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“The Troubling Case of Meriam Ibrahim”

*Hearing of the House Subcommittee on Africa, Global Health,
Global Human Rights and International Organizations
U.S. Rep. Chris Smith (NJ-04), Chairman
Excerpts of Remarks
July 23, 2014*

For weeks this spring, the world watched as Meriam Ibrahim Ishag, a pregnant Christian woman in Sudan, faced flogging and the death penalty because her government would not accept that she had lived her life as a Christian and married a Christian man. Meriam has demonstrated both courage and grace under pressure – giving birth in jail in May while chained and caring for her two children, including her newborn, not only under restraints, but also without the normal amenities that any pregnant women and nursing mother should expect.

The harsh application of sha'ria law on non-Muslims was the trigger for a two-decade civil war in Sudan and the eventual secession of the South. Sudan is one of 20 countries in the world who have laws against apostasy – defined as the abandonment by an individual of their original religion. In Sudan, apostasy is effectively considered leaving the Muslim faith, particularly the interpretation of Islam followed by authorities. In Sudan, to leave the Muslim faith is an automatic death sentence. If you are considered an apostate, you cannot legally marry someone of another faith, and for this, Meriam also was charged with adultery and sentenced to flogging.

However, this story is not just about harshly applied religious and legal principles in violation of national and international law. Daniel Wani, Meriam's husband, is a Christian who is a dual American and South Sudanese citizen. He has lived in the United States for more than a decade. He married Meriam in late 2011, and they had a son a year later. Somehow, the U.S. embassy in Khartoum could not find a way to help this American to get his family out of Sudan before a crisis developed, even after she was arrested and released last year in charges involving apostasy.

Today's hearing is intended to examine the facts as we know them to determine how strictly applied rules almost led to the officially sanctioned beating and execution of a young woman who has lived as a Christian all her life, but who has now been told that she has no right to choose her religious belief.

This hearing was originally supposed to take place in June, but at the urging of both the U.S. government and Sudanese officials, we postponed it to allow for quiet diplomacy to take place. However, Meriam's legal entanglements seem to be increasing rather than diminishing. We intend

for this hearing to be an appeal to the Government of Sudan to use their legal authority to end the official entanglements Meriam has faced since her arrest in January and subsequent trial.

A Sudanese court initially ruled that the mere fact that her father was Muslim means that she should have been raised as a Muslim. She was given three days to convert to Islam, but she told authorities she would not abandon her Christian faith. Her refusal to leave the faith she had practiced her entire life led to her being in mortal fear for her life.

Fortunately, a Sudanese appeals court believed that she considered herself Christian and overturned her conviction on apostasy and adultery charges. However, members of her family have appealed the overturning of her conviction. Meanwhile, the Government of Sudan rearrested Meriam for using South Sudanese documents in an attempt to leave the country, and while she was released on bail, that case is still pending.

Finally, Meriam's family has filed a case in domestic law court to establish that she is Muslim and that her brother, who was unable to prove his legal connection in the original apostasy/adultery case, should be her legal guardian under sha'ria law. The hearing date for at least part of that case is currently set for August 4th because she was not given a written summons to appear at a July 17th hearing on the matter.

We cannot be absolutely certain of the exact chain of events that led to this situation. The Department of State understandably declines to testify at this time because of the sensitive nature of ongoing efforts to end this matter satisfactorily. Daniel and Meriam are still in Sudan at this point. Daniel is free to leave with his children, but he has chosen, of course, to stay with his wife until she too can leave with her family.

Since Meriam's conviction in May, a bipartisan, bicameral Congressional coalition has worked to undo the harsh penalties for her under the apostasy and adultery laws and secure her family's repatriation to the United States. Contact was made with Daniel, as well as the U.S. embassy in Khartoum and the Sudan embassy in Washington. Eventually, the headquarters offices of both the State Department and U.S. Citizenship and Immigration Services got involved.

Yet one wonders why this matter had to come to a crisis stage before a means could be found to avoid what now seems to have been an inevitable outcome in this case. Daniel told congressional staff that he sought help from the U.S. embassy in Khartoum but was told that he should seek an attorney since the situation was mostly focused on his wife, who was not an American. This was the advice he received even when he was arrested and had his passport seized. An American citizen should expect more from his government's representatives in a foreign country when that country's government has taken action against them.

Sudanese religious do not have the right to force someone to be Muslim when they assert their beliefs to be otherwise. Under the principles of natural law, which are the basis of our governing documents and those of countries around the world, there are certain inalienable rights endowed by Our Creator. The decision on how to worship Our Creator is one of them.

Elements in Sudan's Islamic clergy and in the government interpret the Koran to give them license to tell people how they will live out their faith whether they consider themselves Muslim or not. In Meriam's case, her father has been absent from her life since she was a small child. Her Christian mother raised her as a Christian.

Sadly, Meriam is not the only Sudanese who chose differently on the matter of faith only to be faced with a death sentence for that choice. Sudanese civil activist Mahmud Muhammad Taha was arrested and charged with apostasy in 1984 for his efforts to end sha'ria law in Sudan. He was subsequently executed.

In some countries, Christian converts have been forced to renounce their faith and conform to the version of Islam favored by the government of the day. Some of these countries have

constitutions that ostensibly guarantee religious freedom even as they may also have laws that actually contradict those rights. Except for Malaysia, Oman, Qatar, Saudi Arabia and the United Arab Emirates, the other 15 countries including Sudan, have signed the International Covenant on Civil and Political Rights guaranteeing freedoms for their citizens.

Article 18 of that document enshrines “the right to freedom of thought, conscience and religion.” Speaking of the rights of the individual, that article also forbids “coercion which would impair his freedom to have or to adopt a religion or belief of his choice. Article 18 also guarantees “the freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The current report by the U.S. Commission on International Religious Freedom, or USCIRF, cites Sudan as a “country of particular concern” due to its government engaging in “systematic, ongoing and egregious violations of freedom of religion or belief.” According to USCIRF, Sudan is the world’s most violent abuser of the right to freedom of religion or belief.

USCIRF’s Zudhi Jasser recommends in his testimony that not only should the U.S. government take appropriate actions against Sudan as detailed in the International Religious Freedom Act, but that our government should also make religious freedom and human rights a centerpiece of U.S.-Sudan bilateral relations.

The troubling case of Meriam Ibrahim Ishag should warn of future incidents in which those who do not believe in Islam as defined by a government are persecuted or placed in fear of death or torture. We again appeal to the Government of Sudan to use all legal means at its disposal to free this courageous young woman and allow her to freely pursue her faith and join her husband in the United States.