Commission's recommendations, for the most part, are based on the same principles that proved so effective in ending apartheid in South Africa during the 1980's. That is, identifying the Sudanese government as a pariah state and intensifying its economic isolation.

None of the Commission's recommendations call for the involvement of U.S. troops or U.N. peacekeeping forces. They do not risk involving the United States in a dangerous quagmire of financial and military obligations. They do require American resolve and leadership.

Past occurrences of genocide fill the pages of our newspapers to this day, and they continue to haunt our policy leaders. The Commission recommendations are intended to help while lives remain to be saved, and to do so through peaceful means.

This concludes my testimony, Mr. Chairman. I refer you to my written statement.

[The prepared statement of Ms. Shea appears in the appendix.]

Chairman GILMAN. Thank you, Ms. Shea, for your statement. I thank our panelists for taking the time to be with us this morning.

I will address a few questions and then turn to my colleagues.

Mr. Abrams, on human rights, we pursue diplomatic engagements, but things seem to have gotten worse and worse. Why have we had so little apparent impact on China? How should we look at, for example, the Patriotic Association of Churches? Should we shun them as collaborators with the government or embrace them, since they are trying to survive under an undemocratic government?

Mr. ABRAMS. Mr. Chairman, if I can take the second question first, I think we should, in essence, embrace them. I think if you take the Chinese so-called Patriotic Church, those are people who, if they could safely do it, would be loyal to the Vatican. There is no indication, no reason to think that they would not. But these are people who may be forced or be unwilling to take the risks themselves or for their families and children of acting outside the officially sanctioned Catholic church.

I think the Vatican's own position toward them is that the door should always be open to them, and that there is nothing to be gained by condemning them or shunning them.

Why have we had so little impact? That is a very, very tough question. I would offer one theory. I think the regime in China is an illegitimate regime. I do not think there are very many communists left in China, including in the government.

The whole ideological basis for the regime is gone, and I think the people who are running the country are terrified of alternative belief systems like Buddhism, Christianity, Islam, and desperate, therefore, to try to keep them from growing. Those are losing battles over the long run, because the regime's lack of legitimacy I think is increasingly obvious inside China, even inside the government.

I think what that should lead us to believe is that we need to keep it up, to keep up the human rights pressure until there is improvement.

Rabbi SAPERSTEIN. Mr. Chairman, may I just add a word to that?

Chairman GILMAN. Yes, Rabbi Saperstein.

Rabbi SAPERSTEIN. The question is often asked, we have had MFN. We do it every year, there has not been improvement. It has not worked. We also could say we have had expanding trade over the last decade, we have had far more interaction than we have had, and there has not been a noticeable impact, as well.

I think it is important to realize that we crafted our recommendations on things we thought were actually politically doable for the Chinese government, and that would have an impact. We did it because in the past, there has been a connection. When MFN was up in 1992, Han Dongfun was released, and Liu Qing was released, Wang Dan was released when MFN was up the next time, and when the IOC was considering having the games there.

Likewise, Wei Jingsheng was first released during the debate of the IOC on whether or not to have the games there in his first release in 1993.

We can go down the list. The PRC issued white papers on human rights when they began to negotiate with the International Red Cross, when they invited the U.N. Special Meeting on Religious Intolerance, the U.N. Working Group on Arbitrary Detention. All of these were at times when MFN was being considered again, during that period of time when the IOC was making recommendations on where the Olympic games should be.

While it is always difficult to prove cause and effect, and you have to be a little concerned about the post hoc, ergo propter hoc, that because things happen at the same time, they are connected. The pattern has been that within certain limits, the Chinese government has tried to make improvements to send messages to the broader international community.

We chose things we thought were doable and that would send those messages and begin to make significant improvements. We think it was a wise approach for the Congress to adopt.

Chairman GILMAN. Thank you, Rabbi.

Ms. Shea, considering the overall U.S. policy toward Sudan, we are concerned by the perceived ad hoc nature of our initiatives.

When we try to enunciate what our policy is to the Sudan, we find it difficult to enunciate that.

In your opinion, what is our policy, or what should be our policy toward Sudan?

Ms. SHEA. Mr. Chairman, we have devised a comprehensive plan over the next 12 months for Sudan. This would be a package of incentives and disincentives based on whether or not there is substantial and systematic progress in the human rights area in Sudan, as measured by such things as stopping the bombing, stopping the enslaving, stopping the massacring and the calculated starvation, which killed so many people.

This would mean that we would be linking—we propose linking rewards such as diplomatic relations or more humanitarian aid to the areas under the government control, and linking sanctions, such as multilateral trade sanctions, capital markets sanctions, so forth, to the behavior of the government over the next 12 months.

If there is a marked deterioration and/or if there is no sign that the government is seriously engaging in any type of human rights reform, then we propose actually giving non-lethal aid to the opposition forces.

What we lack right now is any kind of comprehensive policy. At some points we see criticism by the Secretary of State of the government, and in the next week we may see a lifting of sanctions for some Arabic companies. The next week we may see granting an IPO, as we did—granting permission for an IPO in China in April.

This carve-out entity, an artificial carve-out entity of CNPC, which is the largest financier of the pipeline that is fueling Sudan's prosecution of the civil war, it is all over the place.

Chairman GILMAN. Thank you very much.

Rabbi Saperstein, we appreciate your comments about the persecution in Egypt. Can you tell us why Egypt was not one of the countries that received special attention from the Commission this year? We just heard some very distressing testimony the other day about the killing of some 20 people, I think it was in El Kush. Would you comment on that quickly?

Rabbi SAPERSTEIN. Surely. We have been following that incident very closely. There have been two major incidents a year apart in El Kush. That is exactly why we made the recommendations to the President.

We did not choose Egypt simply because we felt that China, as the largest country in the world population-wise, proved itself to be an equal opportunity depriver of fundamental rights and could not be ignored. Sudan, for the reasons that Ms. Shea articulated, could not be ignored. We wanted to show a completely different paradigm with another very influential country.

We had limited time this year because of the lateness of starting up, but we did follow what was happening in Egypt and a number of other countries. We will continue to do that. Whether or not Egypt will be on our expanded list of in-depth countries we will look at, we will decide that in the next few weeks. Your personal concern about this will certainly be taken into consideration.

There are a number of factors we have to weigh in doing that, but Mr. Chairman, no matter what, whether it is an in-depth country or not, we will continue to monitor on an ongoing basis and

make recommendations on an ongoing basis to the Administration on the situation in Egypt.

Chairman GILMAN. Thank you very much.

Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman.

I was unable to hear your testimony, Mr. Abrams, but I would like to begin with a brief question.

Has the Commission taken a position on PNTR, and if so, what is it?

Mr. ABRAMS. Yes. The Commission urged that Congress not approve PNTR until there is improvement in the human rights situation in China. We gave a list of not preconditions, but standards we thought that Congress might use to judge whether there had been any improvement.

Mr. PAYNE. As for the question regarding the Chinese Christians, there is an indication that many Chinese attend churches. These churches are often officially recognized by the Chinese government, and many are crowded every Sunday.

In your research on China, did you speak with representatives from these state-recognized churches? If so, were you able to differentiate between the percentage of Chinese Christian worshippers at official churches as opposed to unofficial churches?

Mr. ABRAMS. I have some numbers in the report. I am not sure I am going to be able to pull them out that quickly.

I guess I would say in a certain sense there is an artificial distinction between the official and unofficial churches. If you are taking Protestant or Catholic churches, beliefs are basically the same. Some people just do not want to take the risk or the hassle, the dangers of being in an unofficial church, and therefore affiliate with the official one, but they are not enemies.

I think that if religious freedom were to come to China, we would see the merger of the official and unofficial very quickly.

If I could supply the numbers for the record, we do have in our report some estimates.

Mr. PAYNE. Thank you.

What is the current situation with the Falun Gong as it relates to the movement? Are arrests still being made?

Mr. ABRAMS. There are. There has been no change in the government's policy toward Falun Gong. There are actually other groups of a similar nature that are still very much being persecuted by the government. Arrests continue. It is kind of amazing that, with the number of people detained, and the government admits to 35,000 people having been arrested, they have not been able to crush that movement. Practitioners continue to show their faces in Beijing and to be arrested. There has been no change in the government's attitude.

Mr. PAYNE. Finally, how do you think we can pressure the Chinese government to begin negotiating with the Dalai Lama or the Tibetan government in exile? Do you think the State Department ought to step up its game plan?

Mr. ABRAMS. We have made one proposal in our recommendations with respect to the PNTR debate. That is that you, in Congress, invite the Dalai Lama to address a joint session, by way of kind of raising his stature and showing the Chinese government

that the United States is not going to abandon its support for freedom of religion in Tibet.

The Dalai Lama himself has taken a very accommodating or compromising view over the past decade with respect to China and is not demanding independence for Tibet at all, but the Chinese position seems to have hardened over the last few years.

I think the answer is to continue to give the Dalai Lama the respect and consideration that he deserves, and to show the Chinese government that this is not an issue that is going to go away, and that it is one that actually engages the beliefs and emotions of many Americans who are, of course, not Buddhists.

Mr. PAYNE. Let me ask Rabbi Saperstein quickly, I know you traveled to PRC with one of my constituents, Monsignor McCarrick. You were on that trip, right?

Rabbi SAPERSTEIN. I actually was not. I have been to the PRC. That was Rabbi Schneier, my friend and colleague, who went on that trip.

Mr. PAYNE. I know he insisted on seeing prisoners and it was not on the schedule.

Rabbi SAPERSTEIN. Of course, Archbishop McCarrick is one of the non-members of the United States Commission on International Religious Freedom, so we would be glad to have him respond to any questions that you would like. We can do it in writing afterwards.

Mr. PAYNE. Finally, I will ask Ms. Shea, about the current policy mentioned. Several trips were made, one with Mr. Campbell to the south Sudan, another with Mr. Tancredo, and many years ago I traveled there as well. We see that the problem continues.

As you may already know, we had a provision in the current legislation which would allow food assistance going outside of the OLS regime. OLS is controlled by the government of Khartoum, and uses food in many instances as a weapon, as you mentioned about the near starvation in 1998.

We received strong opposition from traditional organizations like CARE among others. They opposed alternative routes of having this food made available, which I strongly support.

Has your organization taken any kind of initiatives, since you strongly support non-lethal goods to the SPLM, the movement, and people in the South? Have you had any discussions with the opponents of this alternative food source, and what has been the result?

Ms. SHEA. Thank you for your question. Of course, I am very much aware of your own efforts, and Mr. Campbell's and Mr. Tancredo's efforts on Sudan. I want to thank you very much. After all, you were the sponsor of Resolution 75, which is so important and historic.

We have had hearings on Sudan. Commissioner Elliott Abrams went to Sudan for the Commission. We have talked to a wide range of people. I think there are two issues involved here. One is food aid that bypasses the U.N. system that defies the veto of Khartoum, that gets through to the starving people. We recommend that the U.S. Government should increase its aid to non-OLS providers so food aid gets to the people.

We also address the question of whether to give non-lethal aid to the rebel forces. We determined that after a 12-month period, if

the government shows no sign of progress, systemic and substantial progress in human rights, and if the rebel forces themselves, the opposition forces show or adopt some kind of procedures for improving its human rights record, and we recognize it has problems, such as, procedures for a fair trial or giving access to human rights observers. If those conditions are met, we then urge that non-lethal and humanitarian aid be provided to these forces through non-OLS—not through OLS or non-OLS distributors; that is, not going through the usual humanitarian groups, but actually providing them some other way.

Mr. PAYNE. I certainly support that. I would even go a step further, if there will continue to be the offensive as when we were there last time. They come and drop bombs. When we had the new Ambassador and the special envoy to Khartoum, as he was meeting they bombed the south. It happened when Jimmy Carter was there.

It seems to me to be a pariah government, whether Basheer says it is Terrabe, and whether this battle is going to be important or not, at some point in time we need to look at not only non-lethal, but lethal support for the movement in the south. I yield back the balance of my time.

Chairman GILMAN. The gentleman's time has expired.

Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman.

I just want to say at the outset that there are many Members of Congress, and Mr. Payne, is one of the most attentive Members to human rights issues and has always been at my subcommittee hearings. Even though he is not a member, he comes and fully participates. But his question to Mr. Abrams, former Secretary of State for human rights, I think underscores a real problem that we have had with the media especially.

Had the United States Commission on International Religious Freedom, had your Commission come out in favor of granting permanent normal trade relations, it would have been a story for a week. There would have been in-depth interview. All of the Commissioners, all of you would have been—and I say this without fear of exaggeration—you would have been showcased, if you will, on television after television.

We have had, as I said earlier, hearing after hearing on Chinese human rights abuses, 18 of them. And I personally have gotten on the phone, called The Washington Post, called all of the papers. My press secretary has done it. Time and time again, the press table was absolutely absent. Occasionally we got an AP reporter to string by and pick up a thing or two and then walk out.

There has been very, very little focus on the real situation on the ground, leaving the ground open for a tremendous and very effective disinformation campaign that has worked like a charm.

The real situation on the ground is laid out in the Human Rights Practices Report by the State Department, 77 pages of single-spaced type telling all of us about what is actually happening and continues to happen in China. Yet we get this sugarcoating by the media about what is truly going on there.

One thing I think needs to be made very clear, Mr. Chairman. We have never had linkage of human rights with China. We had

the attempt at it by the Clinton Administration for 1 year. I happen to believe, in looking at the full story, it was a very disingenuous exercise. As I said in my opening statement, weeks after it was linked, so-called, people in the State Department and many others said we really did not mean it. Do not worry about it.

I saw that in full force in Beijing talking to high level Chinese officials who said, there is no doubt we are getting MFN. Mr. Clinton will just rip up that executive order, which is what he did. So Potemkin Village has been sold to the American people, and your report, I think, does a tremendous job in trying to at least bear witness to the truth.

I want to point out as well that Stephen McFarland did a great job as executive director of the hearing that we had just several days ago. When asked a number of probing questions, he spelled out the situation. I want to thank him for his expertise and his commitment to truth, as well.

Let me just, again, point out that there has never been a linkage. We have had an experiment in delinkage, and things have gotten worse. We have had delinkage throughout the Bush Administration, we have had delinkage throughout the Clinton Administration. So anybody who says—and let me just also say, even with the idea of the annual review, when you have a president who stands ready to veto, that means you need super majorities in the House and Senate.

The threat has not been credible except when it comes to intellectual property rights. There it is, a credible threat. There we see real movement.

That is why, Mr. Chairman, today's vote is so important, because we have an opportunity to say we are going to hold something back for real. There is no gamesmanship here, no brinksmanship here. Should we succeed today, I think we see some changes on the edges.

You see on the statement, there has been a sharp deterioration in freedom of religion. We have been tracking, and Amnesty and all the human rights groups have been tracking a steady downward spiral in each and every category of human rights observance, or lack of it. You point out a sharp deterioration.

Would you elaborate on that?

Mr. ABRAMS. One example of that would be the Falun Gong. If one goes back, say, 2 years ago, this was not happening. All of a sudden, there is an extraordinary attack on the Falun Gong and other similar movements.

I think it is also fair to say that there has been a further clampdown in the last year both in Xinjiang and in Tibet, and there are some very obvious cases of this.

I think we would say that the trend over the years has been down, but that it has been down even more sharply over the last 12 months. What is extraordinary about that is that the Chinese government knew this debate was coming. This is not a surprise, that PNTR is going to come up in the year 2000. Nevertheless, they clamped down vigorously on religious freedom in China, presumably with the calculation that in the end, not enough Members of Congress would care enough about it.

Our fear is that whatever motivates Members to vote the way they do, and there are many motivations, our fear is that the wrong message will be received by the Chinese government and the Chinese people. The message they take away from this will be, we can keep it up because the Americans do not care that much.

Rabbi SAPERSTEIN. Let me just add something that I think is remarkable about this report and the recommendations.

Chairman GILMAN. Rabbi Saperstein.

Rabbi SAPERSTEIN. That is about the background, political and religious, about the viewpoints of people on this commission. There are some who would agree with every word that you have said. There are some who are strong free traders. There are some who really believe the Administration is right in its argument about constructive engagement in the long run.

There are some who would disagree with what you said, who really believe that this is an Administration that is deeply committed to human rights and to religious freedom. I tend to fall into that group myself.

Yet, despite that, it was unanimous. Indeed, of the 50-some-odd recommendations in the report on China, Sudan, Russia, how the State Department should do its work even more effectively than it has done, all but one of the recommendations was unanimous. In that one recommendation there was a single dissent.

We really worked hard to come up with this. On this point, PNTR, with all the differences of our assessment of the Administration, all of the differences in our sense of the approach of what works and what does not work, the one thing that was clear to us, in light of your question, is that in a year that there have been such disastrous reversals, that we needed to pick things that were doable.

If the Chinese government wanted to send signals to us that they want a new relationship on these issues, they want an appropriated relationship on these issues. We picked things that were doable, that they really could do and do soon. We think that is the proper position.

Mr. SMITH. If I could, Mr. Chairman, just very briefly, Wei Jingsheng, when he has testified said, and this is counterintuitive to some, at least, that when we are making nice with the Chinese dictatorship, they actually treat the prisoners, democratic prisoners and religious prisoners, more harshly than when we have an edge, when we are saying that we really mean business.

Let me also say, Nina Shea gave us, Frank Wolf and I, a list of religious prisoners a year ago that Frank literally put into Li Peng's hand. Li Peng was so dismissive, so incredibly arrogant in saying this is not true. None of these people are here because of their beliefs. He just blew it off as being totally irrelevant. He looked at the list and would not even touch it. Frank was handing it to him. He repelled and put his hands back as if it was electrified in some way. It was incredible, an insight. Then he went on and gave this 5-minute dissertation about how there is no such thing as religious repression.

That kind of denial in the face of the facts needs to be met with the reality, which you have done.

Finally, let me just say, the $3 million per year provided to the Commission, is it adequate? Is it being provided? Are you hopeful that it will be provided by the Committee on Appropriations?

The expedited removal process, which is mandated by the International Religious Freedom Act, we understand there are some problems with funding there, if you will take a moment to elaborate on that.

Rabbi SAPERSTEIN. I can do it briefly. We are OK on the funding on the expedited removal provisions. There were some technical requirements on what the Congress hoped to effect with this. It took us a little longer to go through. We needed to get out a description of the proposals and to ask the people to come in in a formal way that we did not anticipate in the beginning.

Because of the lateness of our funding from the Congress and the lateness of the appointments of the Commissioners, we did not have time to complete that work. We hope to do so over the next months.

In terms of the general funding, we have looked very carefully at the budgetary issue. The original legislation had a $3 million authorization a year. When the Congress put the correcting legislation through, unfortunately, it stripped the multiyear authorization requiring it to be reauthorized every year. That means we will need your support and attention on this. I appreciate it.

We have gone through our budget very, very carefully. Because we were late starting up and there is some money left over this year, we were able to tighten things up and to ask for a $2.5 million authorization or appropriation.

We have really tried to be responsible in this. Although the $3 million politically you would agree on, we are asking for the $2.5 million. We hope we will have your strong support for that, Mr. Chairman, the strong support of this Committee for the appropriation this year.

We appreciate the letter that you and Mr. Gejdenson have already sent and the support some of you have given us here. That will allow us to do the kind of work you wanted us to do effectively in the future.

Mr. SMITH. Thank you, Rabbi Saperstein, for your outstanding work and efforts, and to Mr. Abrams and Nina Shea, thank you very much.

Chairman GILMAN. Mr. Campbell.

Mr. CAMPBELL. I have two questions, one on Vietnam and one on Sudan. I will address the questions on Sudan to Ms. Shea, but I don't know to whom I should address the question on Vietnam, so perhaps to any of you.

This question stems from my visit there in December with my wife and Congressman John Cooksey and Congressman Don Payne. In going through, we made a visit to Thich Quang-Duc, who is leader of the non-government Buddhist church effectively, because the venerable leader in Wai is under pagoda arrest. So instead we visited with Thich Quang-Duc.

The government did not put it on the schedule, but I just went. I got in a taxicab and went. As we were leaving, incidentally, the government guides said to Congressman Cooksey, so it is a bit hearsay now, you can go anywhere in Ho Chi Minh City, even to

visit Thich Quang-Duc. That was to kind of let us know that they knew that we had gone.

He is a remarkable man, and I was proud to sponsor him, along with a lot of our colleagues, for the Nobel Peace Prize.

I don't know your recommendations regarding NTR, because we have that annual vote on Vietnam just as we do with China. Did you form a recommendation, that is my first question?

I will ask my question on Sudan now. My time will run out, but the Chairman will be more lenient on you answering than on me asking. That is not true, by the way. He is a very lenient Chairman and a great American.

The Sudan question I want to put to you very candidly. Here is the other side. I want to get your response to the other side, OK? So understand, and I am sure you do, that this is not necessarily what I think is right.

The other side argues, Sudan is a created country. It does not make any sense to have an Arab north, a black south. The province of Equatoria, for example, was fought over between the French and British in the famous nonbattle at Fashoda. The result is an illogical country. Ever since, the south has been trying to break off. That is true throughout the Sahel in Africa, countries that make very little sense from an ethnic or historical point of view.

What we have going on here is a civil war. That does not mean there are not human rights abuses, that does not mean that there is not starvation or the use of food as a weapon. But the rebuttal is, it is not religious. It happens to be that the north is Muslim, it happens to be that the south is, they say animist or Christian.

In reality, this rebuttal goes, the war is a civil war based on an illogical creation and really is not related to religious persecution. So do we, therefore, not care about it or say it is irrelevant? No. But it may not be right to call it what you have called it.

Those are the two questions I would like to hear answers to on Vietnam and Sudan.

Rabbi SAPERSTEIN. Let me try the Vietnam question quickly, and ask Elliott Abrams, who has also been involved in this, or Nina as well, to answer it.

As I indicated, the ongoing work of the Commission in evaluating countries and making recommendations has been going on all year long. It included countries with serious problems all across the world. The report focused on a few countries in particular, but we have been covering the gambit. Vietnam has been one of those that we have paid particular attention to.

We have met with representatives of groups from Vietnam talking to us about their problems, the Montagnard Protestant pastors just this past week. We have met with representatives with the Catholic community. I have met at the Vatican with one of the highest ranking Vatican officials, who is one of the heroes for religious freedom in Vietnam. We met with Hoa Hao community. That is a Buddhist community in Vietnam.

We made recommendations related to some of this to the State Department during the year, so this is an issue we are watching closely. This is clearly a country that raises significant concerns. They are detailed in the State Department report. We have been monitoring that. We are meeting with people and making rec-

ommendations to the State Department. We will continue to do so. We appreciate your own interest in this, as well.

Mr. CAMPBELL. How do you recommend I vote on NTR this year for Vietnam?

Rabbi SAPERSTEIN. That is interesting, we did not address that issue. I think perhaps we may need to do so as we continue our own deliberations. I appreciate you putting that on the table for us to consider.

Mr. CAMPBELL. It would matter, so I hope we can get a recommendation.

Rabbi SAPERSTEIN. Do either of you have anything to add on that?

Ms. SHEA. No.

Rabbi SAPERSTEIN. Nina.

Ms. SHEA. We have made a determination that although there are many factors, and this is a multifaceted conflict going on in Sudan, that religion is a major factor, and that it was the government's breaching of the Addis Ababa agreement in 1983 that ignited this war. They breached it by trying to impose Sharia law throughout the south.

Up until that point, under the Addis Ababa agreement, the south had political autonomy and they were able to practice their religion, various religions in the South.

So we made a determination that the war, this rebellion, started—it was a rebellion after all—against the imposition of Sharia, and that to this day, religion plays a major factor in this war; that the government manipulates Islam, uses Islamic symbols, calls it a Jihad, stirs up Arab tribesmen on the basis of religion to try to impose its extremist form.

We had a hearing, and Bishop Mangenases, a Catholic bishop, testified before us. I would like to just give you a little quote about what he said about the bombing of the school he founded in the Nuba mountains, a Catholic primary school that was bombed on February 7th and 8th by the Russian bombers of the government.

He said,

> The Catholic church has set up the only well-established school in the area with more than 360 students. Fourteen of these students were killed outright in the raid, and the number of wounded has been fully determined.
>
> Truly this is a slaughter of the innocents, an unbridled attempt at destroying their children. I have tried time and again to tell the world that the national Islamic Front regime in Khartoum has been, and is conducting a campaign of genocide aimed at exterminating the Christian African and nonArab populations of Sudan in order to establish a uniform Arab Islamic fundamentalist free state in the heart of Africa.
>
> This terrible heart-breaking incident is yet another piece of evidence, if more were still needed, that the war in Sudan is a religious, and I underline that it is religious, an ethnic war launched by Khartoum and aimed at the destruction of the people.
>
> We cannot take back the 14 martyred children under the trees of Kyuda. There are many Rachels today in the Nuba Mountains weeping for their children. What we can do is call upon the international community to refuse to stand by while the Christian and peoples of the Sudan are exterminated.

Chairman GILMAN. Thank you.

Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I will be very quick here.

I read at the beginning of your report, the transmittals to the President, to Madeleine Albright, to the Speaker, and to Mr. Thurman.

Have you had a response from anybody?

Rabbi SAPERSTEIN. The State Department came out with a public release the day we issued the statement commending the report. They took issue with some of the obvious places that you would expect they would take issue with, particularly the PNTR recommendations that we made.

There has been some informal communication with the White House. I would presume soon after the PNTR vote is over that they have been focused on, that there will be more extensive discussions, but there have been ongoing communications at fairly high levels of the White House related to the report.

We have not yet had formal communications with the leadership in Congress. We have testified before the Senate Committee on Foreign Relations, before this Committee, and several of the subcommittees, Mr. Smith's subcommittee, the House Committee on Ways and Means, related to the report. So there has been a great deal of interest and interaction. We have not heard back formally from that.

We expect to have conversations again after the PNTR vote that has absorbed much of the time and attention of the leadership.

Mr. TANCREDO. When the State Department did talk to you, the difference they picked out was with regard to China and PNTR. Was there any discussion of your position on Sudan?

Rabbi SAPERSTEIN. I do not have the statement with me. It is my recollection that they did make comments related to our recommendation about aid to the SPLA and concerns about that. I cannot remember how direct, whether it was implied—Ms. Shea?

Ms. SHEA. I think they said they would take it under consideration, they were studying it, and they would get back to us.

Rabbi SAPERSTEIN. On many of the other things, there were complimentary things in their willingness to look carefully. Ambassador Seiple, in terms of the recommendations made directly to his office and how the report has gone, was expressly commendatory of the report and indicated he would adopt a number of the recommendations that we have made.

Mr. TANCREDO. You may recall that there was a way in which the Secretary of State explained the reluctance on the part of the Administration to become any more involved with Sudan on the basis that it was not marketable publicly in the United States—that the whole issue was not marketable.

Do you have a sense at all that this will help us help them make it marketable?

Ms. SHEA. I hope that the Administration adopts some of our policy recommendations across-the-board in our report. It is clear that they are not going to adopt the PNTR——

Mr. TANCREDO. There is still time.

Ms. SHEA. I am not optimistic. Therefore, I think the pressure is even greater that they take up our recommendations on Sudan and come forward with a comprehensive plan, and instead of sanctioning the Greater Nile oil project 1 day, waiving trade sanctions for a company the next day, and so forth and so on, that they need

to have a clear, consistent message to this genocidal regime in Khartoum.

Rabbi SAPERSTEIN. Perhaps the most important thing to add to that is, among all of the recommendations we made, the No. 1 thing we were concerned about is the President of the United States, the Administration, and the Congress using the bully pulpit to raise awareness of this issue. A number of our recommendations were aimed at that.

The Administration has been open to us in terms of willingness to meet with us directly, the Secretary of State, with Bishop Casis. Right after the bombing, they have stepped up the number of statements that they have made on it. We are urging them to be more assertive, more consistent in raising this issue.

There may be a limit right now. There is no magic pill to take here, but the place to begin is to focus national and international attention on this horrific situation here, and many of our recommendations were aimed at encouraging this.

Mr. TANCREDO. Thank you very much. I appreciate the testimony and your work on the Commission. I think it has been exemplary. I guarantee you this, I am going to go over now and start the process of using the bully pulpit.

Rabbi SAPERSTEIN. Thank you.

Chairman GILMAN. Thank you, Mr. Tancredo. I want to thank our panelists for their patience and the extensive review of the problem. We look forward to working with you in the days ahead. The Committee will stand adjourned.

[Whereupon, at 11:48 a.m., the Committee was adjourned.]

A P P E N D I X

MAY 24, 2000

Remarks of Hon. Benjamin A. Gilman
U.S. Commission on International Religious Freedom: First Annual Report
May 24, 2000

I want to welcome our witnesses here today.

In order to give the fight against religious persecution a higher priority among U.S. foreign policy objectives, the 105th Congress enacted the International Religious Freedom Act of 1998 . That act established a federal government commission – the U.S. Commission on International Religious Freedom.

The Commission monitors religious freedom in other countries and advises the President, Secretary of State, and Congress how best to promote religious freedom and combat religious persecution abroad. The Act also created within the Department of State an Office of International Religious Freedom headed by an Ambassador-at-Large appointed by the President with the advice and consent of the Senate.

The Act authorized $3 million for the Commission. For Fiscal Year 2001 the Commission has requested an appropriation of $3 million to continue and expand the work it began last year. We are hoping that the Appropriations Committee will make funds available for the coming year.

The Commission has held hearings on religious persecution in China and Sudan and Commissioners have given congressional testimony on religious freedom in China, Russia, Sudan, and Turkmenistan. In addition, they have spoken out about intolerance and persecution in Iran, Egypt, Vietnam and Indonesia. We are very pleased with the Commission's work and with its first annual report, which was released on May 1st. The report pulled no punches and made do-able, pragmatic recommendations.

For example, the Commission is right on the mark by recommending that before granting Permanent Normal Trade Relations (PNTR) for China, the Congress should:

* announce that it will hold annual hearings on human rights and religious freedom in China; and

* extend an invitation to the Dalai Lama to address a Joint Session of the Congress.

Among the Commission's many excellent recommendations on Russia were three that would significantly help focus the Administration's Russia policy. These were:

* the U.S. should encourage Russia to agree to a visit by the UN Special Rapporteur on Religious Intolerance;

* the State Department should make the humanitarian and human rights crisis in

Chechnya a high priority issue in United States-Russian relations; and,

* The United States government, as an urgent diplomatic priority, should press President Putin to reverse the edict requiring liquidation of non-registered religious groups.

And on Sudan, we were very pleased that the Commission suggested that the United States should launch a vigorous campaign, led by the President, to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities. We agree that the U.S. should engage in a multilateral and bilateral effort to increase economic and other pressure on the Sudanese government.

This week the Congress will be voting on whether or not to grant the People's Republic of China Permanent Normal Trading Relations status. The significance for our nation of the outcome of this one vote are enormous for our national security, our economic might and our moral standing around the world.

It would be an extraordinary mistake to empower China's military and repressive dictators with more trade generated-wealth and resources.

The work of this Commission is a bold statement to governments around the world of what American citizens believe to be one the most cherished aspects of our nation: the right to worship God freely.

Protecting this right will require American leadership. We need to ask ourselves if we are ready to bear this burden.

I look forward to hearing the Commissioner's statements.

Testimony on the IRFA Process, Religious Freedom in Russia, and the May 1, 2000 Report of the U.S. Commission on International Religious Freedom

Presented by Rabbi David Saperstein, Chair
U.S. Commission on International Religious Freedom

House International Relations Committee

May 24, 2000

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

IRFA Process

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

As we look around the world, however, we find this fundamental liberty under serious threat. In Sudan, the Islamist extremist government is bombing Christian churches, church-run schools, and hospitals. In China we see mass arrests of Falun Gong practitioners, the harassment and arrest of leaders of the Muslim Uighur community, the continued systemic infringement of the Tibetan Buddhists' religious freedom, and the arrests of leaders of the underground Catholic and Protestant Churches. In Iran, Baha'is

are sentenced to death just because they are Baha'is. All these things testify that the work of this Commission is urgent work, work of fundamental liberty and of priority importance.

The IRFA process created an Ambassador-at-Large for International Religious Freedom at the State Department and mandated a State Department report once a year. That report, which you have seen, marked a significant change in the way business is done in the American foreign policy establishment. Over an extended period of time, there were foreign service officers, in embassies across the world and in regional bureaus here at the State Department, who were focused on what to say about religious liberty, how to deal with it, how to express it, how to define it, how to describe what is happening on the ground and what America's interests are regarding this issue. More difficult decisions required the attention and involvement of high-ranking State Department officials. That alone marked an important structural change. As our Commissioners traveled to other countries this year, they met with and worked with foreign service officers who are now knowledgeable about issues of religious liberty and involved in diplomatic efforts to combat religious persecution and who made lasting contacts with religious communities and NGOs (foreign and domestic) working in the field.

It is the role of this Commission on an ongoing basis, and then summarized once a year in an annual report May 1st, to make recommendations to the President of the United States, the Secretary of State, and the Congress of the United States on how to address policy related to combating religious persecution and enhancing religious freedom. Because of the delay in appointments of members of the Commission and in Congressional funding for its work, we have only been staffed for six months and in offices for about four months. As a result, we decided that, while engaging in ongoing monitoring of general U.S. policy on religious freedom, in visiting a number of nations, and while making ongoing policy recommendations regarding emerging urgent situations where they occurred (in total these recommendations addressed urgent situations in nearly a dozen countries), we would focus on three priority countries. Two are nations designated by State in the IRFA process as "countries of particular concern." These are countries in which there are systematic, egregious, ongoing manifestations of religious persecution. Those countries are China and Sudan.

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

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

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

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

Russia

The Annual Report contains a host of recommendations on our three countries of primary focus. You have heard from my colleagues on China and Sudan. Let me briefly address Russia.

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

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

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

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

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

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

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

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

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

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

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

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

Ultimately religious freedom must be assured to the peoples of the Russian Federation by its own citizens through their own government. Tolerance, the acceptance of religious diversity, freedom from ethnic and religious prejudice are not easily achieved in any society,

let alone in a society that has freshly emerged from decades of officially sponsored intolerance. Fortunately Russian culture is not devoid of such qualities. One has only to mention the names of Herzen, Tolstoy, Solovyev, Chekhov, or Berdyaev to make the point. The Commission has recommended that,

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

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

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

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

Russia is a signatory to the Universal Declaration of Human Rights and the various covenants that establish freedom of religion or belief as a universal standard. It is therefore appropriate for the United Nations Commission on Human Rights to monitor the status of religious freedom in that country. Yet the UN's Special Rapporteur for Religious Intolerance

stated in his 2000 report to the UNCHR that his request for a site visit has not been answered. *The Commission therefore has recommended that the U.S. government "encourage the government of Russia to agree to the request of the UN Special Rapporteur on Religious Intolerance to visit Russia."*

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

State Department's Annual Report on International Religious Freedom

Finally, I would like to say a few words about our review of the State Department's first Annual Report on International Religious Freedom, issued last September.

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

Even so, the Commission believes that the Report can be strengthened by *(a) prioritizing and evaluating information, (b) placing information in context, (c) referencing relevant law, (d) eliminating the potential for bias, (e) referencing international law incorporated into IRFA, and (f) improving the methodology for information-gathering. The Commission's comments in this regard also apply to those sections of the Country Reports on Human Rights Practices that touch on matters related to freedom of religion or belief.*

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

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

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

Commission's Upcoming Work Plan

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

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

Third, the Commission will continue to respond to instances of religious persecution whenever they occur. It will also begin the process of analyzing and addressing U.S. policy regarding religious-freedom issues in a larger number of countries. Countries that will draw greater attention during the next phase of the Commission's work are the seven designated by the State Department last October as "countries of particular concern" and the nearly 40 countries discussed in the Executive Summary of the State Department's Religion Report of September 9, 1999.

Fourth, the Commission will also evaluate U.S. policy options that could promote the right to change one's faith and the right to seek to persuade others to change theirs. This issue will address religious freedom issues in a large number of countries.

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

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

Thank you.

FY2001- Foreign Ops Appropriations
(with report language where applicable)

ISRAEL

$840,000,000 - ESF cash transfer; early disbursal
$60,000,000 - refugee resettlement for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.
$1,980,000,000 - FMF - early disbursal; if requested, funds shall be available for advanced weapons systems, of which not less than $520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development:

EGYPT

$695,000,000 - ESF - "cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance."

$1,300,000,000 - FMF - "The conference agreement's requirement for a notification is replaced by language that requires that the Committees on Appropriations be informed at least 10 days prior to the obligation of funds earned on the interest from funds deposited in said account. The House bill would have allowed for the early disbursal of fiscal year 2001 outlays for Egypt."

PALESTINIANS
(no earmark, but $75 million ESF allocated)

- **Prohibition on US assistance to the Palestinian Broadcasting Corporation**
- **Transparency of US spending**
- **No funds for a US office in Jerusalem to do business with the Palestinian Authority**
- **USG meetings with Palestinian Authority officials "should" continue to take place in locations other than Jerusalem.**

Report Language:
The managers support the efforts of the Department of State to remove anti-Semitic content in textbooks and curricula used in schools administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The managers are concerned by reports that anti-Semitic, anti-Israel rhetoric has been included in new Palestinian school textbooks. Accordingly, the managers direct the Secretary of State to report in writing to the Committees on Appropriations not later than February 1, 2001, on any such anti-Semitic, anti-Israel content in the new textbooks and on initiatives to redress such content in UNRWA schools.

Jordan
$150,000,000- ESF
$75,000,000 - FMF- "should be available"
$8 million - "export control activities along Jordan's borders with Iraq and Syria, including the procurement of mobile vans and trucks that are capable of monitoring shipments of goods into Jordan."

Lebanon

$35 million - Development Assistance and ESF, to be used for various programs as well as for scholarships and direct support of the American educational institutions in Lebanon.
Report Language:
The managers are troubled by reports of the abduction to Lebanon of American children by estranged parents, and urge the Lebanese Government to assist in locating and returning these children to the United States.

Yemen
Report Language:
"in addition to funds otherwise requested or made available for Yemen ($4 million requested), up to $4,000,000 shall be dedicated to counter-terrorism training and investigations. The managers also direct that these funds not be made available until the Director of the Federal Bureau of Investigation certifies to the Committees on Appropriations that the Government of Yemen is fully cooperating with United States officials in the investigation of the bombing of the U.S.S. Cole.

Tunisia
$8,500,000 - FMF
Report Language:
"of which not less than $5,000,000 shall be from drawdowns of defense articles, services, and education and training.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL
Sec. 539. It is the sense of the Congress that--
(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;
(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;
(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;
(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and
(5) the President should--
(A) take more concrete steps to encourage vigorously Arab League countries to renounce

publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;
(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;
(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and
(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

Report Language:
Sec. 539. Policy on Terminating the Arab League Boycott of Israel and Normalizing Relations with Israel
The conference agreement includes House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott of Israel in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to ``expand the process of normalizing ties between Arab League countries and Israel''.

Testimony on Religious Freedom in China
and the May 1, 2000
Report of the U.S. Commission on International Religious Freedom

Presented by Elliott Abrams, Commissioner
U.S. Commission on International Religious Freedom

House International Relations Committee

May 24, 2000

Mr. Chairman and Members of the Committee:

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

The Commission's Findings

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

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

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

The right to freedom of belief is explicitly denied to the 60 million members of the Chinese Communist Party, the three million members of the Chinese military and all citizens--and there are

hundreds of millions of them-- under the age of 18. Several campaigns to purge the Party and military of believers have been waged over the last five years. The state has re-asserted its monopoly over the spiritual education of minors, so that participation by children in any religious activity can be prevented.

2. Assertion of state control of authorized religions

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

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

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

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

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

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

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

3. Ongoing harassment of unregistered churches

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

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

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

In recent months authorities have detained Catholic clergy loyal to the Vatican in an apparent attempt to force their allegiance to the official church. One, the young Father Weiping, was detained in May of 1999 while performing mass. He was found dead on a Beijing street shortly after being released from detention.[6] The Vatican reports that five churches built without authorization had been razed. Thirteen were destroyed in the Fuzhou diocese in Fujian.[7]

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[3] State Department Annual Report, International Religious Freedom, 1999

[4] Newsroom, "China Detains 47 Members of Protestant Group," May 7, 2000.

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

[6] State Department Annual Report, International Religious Freedom, 1999

[7] State Department Annual Report, International Religious Freedom, 1999

4. Repression in Xinjiang and Tibet

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

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

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

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

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

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

Each of Tibet's major monasteries is overseen by a "Democratic Management

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

Committee," members of which are vetted by authorities for their political reliability. The Committee regulates religious affairs, finances (90% of which come from private donations), security, and training. It enforces limits on the number of monks and nuns within monasteries and conducts invasive "patriotic"

education campaigns that force monks and nuns to denounce the Dalai Lama and accept the Chinese-selected Panchen Lama.

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

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

Article 300 of the Criminal Law, as amended in 1997, and as interpreted by the People's Supreme Court and the National People's Congress, stipulates that central authorities have the right to delegitimize any belief system they deem to be superstitious or a so-called "evil religious organization." Leaders of these so-called cults are subject to "resolute punishment." In the absence of a clear definition of terms, Chinese authorities have wide latitude for using the designation "cult." Even private religious practice is forbidden to members of groups declared by Chinese authorities to be "evil cults." The law has been used against numerous evangelical Protestant groups including the China Evangelistic Fellowship in Henan province.[9] In November of 1999, six leaders of these groups in Henan were charged with leading cults and sentenced to re-education through labor.[10]

Falun Gong, a syncretic meditation and martial arts organization whose spiritual teachings draw on Taoist and Buddhist belief systems, has been the target of a virulent anti cult campaign. On April 25, 1999, 10,000 practitioners staged a peaceful demonstration outside the residential compound for top Party officials in central Beijing. The gathering was prompted by reports of police violence against fellow practitioners in Tianjin and by an official ban on publishing Falun Gong materials. In the months that followed, the group was declared an "evil cult" and by year's end the government acknowledged having detained more than 35,000 adherents. Some detainees were tortured. Zhao Jinhua was reportedly beaten and killed while in

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[9] The conditions have been reported in detail by the State Department, by human rights organizations, and in the Staff Memorandum For The Chairman that accompanies the Commission's May 1 Report (the latter two documents may be found on the Commission's Web site, www.uscirf.gov).
[10] Associated Press, "Sect Followers Said Tried in Secret," December 30, 1999

Shandong jail.[11] Others have been held in mental institutions for "re-education."[12] In closed trials Falun Gong leaders received prison sentences of 6 to 18 years. Many of those who have told their stories to outside media have been severely punished.

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

Recommendations

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

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

a. China agrees to establish high-level and ongoing dialogue with the U.S. government on religious freedom matters;

b. China agrees to ratify the International Covenant On Civil and Political Rights, which it signed in 1997;

c. China agrees to permit unhindered access to religious prisoners by the Commission;

d. China discloses the condition and whereabouts of persons imprisoned for reasons of religion or belief;

e. China releases from prison all persons incarcerated for religious reasons.

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

a. Announce that it will hold annual hearings on human rights in China, and

b. Invite the Dalai Lama to address a joint session of Congress.

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[11] AP 12/13/1999

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

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

a. Initiate a resolution to censure China at the annual meeting of the UN Commission of Human Rights. This effort should be led by the personal efforts of the President of the United States;

b. Lead a multilateral campaign to seek the release of Chinese religious leaders imprisoned or under house arrest;

c. Raise the profile of conditions in Xinjiang for Uighur Muslims by addressing their religious-freedom and human rights concerns in bilateral talks, by increasing the number of educational exchange opportunities available to Uighurs, and by increasing radio broadcasts in the Uighur language into Xinjiang; and

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

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

> The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief has been a major factor for the annual decision, by presidents and congressional majorities of both parties, to grant "most favored nation" (MFN) trade relations with China each year over the past two decades. Moreover, a grant of PNTR and Chinese membership in the World Trade Organization may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.
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> Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause

at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom.

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

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

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

Testimony on Religious Freedom in Sudan
and the May 1, 2000
Report of the U.S. Commission on International Religious Freedom

Presented by Nina Shea, Commissioner
U.S. Commission on International Religious Freedom

House International Relations Committee

May 24, 2000

Mr. Chairman and Members of the Committee:

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

Mr. Chairman, the U.S. Commission on International Religious Freedom decided to focus on Sudan because we have found that the government of Sudan is the world's most violent abuser of the right to freedom of religion and belief. As it prosecutes its side of a 17-year old civil war -- a war that ignited when the regime in Khartoum attempted to impose Sharia, or Islamic law, on the non-Muslim south and in which religion continues to be a major factor. Last January, Commissioner Elliott Abrams traveled to Sudan and interviewed a church leader (who I will keep anonymous to ensure his safety) who concluded that the government would like to remove the Church from Sudan: "to blow out the candle," as he put it so poignantly. Moreover he said, this persecution is intensifying, making even worse the security problems the church faces from the war itself. "Islam is the crux," he explained. The government wants all the resources in its hands and wants to use them to create a fully Islamic country, he told Commissioner Abrams.

As it prosecutes its side of the war, the government of Sudan is carrying out genocidal practices against its religious and ethnic minorities. Such practices include aerial bombardment, scorched earth campaigns, massacres, slavery, forcible conversion, and its most lethal tactic, what Senator Frist has termed "calculated starvation," which brought 2.6 million people to the brink of starvation in 1998 alone. (The latter is achieved by creating through brutal means vast numbers of internally displaced persons -- estimated at 4.5 million they number the largest internal refugee population in the world -- who are dependent on humanitarian relief for survival, while barring international relief flights from delivering aid.) As a direct result of the conflict, some two million

persons have been killed, mostly Christians and followers of traditional beliefs in south and central Sudan. This is more than Bosnia, Kosovo, Rwanda and Sierra Leone combined.

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

Since February, a Catholic primary school in the Nuba mountains has been bombed. Samaritan's Purse hospital, near Juba, operated by the family of Rev. Billy Graham has been bombed five times. A clinic of Voice of the Martyrs, a clinic of Irish Concern, and other relief centers, churches and civilian targets in south Sudan have been bombed by the government in one of the most relentless bombing raids of the war.

A few days after the Nuba Catholic school was bombed, its founder, Bishop Macram Gassis, testified before the Commission. I wish to share his words:

> On February 7 and 8, tow Russian-built Antonov bombers targeted the heavily populated areas around Kauda. The Catholic Church has set up the only well-established school in the area, with more than 360 students. Fourteen of these students were killed outright in the raid, and the number of wounded is yet to be fully determined.... Truly this is a slaughter of the innocents, an unbridled attempt to destroy the Nubas' hope and indeed their future by destroying their children. I have tried time and again to tell the world that the National Islamic Front regime in Khartoum has been and is conducting a campaign of genocide aimed at exterminating the Christian, African, and non-Arab populations of Sudan in order to establish a uniform Arab-Islamic fundamentalist free state in the heart of Africa. This terrible, heart-breaking incident is yet another piece of evidence, if more were still needed, that the war in Sudan is a religious – and I underline, it is religious – and ethnic war launched by Khartoum and aimed at the destruction of my people. We cannot take back the 14 martyred children under the trees in Kauda. There are many Rachels today in the Nuba mountains weeping for their children. What we can do is call upon the international community to refuse to stand idly by while the African and Christian people of the Sudan are exterminated.

In addition to the conflict, which the Sudanese government declares to be a *jihad* (against both non-Muslims and dissident Muslims), the regime is responsible for other forms of religious persecution throughout the country. These concern the Commission as well. Muslims who do

not subscribe to the government's extremist interpretation of Islam are persecuted. They are forced to conform in their dress, their prayers and practices and in their sermons to the regime's strict interpretation of Islam. Other Muslims are perceived as "disloyal" to the regime and thus are declared "apostate" and targeted for death. Christian schools were nationalized in 1992. Christian churches and prayer centers continue to be demolished, and the government has not granted permission to build or repair a church in over 30 years. The regime suppresses Christian and African traditional religions in a variety of ways.

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

Mr. Chairman, distinguished Members, in its report, the Commission proposes a comprehensive set of policy options to significantly strengthen the United States' response to the crises in Sudan. The Commission's recommendations emphasize the need for an intensive diplomatic effort over the next 12 months to stop genocidal actions and human rights abuses, providing both disincentives and incentives for the Sudanese government to comply with international standards of religious freedom and other basic human rights. These include bringing world moral opprobrium to bear upon the genocidal regime by raising the profile of the Sudanese regime's atrocities, giving Sudan greater priority, and making a determination on whether it in fact constitutes "genocide" under international law. Our recommendations also include providing *non-lethal* aid to opposition groups in order to strengthen the defenses of the vulnerable civilian populations once certain conditions are met.

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

Because the regime continues its genocidal practices, the recommendations also set forth measures to ameliorate the agony of the targeted population in south and central Sudan. These include ensuring food aid reaches starving communities by channeling more aid outside the

United Nations' system, supporting through peaceful means a "military no-fly zone," and strengthening an infrastructure to sustain and stabilize civilian life.

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

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

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

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

1. The Humanitarian Tragedy

Since 1983, when the second phase of the civil war began, almost 2 million people have died in Sudan as a direct result of the war, most of whom died from starvation.[1] Another 4.5 million have been displaced inside the country.[2] This amounts to nearly a quarter of all such internal refugees worldwide. There are 1.5 million internally displaced persons (IDPs) in Khartoum alone. Many internal refugees live in squalid conditions in what the government of Sudan euphemistically calls "peace camps." These refugee camps have only primitive sanitation facilities, are largely dependent on food supplied by the United Nations, and provide their

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

[2] Ibid.

inhabitants with virtually no means of self-support. In some camps, the inmates are forced to convert to Islam before they or their children can receive food and medicine.

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

At the same time, attacks on civilians continue unabated. On February 8, 2000, three weeks after the Sudanese government declared a cease-fire, one of its planes dropped between three and six bombs on the Comboni Primary School, a Catholic missionary school in the Nuba Mountains. The bombs immediately killed 14 children and a 22-year-old teacher. The survivors of the attack carried 18 wounded children, some with limbs blown off, to a nearby German medical facility, one of many such makeshift medical facilities operating in hazardous locations throughout Sudan. A videotape recorded the aftermath of the slaughter.[3] Five of the wounded children later died of their injuries.[4] Bishop Macram Gassis, whose diocese includes the Comboni School, testified before the U.S. Commission on International Religious Freedom's hearing on Sudan just one week after the attack: "Truly, this is a slaughter of innocents, an unbridled attempt to destroy the Nubas' hope and indeed their future by destroying their

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

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

children."[5] The Commission has documented several such cases during the first quarter of this year.

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

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

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

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

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

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

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

2. Persecution of Christians and Traditional Believers

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

In spite of the government's rhetoric claiming that it respects the rights of followers of the "revealed religions," Christians of all denominations and backgrounds in Sudan are subjected to repression, discrimination, and persecution. These include restrictions on operations of their churches and on church personnel, harassment, and persecution. The government has not allowed the building or repair of churches in Khartoum since 1969.[10] According to Human Rights Watch, between 30 and 50 Christian schools, centers and churches have been demolished by government authorities in Khartoum state since 1989 ostensibly because they lacked the proper permits.[11] According to Bishop Macram Gassis, a total of 750 Christian schools have already been confiscated by the government.[12] The government rarely grants building permits to Christian institutions, while permits for mosques and other Islamic institutions are readily attainable.[13] Numerous churches and church properties have been bulldozed or confiscated on the grounds of not fulfilling rigid requirements, or of any other pretext supplied by Sudanese authorities. In June 1999, the government served eviction notices on the Episcopal bishop and all other church

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

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

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

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

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

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

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

personnel of the Episcopal diocese in Omdurman, and ordered them to vacate the headquarters.

After ecumenical demonstrations, the government returned the headquarters.[14] Government authorities confiscated the Catholic Club in Khartoum. In some areas, such as the province of Damazin, Christian preaching has been outlawed altogether.[15] The government also intimidates and harasses Christian leaders critical of the regime by charging them with both ordinary and security-related crimes. For example, in 1998, a military court tried Fr. Hilary Boma and Fr. Leno Sebit, chancellor of the Archdiocese of Khartoum, along with 24 others for "conspiracy and sabotage." The government released Boma and Sebit in December 1999, following international pressure.

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

There are reports of individuals being forcibly or otherwise coercively converted to Islam. Forcible or coercive actions have occurred among the Nuba of Southern Kordofan and the Gamk of the Ingessana Hills in Southern Blue Nile, and elsewhere in the south such as Bahr al-Ghazal. Much of this religious coercion takes place in so-called "peace villages" – a cynical euphemism employed by the government officials to describe camps for the mostly non-Muslim Sudanese who have been forcibly removed from their homes and villages by government or government-backed militia forces. Nearly one-third of the Nuba population have been forcibly removed from their homes and villages and resettled in the peace villages.[17] In addition to government-backed militias, semi-official relief organizations are also reported to be involved in religious coercion of non-Muslims. The Dawah Islamiyya, for example, which operates in a number of refugee camps, is reported to distribute food aid "in a selective fashion, either to Muslims or to those who

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

[15] USCIRF, *Hearing on Sudan* (Bíró testimony), 29.

[16] See Badal, "Religion and Conflict," 263, 267.

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

agree to embrace Islam."[18] Meanwhile, the 1991 Penal Code criminalized apostasy, and subsequent court rulings have rendered it a capital offense.[19] Conversion from another religion to Islam, however, is not considered "apostasy," but rather is promoted as a matter of policy by the government of Sudan.

3. Persecution of Muslims

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

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

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

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[18] Bulad, "Triple Genocide," 22.

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

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

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

opposition movements.[22]

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

4. Oil and Capital Markets

The terrible situation in Sudan is likely to become worse. The Sudanese government, which has been waging a campaign of death and destruction against its own people, is now receiving windfall profits from oil fields in south central Sudan. Sudan has proven oil reserves of 262 million barrels and estimated reserves of more than eight billion barrels. With the completion in mid-1999 of an oil pipeline from south-central Sudan to the Red Sea, Sudan's daily crude output rose dramatically from an estimated 12,000 barrels in 1998 to 150,000 barrels in 1999, and is expected to reach 250,000 barrels in 2000.[24] Experts estimate that the Sudanese government will derive approximately $ 300 - 400 million annually from the new pipeline.[25] These oil profits will provide the government with funds to increase its purchases of military equipment, which will in turn be used to further its campaigns against religious, racial, and ethnic minorities.

There is a critical linkage between oil and gas production and human rights violations in Sudan. The government of Sudan destroyed a number of villages surrounding the Bentiu oil fields in order to rid them of human habitation. The proceeds from the oil revenues will, in turn, continue to be used to support the Sudanese military's actions against other regions of the country. The Harker investigation feared that oil extraction may be contributing to the "forced relocation" of civilian populations living near the oil fields and concluded that, "[i]t is difficult to

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

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

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

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

imagine a cease-fire while extraction continues . . . ."[26] The State Department echoed that sentiment through Secretary Albright's then-spokesman James Rubin, who noted that new oil revenues "provided a new source of hard currency for a regime that has been responsible for massive human-rights abuses and sponsoring terrorism outside Sudan," and added that the United States is "very concerned that investment in the Sudanese oil sector strengthens the capacity of the Khartoum regime to maintain and intensify its brutal war against its own people."[27]

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

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

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

5. Final Observations and Recommendations

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

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

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

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

Recommendations on Sudan

- The United States should continue to increase its humanitarian aid to the people of Sudan and, in particular, increase the percentage of that aid that flows outside the United Nations' food program, and should engage in vigorous multilateral and bilateral efforts to encourage other governments to follow suit.

- The United States should begin a 12-month plan of incentives and disincentives to pressure Sudan's government to improve human rights. If there is not measurable improvement in religious freedom in Sudan at the end of that period, the United States should be prepared to provide non-lethal and humanitarian aid to appropriate opposition groups. During the 12 months, the United States should:

  a) launch a vigorous campaign, led by the President, to inform the world of Sudan's war crimes, crimes against humanity, and genocidal activities;

  b) engage in vigorous multilateral and bilateral efforts to increase economic and other pressure on the Sudanese government;

  c) identify specific criteria to measure the Sudanese government's actions and create linkages between Sudan's actions and the United States' responses;

  d) include specific criteria for measuring whether opposition groups have made identifiable efforts to adhere to international human rights norms;

e) if after 12 months Sudan has not made measurable progress toward ending human rights violations and if opposition groups have taken steps to improve their human rights record, provide direct non-lethal aid to appropriate opposition groups; and

f) be prepared to provide aid sooner if the situation deteriorates markedly.

- The Administration should increase its financial and diplomatic support for the Intergovernmental Authority on Development (IGAD) peace negotiations and persuade Egypt to participate.

- The U.S. government should earmark additional humanitarian aid for building public works (such as roads and bridges) and civil government in southern Sudan.

- The U.S. government should work toward a "military no-fly zone" over Sudan using peaceful means.

- The United States government should formally request an investigation into whether Sudanese government forces have used chemical weapons in violation of international law.

- The Department of State should give Congress its opinion on whether Sudan's government has committed and is committing "genocide" as defined by international law.

- The United States government should prohibit any foreign corporation from seeking to obtain capital in the U.S. market as long as it is participating in Sudanese oil-field development.

- The United States government should require any foreign corporation that is engaged in the development of the oil and gas fields in Sudan to disclose fully, before it may proceed with an IPO in the United States, whether it intends to use the proceeds from the IPO for the development of those oil and gas fields.

- The United States government should require any company that is engaged in both the development of the oil and gas fields in Sudan and revenue-generating activities in the United States to submit public reports from time to time on the nature and extent of both of those activities.

- OFAC should investigate: a) how much of the debt that China National Petroleum Company intends to retire arose from its Sudanese activities; b) what criteria CNPC will use to decide whether to retire Sudan-related debt from the proceeds of its recent sale of PetroChina shares in the U.S. capital market; c) whether prior to the sale CNPC earmarked any of the proceeds for use in retiring Sudan-related debt; and d) whether U.S. underwriters knew or should have known of any such earmarking.

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

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

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

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

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