

PERSECUTION OF CHRISTIANS WORLDWIDE

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
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CONTENTS

WITNESSES

	Page
Ms. Nina Shea, Program Director, The Puebla Program on Religious Freedom, Freedom House	5
Mr. Joseph M.C. Kung, President, The Cardinal Kung Foundation	10
Rev. Tran Qui Thien, Catholic Priest	15
Mr. Tom White, USA Director, The Voice of the Martyrs, Inc.	18
Mr. David F. Forte, Professor of Law, Cleveland State University-Marshall College of Law	30
Rev. Canon Patrick P. Augustine, Associate Rector, Church of the Holy Comforter	34
Mr. Pedro C. Moreno, International Coordinator, The Rutherford Institute	38
Mr. Abe Ghaffari, President, Iranian Christians International	41
Dr. Richard D. Land, President, Christian Life Commission of Southern Baptist Convention	50
Dr. Morton E. Winston, Chair, Board of Directors, Amnesty International USA	55
Rev. Dr. Albert M. Pennybacker, Associate General Secretary, National Council of the Churches of Christ in the USA	59
Mr. Martin J. Dannenfels, Jr., Assistant to the President for Government Relations, Family Research Council	62

APPENDIX

Prepared statements:

Ms. Nina Shea	75
Mr. Joseph M.C. Kung	82
Rev. Tran Qui Thien	92
Mr. Tom White	97
Mr. David F. Forte	111
Rev. Canon Patrick P. Augustine	117
Mr. Pedro C. Moreno	123
Mr. Abe Ghaffari	132
Dr. Richard D. Land	141
Mr. Morton E. Winston	156
Rev. Dr. Albert M. Pennybacker	167
Mr. Martin J. Dannenfels, Jr.	170
Statement submitted for the record by Hon. Tom Lantos	175
Statement submitted for the record by Most Reverend Theodore E. McCarrick, Archbishop of Newark	177
Statement submitted for the record by James B. Jacobson, President, Christian Solidarity International	184
List of religious leaders presently detained in Communist "re-education camps or placed under house arrest, Vietnam Helsinki Commission	187
Apostasy and Blasphemy in Pakistan, by David F. Forte	194

PERSECUTION OF CHRISTIANS WORLDWIDE

THURSDAY, FEBRUARY 15, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN
RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 1 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

Today the subcommittee will hear expert testimony on the rising tide of persecution of Christians around the world. Our witnesses today will testify about the systematic and severe mistreatment, including but not limited to harassment, discrimination, imprisonment, beatings, torture, enslavement, and even violent death, meted out to believers simply because they are believers.

The subject of religious persecution is a familiar one for the Subcommittee on International Operations and Human Rights. This subcommittee and its members have held hearings, passed resolutions, and otherwise helped to focus the attention of Congress and the Nation on the persecution of Soviet Jews, of Bosnian Muslims, of Bahai's in Iran, of Buddhists in Tibet and Vietnam, and of others who have been oppressed for practicing their faith. This, however, is the first hearing to focus specifically on persecuted Christians, and to do so in a way that makes clear that this is not an isolated or occasional outrage, but one that is perpetrated every day upon tens of millions of people around the world.

We hope this hearing will advance several important goals. First, the very act of bearing witness is important in and of itself. Even if we accomplish nothing else this afternoon, we have an obligation to shed light on facts that I believe need to be shown, and to give a forum to voices that need to be heard.

We hope, however, to accomplish much more. In this age when human rights are always in danger of subordination to other objectives, whether it be the love of money, the fear of immigrants and refugees, or the desire to get along with governments and dictatorships that mistreat their own people, we need to be reminded that when people are persecuted in distant lands, it is often because they believe in God and seek to do His will "on earth, as it is in Heaven." The victims we so often ignore, whether the issue is refugee protection or most-favored-nation status for China, are usually the very people with whom we share values. We need to see their

faces, and to be reminded that they are our brothers and our sisters.

Sixteen years ago during my first term in the Congress, I read a book entitled "Tortured for Christ" by the Reverend Richard Wurmbbrand, a Romanian evangelical minister.

In it, he detailed the horrific, agonizing 14-year ordeal that he endured for his faith in Christ during Ceausescu's brutal dictatorship in Romania.

He said, and I quote, "the underground church is a poor and a suffering church, but it has no lukewarm members." I have found, and I know members of our panels have found, that throughout the world there are no lukewarm members when it comes to the underground churches, be they in China or any other Catholic nation.

In the chapter "How Western Christians Can Help," Reverend Wurmbbrand thundered, and I quote, "And the free Church sleeps on, oblivious of their struggle and agony, just as Peter, James and John slept in the moment of their Saviour's agony."

"Will you also sleep while the Underground Church, your brethren in Christ, suffer and fight alone for the Gospel?"

"The message I bring out of the Underground Church is: 'Don't abandon us! Don't forget us! Don't write us off!'"

The book, and numerous others like it that I have read over the years, exposed the torture and degradation routinely employed against Christians by dictatorships and the lack of response in the West. These accounts are more than just chronicles of heroic faith in a God they love, but a call to action as well.

Congressman Frank Wolf, a Republican from Virginia, and Tony Hall, a Democrat from Ohio, and I have pressed for religious freedom in Romania, the East Bloc, Russia, the PRC, and in many Islamic nations since the early 1980's.

On one human rights trip to Romania in 1984, we demanded the release of numerous imprisoned pastors and believers, including Father Gheorghe Calciu. On the Senate side, Senator Bob Dole mounted a strong push for Father Calciu's release, as well. At a press conference after his release, Father Calciu humbly told of his suffering for Christ, and then finished by telling how the dreaded secret police, known as the Securitate, decided to kill him by putting two common thugs in his cell with instructions to end his life in exchange for a reduced sentence. Father Calciu, undeterred and ever the missionary, preached the Gospel of Christ to these hardened men, and both gave their lives to the Lord. When their sentences were extended rather than shortened, they went right on praising God, having found the truth that set them free.

I have heard similar miraculous stories in Perm Camp 35 in Russia, in the late 1980's. Mr. Wolf and I, after 2 years of negotiation, were the first parliamentarians to get into that infamous gulag. We not only interviewed each prisoner of conscience, but we gave them Bibles. I will never forget seeing the tears of joy flowing down the faces of many of these saints as they clutched the Bibles close to their hearts. I was amazed that these prisoners weren't filled with malice or hate toward their KGB captors, but with love and forgiveness.

On one of three human rights trips to the People's Republic of China, I heard breathtaking stories of the Christian House Church

Movement and of oppressed Catholics. One Christian woman, with tears in her eyes, told me how she had been forcibly aborted by rough and rude Chinese family-planning cadres, and that she prayed that her baby was in heaven. Yet, like Christ, she said she forgave them, for they didn't know what they were doing. Frankly, I was amazed.

Another told me how the public security policeman beat, harassed and robbed Christians. Well, his wife, who was blind, converted and was healed of her blindness, I was told. That police officer, like the Roman jailer in our Lord's day, converted as well. Such is the power and the mercy of the God that we serve.

It is important that we assess, ladies and gentlemen, the performance of our government, which I believe has been a bitter disappointment, and of international institutions such as the U.N. Human Rights Commission, and High Commissioner for Refugees, in responding to the pleas of persecuted Christians. In the past we have heard that these institutions have been reluctant to acknowledge the plight of persecuted Christians, much less do anything of substance to help them. Most of us can remember the Pentecostals who sought refuge in the U.S. Embassy in Moscow during the early 1980's who were finally rescued only after they had been pressured and cajoled for months to leave because they were cluttering up the courtyard. I met them in Moscow in 1981, the so-called Siberian Seven, and was greatly moved by their courage, faith and love. Yet, to our embassy they were a nuisance.

On the other side of the world, the so-called "Comprehensive Plan of Action" for Southeast Asian asylum-seekers has returned thousands of Christians, including priests, nuns, ministers, and seminarians, to Vietnam after they were callously labeled "economic migrants." And applications for asylum or refugee status from Christians who have managed to escape from Islamic extremist regimes have typically been rejected, despite the draconian punishments often administered against them.

Finally, and perhaps more important, today we will afford an opportunity for a broad coalition of respected voices, from Amnesty International to the Southern Baptist Convention and the Family Research Council, who will bear witness to their own recognition of the plight of persecuted Christians. This is an issue I believe that should unite liberals and conservatives, Republicans and Democrats, even internationalists and isolationists.

Let me conclude by saying that our Lord admonished us to care for the persecuted, the hungry, those in prison—the so-called least of our brethren. For me, this has meant being absolutely serious about human rights and the protection of all who are weak and vulnerable and disenfranchised. For me, this has meant inclusion of all people, regardless of race, sex, age or condition of dependency, including unborn babies whose right to life is cruelly denied by some nations, including our own. Human rights are indivisible.

Today, millions of Christians endure torture and are humiliated for their faith. They are the "least of our brethren" only in the circumstances in which they find themselves. For in reality, they are the moral giants, the unsung heroes whose faith and courage will be revealed in the life to come.

In the meantime, let us take Reverend Warmbrand's words to heart and fight, as never before, for our suffering brethren.

I would like to ask my distinguished colleague from California, Congressman Dana Rohrabacher, if he has any opening comment.

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

I first want to congratulate Chairman Smith for the leadership that he is providing, not only on this issue, and this is an important issue, and I think we are going to make it, we are going to make this a signature national and international issue. This is the first step, and I congratulate him on taking the leadership.

Also, Chris Smith bears the burden of so many of these moral questions, and those of us who share those convictions, but perhaps have other priorities. I am very interested in the space program and very interested in tax policies and things like that. I want all of you to know how much we admire Chris Smith, how much we admire him as a person because he keeps us focused on these moral questions of the day that, if America does not focus on these questions, who cares about the space program? Who cares about the tax policy? The fact is, America will not be America if we could not take stands, moral stands, and lead this world morally as well as technologically and economically.

So I believe that the leadership Mr. Smith is providing us and Congress is just invaluable. He is an irreplaceable member, and he has my gratitude for that.

In terms of this question today, I remember full well during the cold war that we saw the persecution of the Jews in Russia. I mean, that was something that was vivid to most Americans. I remember as a newsman covering that story on numerous occasions. I was a newsman out in Los Angeles. It was an important story. It was something that signified the nature of the Soviet Union itself. The world knew about it, and eventually we were able to wade in and make a difference there.

In fact, the world has also been aware recently of the persecution and the genocide that has taken place against the Muslim populations in Bosnia. This too is something that the world has paid attention to recently, just recently. It took far too long for us to take some type of positive steps to try to counter that.

Well, today, as I say, we are launching the first steps to making sure that the world pays attention to another group of people who are persecuted and are being tyrannized for the sake of their own faith, and that is the Christian communities in various parts of the world.

Now the world no longer faces this monstrous threat that we faced; for 70 years there was an atheist force on this planet that meant to destroy the symbols of faith and the organizational structures of religious faith of every religious doctrine. This militant atheism, as represented by communism, was, I believe, a historic, evil force on this planet. I believe that that force has been defeated. Now is the time for us to unite and to make sure that all people who are being persecuted for their faith, whether it be Jews or Christians or Muslims, that we make this our policy as American citizens, and our policy as decent people of the world, to try to end these types of persecutions.

In terms of Christians, Christians perhaps have been more quiet in the United States about the persecution of fellow Christians than any of the other groups that have faced persecution overseas. That needs to change, and that will change with the leadership that Chris Smith is offering and those of us in Congress that will be involved in this issue. It is time for all people of faith to stand together, to see that the persecuted Christians throughout the world are protected and that we stand with them against those who would tyrannize them, those who would basically eliminate their faith through force and violence.

Again, whether we are talking about the Rohingyas in Burma or whether we are talking about Christians in Muslim countries, or whether we are talking about Christians in Communist countries, these people are suffering for their faith; they are the heroes and the saints of our time, and at the very least, we, the people of the United States, should send them a message that we are on their side.

So thank you very much, Mr. Chairman. I am proud to be standing with you.

Mr. SMITH. Thank you, Mr. Rohrabacher, for your very kind remarks and for your very cogent statement. I think it is very well taken, especially the point about the militant atheism. We so misunderstood what was at the core of the Communist regimes and still is. As Rev. Wurmbrand pointed out in his books, it is not just a dislike of God; it was a hatred of God.

I would like to introduce our first panelist, and we have three panels of experts today, and we welcome you. For all who are here, including the press, if this goes on for much of the day, the remainder of the day, it is important that this information get out. So while each witness will be asked to keep it within approximately 10 minutes, this will be a long hearing; but I think the information is of such a nature that this needs to be a long hearing.

Nina Shea has been an international lawyer for 17 years and is currently the program director of Freedom House's Puebla Program on Religious Freedom. In her work with the Puebla Program, Ms. Shea monitors religious persecution throughout Asia. She is also co-author of Human Rights Report on El Salvador, published by Random House in 1983. In addition, her writings have appeared in The New York Times, the Wall Street Journal, the Asian Wall Street Journal, the Los Angeles Times, and the New Republic. In 1993, the Clinton administration appointed Ms. Shea to the U.N. Commission on Human Rights.

Ms. Shea, if you would please begin. I will introduce our other panelists before their respective presentations.

Ms. SHEA. Thank you very much, Mr. Chairman. I want to abbreviate my remarks today, so I ask that my entire text appear in the record.

Mr. SMITH. Without objection, it is so ordered.

STATEMENT OF NINA SHEA, PROGRAM DIRECTOR, THE PUEBLA PROGRAM ON RELIGIOUS FREEDOM, FREEDOM HOUSE

Ms. SHEA. Mr. Chairman, Freedom House congratulates the subcommittee for holding these hearings on the persecution of Chris-

tians throughout the world. This is an issue which has been the focus of the Puebla Program for 10 years and was the topic of a conference we sponsored last month at which over 100 key Christian leaders and activists discussed strategies for ending the indifference of the West regarding this abomination.

Mr. Chairman, thank you for so consistently raising your own voice against the torture, enslavement, imprisonment and murder of Christians throughout the world.

I have been asked to address patterns of persecution against Christians in those countries that remain under Communist control; namely, North Korea, Vietnam and China.

Mr. Chairman, each of these governments initially attempted to eradicate religion by force. While North Korea came the closest, this tact was ultimately unsuccessful and Christianity survived in the underground. Today, each of those Communist countries attempts to control and restrict Christian worship and activity using diverse means. While there was a Communist Bloc isolated behind the Iron Curtain, the Free World understood as a given that religious freedoms and other human rights were denied in communist-controlled countries. Few realize that even now religious persecution continues in the remnants of the Communist world.

Mr. Rohrabacher said that communism has lost its force, and indeed it has. Communist ideological fervor has dissipated to varying levels in these countries. In China and Vietnam, Marxist economic policies have been overthrown in favor of capitalist ones. Nevertheless, these three governments continue to persecute Christians as well as other religious groups for simple acts of worship and witness. And all three rank at the bottom of the 1996 Freedom House "Freedom in the World" survey among the "18 worst rated countries" in the world for political rights and civil liberties. The repression of Christians is part of a political climate in which human rights and democratic freedoms are routinely abused. "I think independently, therefore, I am guilty," remains the prevailing maxim. Pope John Paul II, in his annual address this year to the diplomatic corps for the traditional exchange of New Year's greetings, decried the oppression of Christians throughout the world and singled out both China and Vietnam by name.

Why do the Communist governments, which have forsaken ideology in so many other respects, still oppress independent worship? The answer is simple. The churches assert moral values that these governments do not want to hear.

A fundamental moral teaching that is in conflict with Communist ideology is Christianity's belief in the inherent dignity of the individual. That is, individuals have rights by reason of the fact they are human persons; rights are not derived from or distributed by the State or political agents. The Christian view of the human person is informed by the teachings of the Bible. In many Christian traditions, a philosophy of natural reason has been developed in the defense of the idea of the inalienability of human rights. Thus, when Pope John Paul II defended universality of human rights at the United Nations last fall, he appealed to moral criteria that are accessible to all persons of intelligence and good will, regardless of faith.

This tenet of human dignity and rights remains anathema to Communist authorities, for it threatens their monopoly on absolute and unchecked political power.

An understanding of this conflict helps explain why the Central Committee of China's Communist Party, in several recent documents circulated in Hong Kong, names Christianity in China as a principal threat to political stability. The mechanism for Beijing's control of religion is the Religious Affairs Bureau, which is ultimately controlled by the Communist Central Committee. The Religious Affairs Bureau registers, oversees and controls all churches within a framework provided by its Catholic Patriotic Association and the Three-Self Patriotic Movement for Protestants. Those operating independently, such as the Roman Catholic Church and a vast underground network of Protestant Evangelical house churches, are unlawful and their members liable for arrest and imprisonment on charges of "counterrevolutionary acts" or other crimes.

Since July, the Religious Affairs Bureau has been headed by a Communist hardliner and atheist, Ye Xiaowen, who is now implementing a fierce campaign to stem the growing tide of Christian belief in China. Following his appointment, at least four prominent Roman Catholic bishops were arrested and detained, which was the first time in over a year that members of the hierarchy were detained for more than a few days. One bishop continues to be imprisoned at this time. On January 14, authorities renewed their drive to register all religious meeting places. Evangelicals have been targeted throughout the country, but with particular intensity in Shanghai and in Anhui province where authorities have "resolutely recommended" reeducation through labor for principal members of independent churches, even for those "whose misdeeds do not warrant criminal punishment."

The current word on the street among evangelicals is that local authorities are being pressed hard to round up all evangelicals for registration or arrest. Police have vowed to "hit and eradicate" five Christian-based religious groups operating in Anhui, according to China's Public Security Bureau News newspaper. American Bible missionaries I spoke to this week were told by Chinese Christians that they are at this time too afraid to meet with foreigners or hold Bible meetings and are lying low in their Christian activities. They reported that this is now the most repressive period for them at any time since the pre-Deng period in the late 1970's. An American Bible missionary who recently returned from China said that an arrest warrant with the names of 3,000 evangelical preachers is being circulated by the Public Security Bureau. Many house church leaders have argued that to register with the government would compromise their religious faith by giving ultimate authority to the state.

Mr. Chairman, China has the dubious distinction of holding more Christian prisoners than any other country in the world. We do not know the actual numbers because its judicial and penal system are closed. The Puebla Program has in its data base the names of approximately 200 Christian clergy and leaders, alone, now imprisoned or under some form of detention or restriction because of worshipping within these independent churches. Roman Catholic priests are imprisoned for celebrating Mass and administering the

sacraments without State authorization. Protestant Evangelical preachers are arrested and tortured for holding prayer meetings and distributing the Bible without State approval.

Take the case of Dai Guillang, a 45-year-old evangelical preacher who is now serving a 3-year sentence, and he never had a trial, for propagating the book of Genesis.

Or take the case of Reverend Vincent Qin Guoliang, a 60-year-old Roman Catholic priest who is now serving a 2-year sentence of "reeducation through labor" on charges that have been not made public. He has been forced to do hard labor, mostly at No. 4 brick factory in Xining, since his initial arrest in 1955 for refusing to repudiate association with the Vatican.

I would like to turn now to Vietnam. Vietnam so restricts independent religious association for Buddhists and Christians that even American tourists routinely find themselves under arrest for their faith at the very time that the United States is restoring diplomatic and trade ties and Vietnam is seeking most-favored-nation status. This is underscored with the stunning example that occurred last week.

A week ago, three Americans traveling with the Oregon-based evangelical group, Youth with a Mission, were arrested and ordered under house arrest after they were found talking with eight young Vietnamese Christians in Ho Chi Minh City. These Americans were held without due process for several days before being made to pay a fine and sent home. This outrageous treatment of American citizens, the denial of their basic religious rights, shows Vietnam's utter contempt for human rights law.

How much more severely does Vietnam restrict the rights of its own citizens? Both Roman Catholics and Evangelical Protestants, as well as Buddhists, suffer religious repression.

Since the early 1990's, Vietnam has employed a repression strategy of striking at the Catholic Church's hierarchical structure rather than imprisoning clergy. The government has moved toward decapitating the Roman Catholic Church by barring bishop appointments and by stanching the flow of seminary entrants and graduates and restricting the number of ordinations. In a petition to Vietnam's Prime Minister presented on September 29, 1995, the Vietnam Catholic Bishop's Conference detailed the problems that have "seriously hindered our pastoral ministry and our faithful's religious life."

Regarding the Roman Catholic Church, the members of the popular indigenous congregation of Mother Coredemptrix were harshly persecuted, and 14 of those priests and monks remain in prison and have been in prison since 1987.

Evangelicals who work with tribal groups are frequent targets of arrest and harassment for illegal preaching.

An Evangelist working with prominent house church leader Reverend Tran Mai was tried and convicted of "abusing his freedom as a citizen to propagate religion." He was sentenced to 3 years in prison. He revealed at the trial that he had been beaten by security police. According to his wife, the Evangelist was beaten, bound by hand and foot and left to lie in the sun for a long period of time during which he was denied water. He eventually became delirious

and went on a hunger strike until he was untied and given minimal food and water.

In May, a court in Bato District, Quang Ngai Province, sentenced two Protestant Evangelicals to 2 years in prison, and this is probably for their itinerant evangelistic work among the Hre tribe.

These are only a few examples.

Finally, turning to North Korea with its Stalinist ideology and a bizarre personality cult built around its founding leader, the late Kim Il Sun, North Korea is the most repressive country on earth today. The government relies on relentless propaganda and a comprehensive surveillance system that aims to control virtually every act, thought and desire of its citizens. In this society, freedom of belief and worship have no place.

Kim's combination of thought control and brutal punishment apparently has devastated North Korea's Christian community. Pyongyang, nicknamed "Asia's Jerusalem" was one of the continent's most Christian cities. Today, the North Korean Government claims there are only 10,000 Protestants and no more than a few thousand Catholics in a country whose total population is over 21 million.

Since 1988, churches have been allowed to be built. There are now only three church buildings, one Catholic and two Protestant, and these are government-built and operated and regarded by many Western observers as propaganda outlets for the government that are only open when Western visitors are in the country. The government permits some limited worship in private homes, but its claim that the majority of the country's Christians worship in about 500 house-churches is probably exaggerated, since the government restricts travel, forbids unauthorized meetings, and keeps religious believers under surveillance. Currently there is not a single Catholic priest in North Korea, and therefore there are no masses or sacraments administered.

Reports by some observers would indicate that worshipers in these churches are actors in the government's charade. A Washington Post correspondent witnessing services at two of the churches reported that of the four Protestant congregants he asked to name the first book of the Bible, none was able to do so, and that only one of the four knew the numbers of Jesus' apostles. This journalist reported as well that worshipers seemed listless and hardly touched the Bibles placed before them. Other journalists visiting the churches reported back that they were reminded of "a visit to a Madame Tussaud's Wax Museum" or a Potemkin village.

But North Korea has gone farther than China and Vietnam in another respect. It has imposed on its citizens an alternative religion centered on Kim and his son. Starting as young children, North Koreans learn to look on the "Great Leader" Kim Il Sung and his son, the "Dear Leader" Kim Jong Il, as infallible, god-like beings and the progenitors of the Korean race. The media disseminate legends attributing supernatural origins and powers to the Kim family. History books ascribe to Kim all the country's achievements, even those for which he bears no responsibility. Statues and posters of Kim are displayed throughout the country, and every adult must wear lapel badges with his picture.

In conclusion, in the realm of religious freedom, communism remains distinctively harsh, even in the world of Asian authoritarianism. China, Vietnam and North Korea all severely restrict religion, including Christianity, in an attempt to bring it under government control. Regrettably, even as trade and free markets burgeon in China and Vietnam, religious freedom continues to deteriorate. The Communist parties that control these countries cling to the political ideology that has been so consistently disastrous for human rights throughout their rule.

Thank you very much.

Mr. SMITH. Thank you very much, Ms. Shea.

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

Mr. SMITH. I would like to recognize our next witness, Joseph Kung, the president of the Cardinal Kung Foundation, a nonprofit organization named after his uncle, Ignatius Cardinal Kung, the Vatican-appointed Roman Catholic Bishop of Shanghai. Joseph Kung's uncle was arrested in Shanghai in 1955, and later was sentenced to life imprisonment for his refusal to denounce the Holy Father as the head of the Roman Catholic Church. For three decades, Mr. Kung lobbied for the release of his uncle, Bishop Kung. Finally, in 1985, the 85-year-old Bishop Kung, very frail and very sick, was released on parole after 30 years of imprisonment. After Pope John Paul II announced the elevation of Bishop Kung to Cardinal in 1991, Joseph Kung, at the request of Cardinal Kung and the encouragement of Bishop Walter Curtis, established the Cardinal Kung Foundation to directly assist the loyal persecuted Roman Catholic Church in China.

I would just interject parenthetically that I traveled with Mr. Kung to China on a human rights mission a few years ago. We have met with a number of the official church people and high government officials. He made a very persuasive case on behalf of the suffering Catholics. I would like to yield the floor to Mr. Kung.

STATEMENT OF JOSEPH M.C. KUNG, PRESIDENT, THE CARDINAL KUNG FOUNDATION

Mr. KUNG. Mr. Chairman, I will abbreviate this text somewhat in order to keep the time limit, with your permission.

Mr. Chairman, I would like to thank you for the opportunity to testify before you today on the persecution of Roman Catholics in China.

Mr. Chairman, the Chinese Constitution offers its citizens "freedom of religion." In reality, Chinese citizens may only practice their religion according to the choice of the Communist Government, not according to their free choice and conscience. In the case of the Catholic church, the government's choice is "The Chinese Catholic Patriotic Association" founded by the Communist Government. Communists are atheists. It was never the mission of a Communist Government to promote "religion." The primary goal of establishing the Patriotic Association was therefore to replace the Roman Catholic Church. The government failed; hence, the continuous persecution of the Roman Catholic Church.

Roman Catholics are required by their basic faith to accept the authority of the Pope. Under no circumstances can a Roman Catholic accept just any other church as a substitute without abandoning

his faith and his status as a Roman Catholic. Roman Catholics in China, therefore, cannot concurrently keep their faith and follow their government's instruction to reject the Pope's authority in the church, in spite of the risk of persecution.

As Pope John Paul II said on January 14, 1995, in his message broadcast to China: "A Catholic who wishes to remain such and to be recognized as such cannot reject the principle of communion with the successor of Peter." By remaining loyal to the Pope as mandated by the Catholic faith, the Roman Catholic Church is outlawed in China and is known as the unofficial church.

Mr. Chairman, the persecution of the Roman Catholics is not ancient history. The persecution continues as we are speaking here today. It gets worse at a time when China is given much freedom in business and finance. It gets worse at a time when China is making significant economic progress. It gets worse at a time when China is working hard to claim its status as an important member of the international community. Certainly, the policy of the U.S. Government to separate human rights and trade under the policy of the current Administration must bear some responsibility for this ongoing religious persecution.

As soon as the Patriotic Association was established, all properties of the Roman Catholic Church were confiscated. Later, as China opened up, many of the church buildings and other properties were transferred to the Patriotic Association, leaving the loyal Roman Catholics homeless and penniless.

Many foreign visitors have seen these reopened churches. They appear Catholic. The priests dress like Catholic priests. Even their prayers sound Catholic. But they are not Catholic. They all belong to the Patriotic Association.

Behind the seemingly serene and pious scenes in these churches are the continuous suppression, often brutal persecution, of the 8 million Roman Catholics loyal to the Pope.

Persecution is much more widespread than merely targeting those who have been singled out as ringleaders. Many others, ordinary citizens and simple villagers, suffer serious routine harassment for their faith. This includes intimidation, short-term detention, beatings, physical abuse, lack of medical treatment during confinement, and heavy fines which I would characterize as ransom.

Lacking a place to worship, Roman Catholics, particularly in the countryside, often build their own simple churches on private property. A few of these structures survived, but most of them have been destroyed by the government.

In the last 2 years, we had reports that four churches were destroyed. Many more probably met with the same fate.

In 1994, for instance, the faithful in a remote village in Jilin Province collected 20,000 Chinese yen; approximately, compared to U.S. \$2,500. They mobilized the whole village, including children, to build a tiny chapel. They completed the structure quickly, in 5½ days, hoping to escape the notice of the local authorities. They hoped that once the chapel was built, the government might just tolerate it. They were wrong. More than 100 army trucks with several hundred soldiers came. They ordered the villagers to tear down this church. Instead, all the faithful gathered in the newly

built chapel and prayed in unison. The soldiers grabbed all praying villagers and threw them out. Then the soldiers dispersed them with a high-pressure water hose. During the late night of July 22, 1994, the soldiers returned. They tore down the chapel while the villagers slept. The next morning, the villagers gathered at the debris of the destroyed church. They prayed. They wept.

Sixteen months later, on November 22, 1995, more than 40 vehicles with about 150 public security officers destroyed another newly built church near Dong Lu in Hebei. In the process, the officers severely beat the Catholic construction workers, resulting in five injured workers. Seven Catholics were detained. Two days later, a Holy Mass was offered at the site of the destroyed church. Thousands came.

Mr. Chairman, this is a picture of the debris of the church. Nothing but brick left, everything destroyed.

Between these two incidents during the 16-month period, two more churches, both located in Baoding, were destroyed.

Mr. Sun Guofu from a small village in Hebei was arrested on February 23, 1995, for organizing a retreat for the Roman Catholic laity and for listening to a catechism on audio tape.

Mr. Sun was badly tortured. When he passed out, he was placed outdoors in the cold. He was told that to secure his release, he must give a banquet to the security personnel and pay a fine of Chinese yen \$5,000, which is equivalent to almost 2 years of a villager's income. Mr. Sun does not have this ransom and he remains in jail.

Reverend Chi Huitian of Hebei Province was arrested on April 17, 1995, for his refusal to obey a security bureau's order to cancel his Easter Mass. He stayed in jail about 6 months. He suffers from a brain concussion due to the torture he suffered in jail.

Reverend Liao Haiqing of Jiangxi Province, age 68, was arrested many times. The latest rearrest was on August 4. He has a heart condition and high blood pressure. In the beginning of his detention, Rev. Liao was not allowed to receive medication from his family. I can go on and on and on for many other cases. But there are two new cases.

Reverend Xu Delu of Jiangsu Province was arrested on October 8, 1995, after he had offered a Holy Mass in a private home.

Reverend Guo Baile, also of Jiangsu Province, known as a "fisherman's priest," was arrested on November 1, 1995, after he offered a Holy Mass on a 40-ton cement boat. Arrested with him were two female Catholics who were beaten with an electric baton.

During the Women's Conference in Beijing, while the U.S.' First Lady and the world's delegates were in China, many bishops, priests and faithful were detained in an effort to stop any attempt of the Underground Church from contacting the foreigners. I know of a number of young people who are still in hiding now because they were discovered sneaking out of their village to go to Beijing. Their intent was to meet with certain foreigners in an attempt to reveal their struggles to the world via the international media. They never succeeded.

In Yu Jiang of Jiangxi Province, the Roman Catholics, who have no church buildings, would congregate by the thousands on top of a desolate mountain to pray and to celebrate the Holy Mass on

each important Catholic feastday. The Chinese Government tried its best to suppress these services. We know of two tragedies during the prayer service in the last 2 years.

August the 15th is the Feast of Assumption, an important date on the Catholic calendar. It is a holy day of obligation on which Catholics must attend Mass.

On August 13 and 14, 1994, about a dozen Catholic leaders in Yu Jiang and elsewhere were arrested. Many homes suspected to house out-of-town Catholics were searched. As a result, many faithful attempted to escape by jumping out of the windows on the upper floors. Many sustained injuries. Others hid in the bushes all night.

On August 14, roads leading to the mountain were blocked by several thousand security personnel. Public transportation, including ferries to and from this site, were forbidden for people suspected to be Roman Catholics heading for the mountain.

Several thousand faithful, risking imprisonment, torture and fines, walked through a chest-deep river and little-known paths to reach the mountain but were stopped and beaten by government forces who used electrically charged batons, injured scores and arrested dozens. Despite these atrocities, 2,000 faithful broke through the police line and reached the top of the mountain. There they prayed and sang hymns. There were no bishop and priests to offer Mass for them, because all of them were arrested.

There was another case where 30 or 40 Catholics were arrested during the prayer service on top of the mountain, and four of them were sentenced between 2 to 5 years.

The bishop of this diocese, Most Reverend Zeng Jingmu, was arrested many times. He was rearrested on November 22, 1995, and is still in jail. We are most concerned, as he has been in bad health.

These repeated and intermittent arrests, without going through the proper court procedures, are commonly referred to as administrative detention. This terrorizing method has become notoriously prevalent in China as a weapon against the clergy and the lay Catholic leaders. Not coincidentally, this methodology also makes it more difficult for international human rights groups to obtain timely information, or to lobby for their victims.

There is every evidence that the persecution is stepping up.

On December 22, 1995, just about a month ago, the religious bureau in Shanghai announced 63 regulations to step up control of the so-called illegal religious activities. The effective date of enforcement begins on March 1, 1996. We believe that other municipalities will follow suit. In essence, every religious group must be registered. Each religious activity must be preregistered and approved. No mission activities from foreign countries is allowed. For an unregistered religious group like the Roman Catholic Church, no assembly of religious activities is allowed, no church is allowed to be built, and no stipends or donations are allowed. These new regulations appear to be a rigorous enforcement of Decrees 144 and 145 signed by Premier Li Pang on January 31, 1994.

Many faithful know that they cannot follow the Patriotic Association without abandoning their faith. They feel helpless, except to prepare for the worst eventualities. They are now under close

watch by the local authorities. Just as in the 1950's, they have packed their small bags and are ready to be arrested en masse once again.

Bishop Joseph Fan of Shanghai, the auxiliary Bishop of Cardinal Kung, is taking charge of the diocese. He has been watched very closely by the Shanghai authorities for the past few years. At present, Bishop Fan's every movement is monitored by security officers.

Bishop Fan and another loyal priest of Shanghai have announced that no longer can they offer Holy Mass in their houses to loyal Roman Catholics pursuant to the oppressive regulations effective March 1, 1996. They were given to understand that if the priests were to be caught offering Mass in their houses with Catholics in attendance, they would be fined Chinese yen of 1,000 each and the member of the faithful JMP for 500 each. The fine will be doubled if they are caught a second or third time. In the event they are caught for the fourth time, they would be expelled to the countryside with reduced living quarters. It appears that something very, very awful and dreadful will happen soon to the loyal Roman Catholic Church in China.

Recently, Bishop Su Chimin, Bishop of Boading, and his auxiliary Bishop, Bishop An Shuxin, have also been under very strict surveillance. A security person watches them day and night at all times. Mr. Chairman, Bishop Su is a bishop who met with us 2 years ago. He is in house arrest, in other words.

Last night I received some new cases. I am going over a couple of minutes. We learned of an 80-year-old parish priest who was investigated by local authorities, ostensibly on the property rights of his church and a seminary. The authority also investigated every resident status, dispersed all religious in the seminarians and convents. Several nuns were arrested. Catholic doctrine is not allowed to be taught in the church. In order to prevent the Roman Catholic students from attending Mass on Sundays, the school system declared Sunday a school day and Friday a free day. If a student or teacher were discovered to be Catholics, they were ordered to join the Patriotic Association. They were not allowed to wear holy medals. If they refused, they would be dismissed from the school system, and several persons were subsequently dismissed. Concurrently, the authorities promised that teachers who renounced their Catholic faith would be promoted from private school teacher to that of national status.

More than 400 security personnel from the local authorities are now stationed in Boading and its neighboring towns to control the so-called illegal religious activities. Boading is the place where Bishop Su is. They even started a branch of a security office in Dong Lu, which is the site of the annual pilgrimage in May with total attendance well over 100,000 from all over China. To add insult to injury, the villagers must provide room and board to all government security personnel. Can you imagine if this happened in the United States?

Mr. SMITH. Mr. Kung, if we may, we will make the rest of your very persuasive testimony a part of the record. When you mentioned Bishop Su, I vividly remembered our meeting with him. We

will make that a part of the record if you don't mind. I thank you for your excellent testimony.

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

Mr. SMITH. I would like to proceed with our next witness, Reverend Tran Quy Thien, who was born in Vietnam. Ordained as a Catholic Priest in 1960, he served as a chaplain in the armed forces of the Republic of Vietnam. In 1975, he was sentenced to 13 years in prison along with many other religious leaders. After his release in 1988, he was prohibited from conducting religious services. Reverend Thien arrived in the United States in 1991 under the HO program. Since then, he has been active in promoting religious freedom in Vietnam. He recently met with President Vaclav Havel in the Czech Republic to discuss issues of human rights and religion in Vietnam. Reverend Thien.

STATEMENT OF TRAN QUI THIEN, CATHOLIC PRIEST

Rev. THIEN. Mr. Chairman, Honorable Members of the Subcommittee on International Operations and Human Rights, ladies and gentlemen, it is a great honor for me to be here today in this august assembly, which is a part of the legislative branch of the United States and represents the highest authority in this land. When I received the invitation to speak in front of you today, I realized that it was not simply due to the fact that as a Catholic chaplain I have spent some 13 years in a number of Vietnamese Communist reeducation camps. Rather, I am called here to speak on behalf of the whole question of religious freedom in Vietnam, of which I am only a living witness.

I would like therefore to start out by saying that the Communist authorities in Vietnam did not single out my church, the Catholic Church of Vietnam, as a target for their repressive policy. In fact, following Karl Marx and considering all five major religions of Vietnam, Buddhism, Catholicism, Caodaism, Hoa Hao, and Protestantism, to be "the opiate of the people" that needs to be eradicated, they have gone systematically after their extermination, suppression and/or co-optation. This is a policy that they have implemented and perfected in North Vietnam since their rise to power in 1945. When they came into full control of South Vietnam in April 1975, they only elaborated on that policy, improvising adaptations at first but eventually summing them up in two governmental measures, Decision No. 297 dated 11 November 1977 and Ministerial Decree No. 69/HDBT dated 21 March 1991, according to which all religions in Vietnam are under the control of the State Committee for Religious Affairs and all religious activities are strictly circumscribed. This includes not only such things as religious restrictions and prohibitions, church services, the selection of seminarians, the training, appointment and movement of religion leaders within the church, but even such things as the regulation of gifts or aid received from abroad, the importation of religious literature, international exchanges with churches and religious organizations outside of Vietnam.

In the words of a famous Redemptorist father currently residing in Saigon, Father Chan Tin, the current situation of the Catholic Church of Vietnam is as follows: "The State intervenes blatantly in the internal affairs of the Church and opposes the Vatican's ap-

pointments of bishops to vacant sees. To take the case of the Saigon archdiocese, the Vatican had appointed Monsignor Nguyen Van Thuan to be the deputy to Archbishop Nguyen Van Binh even before 30 April 1975. Claiming, however, that he owed the people a "blood debt", the State held him in prison for 13 years and even after he came out of jail, he was expelled from Vietnam. When the late Archbishop Nguyen Van Binh was seriously ill and about to die, the Vatican appointed Monsignor Huynh Van Nghi to replace him as the prelate of Saigon, but the State repeatedly opposed that move and, even after Archbishop Nguyen Van Binh passed away, the State still made everything possible to prevent Monsignor Nghi from coming to Saigon to assume his post. It had him under constant surveillance, had him followed and prevented in every way from reaching Saigon. These are some of the latest developments. As for other areas of religious freedom, the State continues to limit the number of seminaries and seminarians, check on the background of teachers at those seminaries, prevent the appointment of local parish priests, raise all kinds of obstacles when the bishops try to move the priests from one parish to another, all these and others should suffice to prove that the State continues to blatantly violate the human and civil rights of the Vietnamese people."

From the above it is clear that the Socialist Republic of Vietnam has been engaged in a vicious plan to do away with organized religions in Vietnam despite the fact that the Vietnamese people are among the most religious people on earth. This plan is a systematic one, divided into various stages, and it is fully controlled by the Communist Party of Vietnam at every stage. As demonstrated by a detailed document written in 1994 by Do Trung Hieu, the Party member put in charge but who eventually came to be ashamed of the role he played in the destruction of the Unified Buddhist Church of Vietnam, the CPV does not stop before any scheme, no matter how insidious, in order to destroy what it considers to be its main competitors as far as the allegiance of people is concerned.

Thus, no pen will ever be adequate to describe all of the acts of terrorism, repression, suppression, murder and imprisonment aimed at the religious leaders and their followers, purely on religious grounds, in Vietnam. Among the means used toward those ends as well as to sow division among the various faiths in Vietnam, one must not fail to mention the so-called political protection public security force, which is one of the main instruments of violence of the regime, and the state-sponsored churches that are concoctions meant to destroy the various churches of Vietnam from the inside. For instance, to destroy the UBC they created an official Buddhist Church of Vietnam—only the word "Unified" is left out—to buy some ambitious leaders and draw them to the side of the government in an attempt to confuse the ignorant outside world, but this church is all shadow, no substance.

In the case of the Catholic Church, they created since 1976 a Liaison Committee of Patriotic Catholics that is allowed its own publication to contravene any and every attempt by the mother church to organize the Catholics of Vietnam, who number between six and seven million, into an independent social force for good within an independent Vietnam.

Mr. Chairman, distinguished members of the subcommittee, ladies and gentlemen, in view of the above, it is absolutely necessary for the world to speak up and to get the support of the Congress of the United States, in demanding:

First, that the SRV Government restores to the churches of Vietnam their legality so that they can operate normally, as in any civilized country, without the interference of such superfluous bodies as the State Committee for Religious Affairs or the state-sponsored pseudo-churches that go by the various names of patriotic this and patriotic that.

Second, that the SRV Government releases at once all religious leaders belonging to every faith, not only nuns and priests, but also lay persons imprisoned for their religious activities. Once released, these people should not be on probation either, which is only a euphemism for house arrest.

Third, that the SRV Government return all the church properties to the various churches so that they could make their positive contributions to healing society, in terms of cultural, educational, social and religious contributions.

Fourth, that the SRV Government only needs to follow the letter and spirit of its own Constitution, which in Article 70 guarantees the freedom to worship, freedom of religion, and freedom to practice or not to practice a religion. The SRV is also bound by the commitment it gave in joining the United Nations that various freedoms be respected, including the freedom of religion, as defined in the U.N. Charter and the Universal Declaration of Human Rights.

In closing, I would like to present to you, Mr. Chairman and distinguished members of the Subcommittee on International Operations and Human Rights, my humble and most sincere thanks for giving me this precious opportunity to speak on behalf of my coreligionists and sister faiths in Vietnam. Thank you.

[The prepared statement of Rev. Thien appears in the appendix.]

Mr. SMITH. Thank you, Reverend. And you have spoken well. Yours was an excellent statement, and I think it will be very helpful for this subcommittee and for other Members of Congress to have heard your testimony. When the record is widely disseminated, as it will be, it will be very helpful in chronicling what has happened in your country.

We do have one final panelist, Tom White, who has worked with Pastor Richard Wurmbrand and The Voice of the Martyrs, Inc., for nearly 20 years. He has visited over 90 countries, sharing the voice and burden for the persecuted church. While teaching English in the Cayman Islands in the 1970's, Mr. White made repeated trips to Cuba, dropping thousands of gospels and Bible portions into the ocean currents. This was in response to the destruction of 100,000 Bibles in Cuba's sugar mills. In 1979, Mr. White's private plane crashed on a Cuban highway and he was then sentenced to 24 years imprisonment. During his imprisonment, Mr. White experienced firsthand the plight of the suffering church. After many prayers, letters, and appeals from Mother Teresa and Members of Congress, he was released.

Mr. SMITH. I would like to ask Mr. White if he would offer his testimony now.

**STATEMENT OF TOM WHITE, USA DIRECTOR, THE VOICE OF
THE MARTYRS, INC.**

Mr. WHITE. Thank you, Mr. Chairman.

I will summarize my notes. It is an honor for me to appear before this committee. Members of this committee met my flight in 1980 when I was released from prison, and met us at Tamiami Airport in Florida. It is an honor to see this tremendous work.

I will briefly summarize Cuba and then I would like to spend the bulk of my time on Vietnam, confirming some of what our dear friend here just mentioned.

Castro did destroy 100,000 Bibles in sugar mills and burned an extra 27,000 Bibles. This is confirmed by the Bible Society during his first 3 years in power. I would like to point out as of today, Fidel Castro, who appears as the religious and spiritual guru of Cuba, has yet to replace the 120,000 or 130,000 Bibles that he has destroyed.

Time has passed. Chris Yales led a group of Jamaicans to Cuba in 1994. They were all arrested and thrown out of the country for carrying Bibles. Cuba today has drawn up a blacklist of Christian organizations, such as Campus Crusade for Christ, Youth With a Mission and many others, forbidding them to come to the island. Pastor Orson Vila is now still imprisoned in Cuba. He is the head of the Pentecostal Assembly of God in the central region of Cuba. He was arrested for having house church services.

The Cuban Government in 1989 gave permission to have house churches but they were rather surprised, as Mao was when he opened his society for a period, when the Cuban Government saw 800 house churches spring up across Cuba just in these last few years. As a result, the police have cracked down and arrested Pastor Vila, who is still in prison at this time.

With that, I would like to conclude that brief statement on Cuba and move into Vietnam. I do have photographs available in those packets for members of the press and others present. There are two photos of Pastor Vila. One was taken in prison when his wife was visiting him, and the other is when he was pastoring his congregation of over 2,000 people. This church still remains closed as of this date.

I just returned from Saigon 2 weeks ago. Our organization works in countries where it is forbidden to propagate Christian faith or to own Christian literature. The Vietnamese Government has only allowed one printing of the Bible since 1975, the Communist take-over. I would like to mention that many of the Vietnamese I mention in my article here today are people that I know personally, are my close friends in the last 4 or 5 years.

In the summer of 1994, the Vietnamese police raided a print shop in Saigon and confiscated 400 New Testaments that were being printed for the K'Ho tribe. This is a New Testament printed in Saigon secretly. This is in Vietnamese.

But the police still raid print shops around Vietnam, confiscating and destroying Bibles. This shows how farcical the Vietnamese Government is when they announced recently that they were having an official printing of Bibles, yet at the same time they go around and destroy Bibles that are unofficially printed.

One week before the United States signed economic agreements with Vietnam in July 1995, Vietnamese officials seized over 600 Christian books from believers. These are the books. This is a children's Bible story book printed in Vietnamese. I know this happened because I was there when that event occurred.

Vietnamese today travel from Hanoi to Saigon on hard wooden train seats, just like the Siberians used to travel to Moscow looking for Bibles, they travel to Saigon looking for a Bible. There is an average of 1 Bible for every 3,750 Vietnamese today.

The Vietnamese Government uses exile, imprisonment and beatings today. The head of the Evangelical Church of Vietnam, most people don't even know his name, has been in exile for 13 years on a rice paddy with his children. His name is Pastor Nguyen Lap Ma. The Communist Government confiscated his church when they took power in the south. He refused to give them the entire church, and so they sent him in exile with his family on April 21, 1982. He is still in exile. He has never been tried. He has never sat in a courtroom, but has been beaten by police on numerous occasions.

We have documents showing how his son is forbidden to go to school as an eighth grade student. This is a photocopy of the police document persecuting his 13-year-old son showing that he is "under house arrest because of religion." One of his daughters is married but is allowed to see her husband only occasionally, once every few weeks, because she is also in exile with the family. She is 28 years old.

Central Vietnam, where many tribal groups are persecuted today, the Vietnamese Government in the last 2 years has constructed hundreds of wooden poles with loudspeakers on them facing all four directions. Government propaganda now begins in the morning at 3 a.m. in Dong Ho in Quang Tri Province and other areas of Vietnam, from 3 a.m. in the morning until 11 p.m. at night for all villagers. It is felt by some that this is being done to counteract the growth of the Christian house churches in Vietnam.

On July 10, 1995, the police in Dac Lac Province interrogated eight Christians, taking a tribal Christian named Brother K'Be, placing him on television every week for 3 minutes with an explanation of his crime. I met him personally. He told me that the police do not want the church to grow. He has been caught three times. He says, "If they catch me one more time, they will put me in prison. I asked the police why our city of Di Linh has no church."

We also took photos in a labor camp in Vietnam in the 1990's of Pastor Kon-Sa-Ha-Hak, whose hands were tied behind his back and lit cigarettes were put in his nose, making fun of him. We published the photo of these two men in a labor camp, two pastors with him, and they were released only after the Vietnamese Government was embarrassed about their existence. That is another reason I am happy for committees of this type because this is, I believe, one of our purposes, to bring these cases to the world.

The Vietnamese Government arrests men, women, elderly grandmothers. I have visited three times with Mrs. Vo Thi Manh, who has 15 grandchildren. Her crime was holding house services. She was transported from Thu Duc prison—we have photographs of

that prison—to a labor camp in the back of a U.S. Army truck, an old truck, with chains on her legs. She is 62 years old.

We have a photograph in the file you can see there of a Brother K'Manh. He also speaks English. The police raided his village in January 1995, took all eight Bibles in the village where 35 families meet, Christian families meet. We also have his address for your consideration.

There is a Christian named Ho Van Loc. I was in Vietnam a year ago. The police had shot his water buffalo and cooked it in his front yard because he had a Christian service in his home. Most of these poor rice farmers who have a \$14-a-month income, the most valuable possession and only possession they have is a water buffalo, and the police killed his buffalo and ate it in the front yard, laughing. Now Brother Loc is in prison, and we have his prison address for your record. He is serving a 1-year prison sentence at this time.

Also a Christian, To Dinh Trung, when Mrs. Shea mentioned, of the K'Ho tribe has been beaten, videotaped, and has slept in prison latrines. We have a picture of him in the file for you today, as well.

I interviewed Mr. Trung some 6 months ago before he went to prison. His young wife, when Mr. Trung was in prison recently, had a third child only 13 days of age. The government accuses him (and we have some of his court documents) of "taking advantage of citizens' freedom to violate the interests of the government." I mean, it is a very convoluted type statement, and they accuse him of evangelizing, bringing the good news to the people. I am sure they use "good news" in the technical sense, not that they endorse this as the good news.

Mr. Trung was given, just a few months ago, a 3-year prison sentence, and is now in the prison in Quang Ngai, Vietnam.

I would like to point out in all of these tribal areas, no official church exists. There are now tens of thousands of new Christians in Vietnam, and the government says they must attend the official church. There is no official church. There is no building. There is nowhere they can go, unless they want to walk 50 to 100 miles every Sunday morning to church. There is no alternative.

Mr. Trung's wife wrote a letter—we have the entire text of that letter which is in the record—concerning all of the laws that the Vietnamese Government has broken. An excellent letter for a woman who has no shoes and lives in a house with a dirt floor. It is an incredible letter. You will have to read this.

She states her husband never did try to put down the government. He encouraged people not to gamble or be involved in superstitious practices. And she asks, why was he arrested? She states that Bibles have been printed in Vietnam, so why did the police burn her husband's Bible? It is an excellent report from her.

I just received in the last few days a report in the handwriting of the villagers from the village of Tra Nham. This is their letter, where they talk about several years of persecution.

In the early 1990's they came and killed the pigs and they fined them. They had to pay in pigs for worshipping Christ. In 1993 they came and shot to death several oxen, and tied up Christians, fined them. The police use many Christians in Vietnam today just as forced labor, and they economically rape their villages of rice.

The third time here in 1995 they went back to this same village and fined them all bags of rice. They beat them until their faces were black. I am reading this from the letter of the villagers themselves. They killed the pig. They killed the chickens. To us this sounds funny, but a chicken is about a week's wages in Vietnam. They fined them 80,000 VN Dong.

In North Vietnam today there are only 9 to 12 official church buildings, which may be Protestant churches, but in the entire area of North Vietnam. But there are tens of thousands of new Hmong tribesmen that are listening to Christian shortwave radio.

In this issue of the North Vietnamese newspaper which was published in 1991, it ridicules the tribesmen for listening to the gospel on radio. Although this is an old paper, we have new documents of Christians who were arrested and fined for listening to the radio. That paper is called the Nhan Dan, N-H-A-N D-A-N. That was April 21, 1991. In that paper they accused the Vietnamese of worshipping a King (K-I-N-G with a capital K) stopping their work, going to buy radios.

Radio Hanoi in August 1994 attacked Christian radio broadcasts, stating that they are here to spread incendiary propaganda and destabilize Vietnam. This is the type of radio. We buy thousands of these and try to circulate them in North Vietnam. They cost \$8. Ironically, they are sold in Hanoi and Saigon, and then the police take them from the Christians and smash them to pieces. So that is their Achilles' heel, I guess, but it is interesting.

The government refuses the South Vietnamese church to visit the North Vietnamese church. There are still two Vietnams, South and North. No South Vietnamese Christian official has been allowed to visit any North Vietnamese Christian official. They keep the two nations separate.

We have lists of confiscation reports of Bibles here in original court documents, lists of arrests. The latest report I received just yesterday, which I will add later to this, is of an attack on five Hmong villages in North Vietnam, tribesmen who were listening to these broadcasts. Ribs were broken. A former policeman who became a Christian was killed by policemen by forcing alcohol down his throat until he died. The other villagers fled into the jungle.

I ask all at this hearing today to place the Vietnamese Government on notice of its continued arrests, beatings, fines, harassment of their less than 10 percent Christian minority by recalling our American ambassador from Vietnam and by bringing the names and cases of these persecuted before Vietnamese Government officials.

In conclusion, the Deputy Prime Minister of Vietnam, Mr. Phan Van Khai, stated at the United Nations: "The government of Vietnam respects democracy and human rights. It allows different political viewpoints." If this is correct, the Vietnamese Government should stop the hypocritical practice of using a 1991 local security law and other laws to forbid the freedom of worship and religious assembly for its people.

Thank you.

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

Mr. SMITH. Thank you, Mr. White. I would ask, without objection, that your full statement and that of the other witnesses be made a part of the record.

Mr. Rohrabacher.

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

I would like to ask the witnesses their reaction to what we are confronted with when we bring up these human rights abuses. What we are confronted with is businessmen who are doing business in Vietnam or in China, and we are told that all we really need to do to bring about a better society in these countries, more respect for human rights, is to invest more money. In fact, the more businesses that seem to go over there, every time there is a complaint about human rights, there seem to be more businessmen at our door defending that proposition.

Is there any evidence that economic progress and greater economic ties with the United States will bring about greater respect for human rights by Vietnam and China? Maybe we can just have a very short answer from each of you, starting with this side.

Ms. SHEA. That is a good question. No, there is no evidence. In fact, religious freedoms have deteriorated in both countries since trade has been renewed, and what we are seeing is that unfortunately a number of American companies are incorporating the local practices.

In one case, in China, an American firm fired one of its employees after he was arrested for praying without authorization. It was only after an international human rights campaign was waged was he rehired. And we are hearing disturbing reports now of—

Mr. ROHRABACHER. Could you give us the name of that company?

Ms. SHEA. It was Chrysler Corporation.

Mr. ROHRABACHER. Chrysler Corporation?

Ms. SHEA. Yes. Gao Feng.

Mr. ROHRABACHER. Fired one of its employees where?

Ms. SHEA. In China.

Mr. ROHRABACHER. In China?

Ms. SHEA. Yes.

Mr. ROHRABACHER. For praying?

Ms. SHEA. And that particular man is back in prison now at this very moment. He was rounded up as a suspect person, a suspect Christian, during the period immediately prior to the U.N. Fourth World Conference on Women. There was a roundup at that time of dissidents and Christians. He is one of the rounded up and is still in prison.

Mr. ROHRABACHER. Do you have his name?

Ms. SHEA. Yes, I do.

Mr. ROHRABACHER. What is his name?

Ms. SHEA. His name is in my testimony on page 3, second case, Gao, G-A-O, first name, F-E-N-G.

Mr. ROHRABACHER. And when did that happen?

Ms. SHEA. That was in 1994 that he was initially fired after his arrest. He was absent from work for a couple of weeks. The company has an ironclad policy. Anyone who comes back to work after an absence without an official excuse is fired.

In that case, Chrysler did not take Chinese repression seriously enough. They went to the police and said, "OK, he said he was

under arrest. Where is the record?" Of course, there is no record. There is no due process. So he was fired automatically.

Mr. ROHRABACHER. OK. So let's get this straight, so that the people out there understand what we are talking about. These American companies that are claiming to us that American investment will eventually bring about a greater respect for human rights, at least this particular company, Chrysler Corporation, fired a man who had been arrested for participating in a religious activity, and he had been arrested basically for participating in this religious activity and thus he could not get to work.

Ms. SHEA. Yes.

Mr. ROHRABACHER. And because he couldn't get to work, Chrysler Corporation fired him?

Ms. SHEA. That is correct. Because he was arrested that one time, he was under suspicion and he was one of the people that they—and because there was an international human rights campaign waged on his behalf, the government then went after him right before the U.N.'s World Conference on Women.

Mr. ROHRABACHER. So this must be a tremendous bit of leverage that the authorities have, to know that not only when they arrest someone are they incarcerating that person and putting them through hardship at the moment, but the authorities know, as well as the victim knows, that this could create an economic catastrophe for the person's family because the American corporation will let that person go for not coming back to work on time.

Ms. SHEA. Yes.

Mr. ROHRABACHER. Frankly, I think that is a very disturbing piece of information, and I think that we will be questioning American corporations that come before our committees as to whether or not employees who are arrested for religious activities, whether or not they automatically lose their job because they are absent from work, whether or not this is the type of hand-in-glove cooperation that we expect from our American companies.

Ms. SHEA. I would also encourage you to question them, as well, about whether or not they are enforcing the one-child policy in their companies. That is what we are hearing now, is that the American companies are being asked and are enforcing the one-child policy.

Mr. ROHRABACHER. Do you have the name of any company in particular?

Ms. SHEA. We are doing an investigation on that right now, and I don't want to reveal it until the investigation is over.

Mr. ROHRABACHER. OK. Because it always helps when we name a company, because now we have Chrysler Corporation who will feel compelled, I am sure, to come and tell us whether or not their administrator on the scene was aware of this or not, and we will expect them to tell us that.

Mr. SMITH. If my friend would yield, we would very happily set up a meeting with leaders of the corporate world, including Chrysler, to come in and give a full explanation.

This morning, parenthetically, I was on CNBC with Ambassador Lilley, our former U.S. ambassador to China. The Business Coalition for U.S.-China Trade, a large consortium of business interests, was supposed to be there to debate, and it was a no-show.

As a matter of fact, they had even faxed, and CNBC sent me a copy of, their position paper on stabilizing and improving U.S.-China trade relations. In it, they had the audacity to assert that human rights have improved dramatically and that the United States must move beyond the divisive annual debates over MFN; that the yearly struggles over MFN renewal have undermined any long-term U.S. strategy toward China and have set back progress on trade and, get this, human rights.

So by linking human rights to trade, we, according to this business coalition, have set it back. And now, as your testimony clearly indicates, in the case of population issues, they are actual enforcers of the coercive one-child-per-couple rule, and in the case of religious persecution, the issue at hand today, they are helping to implement this very terrible strategy of breaking up religion.

Mr. ROHRABACHER. Mr. Chairman, it must be terribly demoralizing for people in the world who know that people of the United States and our love of freedom and liberty is the only real power in the world that they can count on to side with what is right, and especially when they themselves are persecuted and under this threat, it must be terribly demoralizing to see American citizens acquiescing on the scene to this type of thing.

Mr. White, do you have some comment on whether or not—

Mr. WHITE. Yes. I appreciate your questions.

Mr. ROHRABACHER. They are questions of basic philosophy. This is what we are given. I mean, every day American businessmen come to us, and they are treating us as if we don't believe in free enterprise if we are not going to let them go over there because, after all, if you invest over there things are going to get better. I mean, this is the basic argument we get.

Do you want to comment on that?

Mr. WHITE. Yes. I think we need to remember that in America it is more or less homogenized, but in totalitarian governments you have a city or a zone or a district or province that may have more spiritual freedom or a better economic situation than others.

For instance, Saigon, where many American companies go and say this is wonderful, look what is happening here. Very few Christians are harassed right now in Saigon, because Saigon accounts for 34 percent of the Vietnamese economy, but they are only 5 million out of 73 million people. So the same thing is reflected in the spiritual life of Vietnamese Christians who earn maybe \$14 on the rice paddy and are beaten up by the policemen.

So I don't think we can generalize, since some people say, "Well, look, we now have trade relations and it's getting better." No, it is not getting better. It is not getting better for most of the Vietnamese economically, neither is it spiritually, just because it is in one city or one province or certain zones.

Mr. ROHRABACHER. In China, has there been any evidence in the last few years—we already heard that Freedom House suggests that maybe this has not happened. Has American business had a positive role toward freedom of religion in China?

Mr. KUNG. I am not too familiar with American business doing in China as far as violations of the human rights.

And Nina mentioned about the Chrysler case, which I am very impressed. But, however, looking at the Chinese side of it, it is nu-

merous, numerous, numerous. When they discovered a person who because of his religious background, he will be quoted as illegal activities, therefore he will be sentenced for some sort of a detention. As a result of that, he is absent from the work and he is fired. Before, any student who is a Catholic or who has a political background with religious affiliation, he is automatically not allowed to go to the university.

One of the casualties is my own family. I have a family of four brothers and four sisters, including myself. We are four boys and four girls, and I am the only one who was fortunate enough to get out of China early enough without getting suppressed by the regime. But all my younger brothers and sisters in China, they were not allowed to go to the university, and one of my sisters were in jail for 20 some years. So it is not uncommon in China for a case like Chrysler, which appears to be very unique but as far as China concerns, there must be many cases like it right now.

Mr. ROHRABACHER. And in Vietnam—now this has only been about a year since American businessmen have actually been permitted to go in there in a legal way—have we seen any evidence that they are having a positive impact on religious liberty?

Mr. WHITE. We haven't really seen any connection between the two. Saigon City itself, due to the fact that it has been more European for decades and so on, there is less harassment of house churches, although there are still arrests. But, no, we have seen no improvement with the other 95 percent of Vietnam. Or perhaps you were asking him.

Mr. ROHRABACHER. Yes.

Rev. THIEN. In our opinion, religious freedom in Vietnam and trade are interrelated.

Even though the economic life of a person might improve, that person, that human being, still feels the need for faith, religious faith. Even though the government has started its policy of liberalizing the economy 8 years ago, there is still the need for freedom of religion in Vietnam.

Sadly enough, the situation related to the religions in Vietnam becomes more difficult now, especially after the normalization of relationship between the United States and Vietnam. The most concrete illustration is the fact that in Vietnamese prisons at this moment there is still a very large number of religious leaders of all religions who are being detained arbitrarily.

I have here with me a list of religious leaders who are still in prison, and with your permission I would like to submit it for the record at this hearing.

Mr. SMITH. Without objection, the list will be part of the record.

Mr. ROHRABACHER. How many people are on that list?

Rev. THIEN. There are 68 names on this list and it is not complete.

Mr. ROHRABACHER. Sixty-eight names of religious leaders?

Rev. THIEN. That is right.

Mr. ROHRABACHER. This is not including just the religious people who have been arrested for religious reasons; these are just the religious leaders?

Rev. THIEN. Religious leaders.

Mr. ROHRABACHER. All right. I am going to thank you very much.

Before I yield back to the chairman, let me just say that we as Americans do play a very special role. People all over the world look to us. I will never forget when I met Natan Shcharansky. I had been a speech writer for Ronald Reagan, and Natan Shcharansky was a hero of human freedom in the Soviet Union back in the dark days.

He was a Jewish dissident who had been put into prison, into the gulag, and he could have been released at any time if he just signed a document that he was wrong about the Soviet Union being a dictatorship and oppressing human freedom. He refused to sign, and word got around, not just in the Jewish community but to all of us, that there was a heroic individual that languished in this horrible torture of the gulag rather than giving up his honor and signing a false document.

Eventually he was traded. He was traded for a spy. The United States gave a spy to the Russians and they gave us Shcharansky. I thought it was a great deal. You know, they got a scum bag and we got a heroic saint. What happened was that he ended up at the White House within a week, and he was there meeting President Reagan to thank him for getting him out of the gulag.

Being one of Ronald Reagan's speech writers, it was really an important day to me because when he met the President, you know, and he had a discussion with him, he later met with the press and they said, "What did you tell President Reagan?"

He said, "I just told President Reagan not to tone down his speeches," he says, "because even in the gulag someone smuggled to me a small little slip of paper, and on it, it said the President of the United States has called the Soviet Union an evil empire." And he says, "When I knew that we had a President of the United States who was speaking up with such a strong voice, I knew there was hope, and that's what gave me the courage to struggle on."

Well, the next day I happened to be at the Israeli Embassy at a function honoring Shcharansky, and I turned around and Shcharansky, he was the hero of the day, was heading in my direction and he walked right up to me. Somebody had pointed me out. And he said, "They tell me that you are one of the speech writers for President Reagan."

And I said, "Yes, I am."

And he said, "I have often wondered who you are."

It was incredible, because here was a man who was suffering in the gulag, and he understood that the President was making these strong statements, but he knew there was somebody like myself in the background on the staff some place who was struggling to get these pro-freedom statements into the President's speeches.

Now, today we don't have Ronald Reagan, but I can tell you that the world looks to the United States of America and hears our voice. It hears the voice of this hearing today, and when people hear today that the Americans are meeting in Washington, DC and discussing the suppression of human liberty, the suppression of Christians and their rights to pray, it will give them the courage to resist and to move on and the courage of knowing they are not standing alone. They may not know who we are individually, but they know that good people like us exist.

So I want to thank the panelists and thank the chairman and yield back the balance of my time.

Mr. SMITH. Thank you, Mr. Rohrabacher.

I have a number of questions, some of which I will submit because it is getting late and we need to go to our next panel, but just let me ask one or two very brief questions.

I think Mr. Rohrabacher hit the nail on the head when he was talking about the linkages to trade and issues related to that. Many of us were shocked and dismayed by President Clinton's actions, after he had made so much fanfare about linking trade and most-favored-nation status with improvements in human rights. He had a very, very fine executive order linking them. Religious freedom was right there, as was a requirement of significant progress in human rights. All of us, Democrats and Republicans, who believed that he was sincere hailed him and said so publicly.

One of the trips to China with Mr. Cohen was midway through that review period, during the MFN period of time when they were supposed to be making significant progress. Regrettably, they were regressing in each and every category of human rights, including religious freedom. Li Pang's 144 and 145 were really part of a blanket attempt to crack down on the house church movement and on the Catholics and others who were not part of the officialdom of the Chinese co-opted church. The crackdown was massive and it continues, as you have all testified today.

The President has options now. I think he—and hopefully the business community—is beginning to see that these people, this dictatorship, does not keep its word. Whether it be nuclear proliferation issues vis-a-vis Pakistan and Iran or the issues we are discussing today, they haven't kept their word. If they look at the spirit and the letter of the law relating to those issues, sanctions have to be meted out. They have not kept up with their agreement on intellectual property rights with Mickey Kantor and the U.S. trade. They are not trustworthy.

When it comes to the laogai and the use of prison labor, Harry Wu has sat right where you sit and has testified, both before his more recent imprisonment and then after again, that the so-called memorandum of understanding with regard to the use of prison labor isn't worth the paper it is printed on. We do not have access to those prison camps to verify or to debunk whether these materials are being made by inmates, political prisoners or otherwise. It looks good on paper but it really isn't worth the paper that it is printed on.

In forced abortion and every area of human rights, they have gotten demonstrably worse; the same is true regarding intellectual property, as I said a moment ago. Regarding MFN, the business community is telling us in papers like this they want to make it permanent. Somehow, you know, the lights will go on and human rights will be breaking out all over the place.

We know that dictatorships, when they become further empowered, don't necessarily improve human rights. It is not a given. The Nazis made the trains run on time and they became very, very powerful. The People's Liberation Army, in a parallel way, is becoming much more powerful by the day. We are part of its empowerment, and I think we need to wake up. And, of course, we

should not forget China's saber-rattling towards Taiwan. That is a very dangerous situation.

I think the President has an opportunity now to say, "Wait a minute, I threw in the towel on human rights." It is time to reclaim that and to say that we are going to relink MFN, that we are going to be very serious about human rights, because we have not been. We have been like church mice, barely speaking up with regard to these issues. I think it is outrageous, frankly, and we have sold out the dissidents and the brave souls in China that have risked all.

But having said that, if you want to respond to that, please do.

The State Department right now is planning on ending the orderly departure program, which has afforded thousands of Vietnamese nationals the opportunity to come to the United States directly from Vietnam. They plan on doing that, we hear, within the next couple of months. I need to know, if you can tell us, whether or not this program has benefited victims of religious persecution. We had Secretary Brown here before our full committee not so long ago, and I asked him whether or not this whole normalization process has been linked to the U.S. POW-MIA issue or human rights, and he said no.

It seems to me that we have leverage. These people want access to credit. They want access to our markets. Again, talking about the business community, where are they going to find markets, when you have a trade deficit of some \$35 billion, to unload all of those products? It seems to me that we should say wait a minute, treat your people with respect and dignity, and then we will know that when you sign a contract it will be honored. It doesn't take a rocket scientist to figure that out.

But if you could, please respond to the ODP and address any other issues that you might want to conclude on.

Rev. THIEN. According to my opinion, sir, there is a definite relation between the ODP program and the political prisoners situation in Vietnam. But it doesn't relate too much to the situation of the religious leaders and lay persons who are right now in jail in Vietnam, because that is part of a different policy, which is the policy of eliminations of the religions in Vietnam by the Socialist Republic of Vietnam Government.

Sir, the reason why the government of Vietnam has let out the political prisoners is because they see in every single one of them potential adversaries, one potential discontent that is going to create security problems for them.

Well, the government of Vietnam is trying to kill two birds with one stone by letting the political prisoners out of Vietnam. First, they eliminate a potential threat. Second is that they know that because of their family feelings, every Vietnamese who is out of Vietnam will try to help their own families financially, and so in a way that is a way of bringing in some more finances into the economy of Vietnam.

As far as I know, the 2 million Vietnamese who are now overseas send home at least \$600 million a year to help their families.

Mr. SMITH. Would anybody else like to respond?

Ms. SHEA. No.

Mr. KUNG. Can I echo your statement, sir, by reading two more paragraphs of my presentation?

The U.S. Government has used its influences to secure freedom for citizens of many other lands, such as South Africa, Haiti and Bosnia. We find it anomalous, indeed, to observe that the United States was willing to impose a trade embargo on South Africa as long as the situation of Apartheid continued, and for a long time it has been imposing trade sanctions against the repressive regime in Communist Cuba, but the United States has accorded to the People's Republic of China most-favored-nation trade status.

The question remains: Is the United States truly prepared to sacrifice some possible monetary loss to its business interests in order to send a very strong message to a nation which has no regard for basic human rights and is violating them on a daily basis? It is important to keep in mind that a country which violates the basic rights of its citizens is most unlikely to honor its promises to other nations.

The United States of America was founded because our forefathers suffered, fought and worked hard to gain this God-given right of freedom. On behalf of the faithful in the loyal Roman Catholic Church in China, I urge the U.S. Government to help the Chinese citizens to regain their rights of religious freedom. The U.S. Government and all freedom-loving countries must press Beijing to stop these assaults on religious freedom and challenge the Beijing Government to demonstrate that it can be a responsible member of the international community.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Kung.

I want to thank our witnesses for their expert testimony—Reverend Thien.

INTERPRETER. Father Thien here would like to submit to the committee a list of 56 religious leaders of all five denominations in the refugee camps now in Southeast Asia. In particular, there is a case of one Buddhist nun who is about to be repatriated back to Vietnam right away.

[Materials submitted for the record appear in the appendix.]

Then we also want to bring to your attention the situation of the Hoa Hao, which unfortunately is not known well enough outside of Vietnam. And yet, because they do not have any international affiliations, their story is hardly understood at all and yet they are also being very violently repressed.

Mr. SMITH. Thank you very much. That will be made a part of the record and I look forward to looking at it as soon as the hearing concludes.

Thank you again to this panel.

I would like to ask our next panelists if they would make their way to the witness table. As they are doing that, I will introduce them.

David Forte is professor of law at Cleveland State University. He holds academic degrees from Harvard University, Manchester University in England, University of Toronto and Columbia School of Law. Mr. Forte was Counselor for Legal Affairs to the U.S. Delegation to the United Nations, serving under Ambassador Jeane Kirkpatrick and Vernon Walters. Among the professor's fields of interest is Islamic law, which he teaches and has written on extensively.

His most recent work is "Apostasy and Blasphemy in Pakistan," published by the Connecticut Journal of International Law.

The Reverend Canon Patrick Augustine is the Associate Rector for the Church of the Holy Comforter in Vienna, Virginia. Reverend Augustine's journey in faith began in Pakistan as a third generation Anglican cleric in a primarily Muslim society. He currently serves as the Honorary Canon of St. John's Cathedral in Peshawar, Pakistan. Reverend Augustine also chairs the Committee on Overseas Mission and works closely with the Muslim community.

Next will be Abe Ghaffari. He is a native of Iran and a citizen of the United States. In 1981 he founded the Iranian Christians International, Incorporated, and currently serves as its executive director. Mr. Ghaffari was born and raised in Iran as a Muslim, and converted from Islam to Christianity in 1967 while attending college in the United States. During the past 15 years, Mr. Ghaffari has assisted more than 450 Iranian Christian refugees in the long immigration process. Mr. Ghaffari has prepared reports on human rights violations of Christian minorities in the Islamic Republic of Iran and other Muslim countries.

And, finally, Pedro Moreno currently serves as the international coordinator of the Rutherford Institute, an international legal and educational organization devoted to the defense of religious freedom, human life and family autonomy. Mr. Moreno has worked extensively in the field of religious liberty, having delivered a keynote address on the topic of religious freedom at the first Presidential prayer breakfast organized in La Paz, Bolivia in January 1990. Mr. Moreno was coauthor, along with John W. Whitehead, the founder and president of the Rutherford Institute, of a book entitled "Church and State in the Americas." He has also written over 90 editorial articles in both English and Spanish and has been published in more than 20 magazines and national newspapers.

I would like to ask Mr. Forte if he would begin his testimony at this time.

**STATEMENT OF DAVID F. FORTE, PROFESSOR OF LAW,
CLEVELAND STATE UNIVERSITY-MARSHALL COLLEGE OF LAW**

Mr. FORTE. Thank you, Mr. Chairman. Let me start with a brief statement about our foreign policy and then go on and talk about how it applies to Islamic countries.

Right now our State Department seems to be more exercised over pirated CD's than priests who remain loyal to Rome in China or house Christians whose worship is a crime. In Pakistan, we seem to be more concerned with the transfer of advanced weapons but not with the unleashing of primitive violence against Christians. Why do we make agreements with Castro for the limited acceptance of refugees but send back believing Christians to tyrannies? Something is desperately awry here.

It used to be that liberal democratic critics of American foreign policy said that we didn't spend enough time on human rights and that we spent too much time worrying about a Communist menace. Well, they were wrong. The Communist menace was the worse outrage of human rights, but now they are in charge. This is their chance. Yet we see American foreign policy for many of these countries seemingly made more in the board rooms of the Chamber of

Commerce than in the State Department's Department of Human Rights.

What is going on here? In regard to Islam, to the extent that we do not vigorously and consistently criticize the tyrannies of radical Muslims against believing minorities, these are the messages we send to the world regarding Islam:

One, we don't believe in protecting those religious adherents of the West. We must, therefore, be the materialist bankrupt culture the Islamic radicals claim we are.

Two, radical Islam is a legitimate force in the world, and it is all right with us if for reasons of State Islamic Governments give in to the radicals' tyrannical agenda.

Three, we treat our Islamic friends with patronizing indifference. After all, we in effect say, this isn't a human rights problem, this is a Muslim problem, and we know how these people behave.

Well, Mr. Chairman, my fields of interest are international affairs and Islamic law, and let me give you 2 minutes of ancient history to tell you what I think is occurring and recurring today.

During the first century of Islam, barely two or three decades after the death of Muhammad, a terrible rebellion broke out in the new Islamic empire. The empire was, at that time, wracked by a civil war fought between the followers of Uthman, who was the third Caliph to succeed Muhammad and whose followers eventually became the Sunni Muslims, and on the other side, Ali, the fourth Caliph, whose followers eventually became the Shi'as.

But those who rebelled against both wings were called the Kharijites, and their battles and theology were terrible indeed. The Kharijites held that any Muslim who committed a sin was an apostate, an unbeliever who could never reenter the fold of Islam and must be killed. Any Caliph who did not follow the strict practice of Islam must be overthrown. The Kharijites fought brutally against both the followers of Ali and of Uthman, seeking to become the one and only version of Islam. They were finally suppressed, but not until more than a century later.

Today, a modern version of the Kharijite heresy stalks Islam. It has gained the reins of power in Iran and the Sudan. It threatens Algeria, Bangladesh, Egypt, even Saudi Arabia. It cows a timid government in Pakistan to accede to its program. It persecutes minorities, particularly Christians, but its real objective is to steal the soul of Islam, to change that great religion's tradition of art, culture, learning and tolerance into its own image of rigid and tyrannical power.

Its weapon and symbol is the Shari'a, the sacred law of Islam, and the radicals seek especially to enforce its criminal provisions against adultery, alcohol, theft and apostasy. But little do these modern day radicals realize that the criminal portions of the Shari'a—the most notorious being that of stoning for adultery, amputation for theft, and death for apostasy—were the least developed part of the classical law of the Shari'a because the Islamic state, repeat from ancient times, always kept to itself nearly the entire range of criminal jurisdiction.

The Caliphs intentionally excluded those qadis who formed the Shari'a from deciding criminal cases. There never was a time in the history of Islam when the portions of the Shari'a dealing with

criminal offenses were enforced in the literalness their adherents now claim for it. But today the ancient rules of the Shari'a, hardly observed even in the days when they were formulated, are used in a program more nearly akin to fascism than to religion.

In Pakistan, for example, the law against blasphemy is being used to unleash a regime of terror against Christians, Christians who are among the poorest and most socially rejected of Pakistan's peoples. The law against blasphemy has two effects. First, it directly attacks religious minorities who are supposedly guaranteed their rights by Pakistan's Constitution and the International Law of Human Rights.

Second, the law against blasphemy legitimates private acts of terror against Christians by unlettered Muslims who believe, and have been told by radical mullahs, that they have a right to attack blasphemers and apostates directly with legal impunity. All too often the authorities in Pakistan have confirmed that doleful fact.

According to the State Department's Human Rights Report of 1992, "Christian groups rarely press charges against the perpetrators of such incidents and believe the authorities are unlikely to pursue such cases."

Let me give you one example. Naemat Ahmar, a Christian and teacher in the State school in the village of Dasuha, was shocked one day in December 1991 to find anonymous posters around the village accusing him of blaspheming the Prophet of God. A later investigation by the Human Rights Commission of Pakistan found no witness among his students, colleagues, or even Muslims in the village who had ever heard him make any such insults.

Ahmar believed that a rival candidate for his teaching position, a Muslim, had put up the posters. Fearful, Ahmar consulted with the Bishop of nearby Faisalabad, took leave from his post and took a job in Faisalabad. On January 6th, 1992, Farooq Ahmad, who had seen the posters in Dasuha, traveled to Faisalabad, found Ahmar at his place of work, and stabbed him to death, inflicting 17 wounds. After the first strike, Ahmad asked Ahmar why Ahmar had blasphemed. Ahmar denied it, but Ahmad continued the attack.

At the police station, Ahmad "was kissed by some of the policemen for his remarkable courage and commitment to Islam." Villagers came to give him cookies and flowers. Many clerics from the area visited him to offer their congratulations, while some engaged lawyers to defend him.

In addition, the president of the local bar association offered his services to Ahmad, while no prominent lawyer would accept representing the family of the murdered Ahmar. Beyond taking the names of witnesses, the police took no steps to develop the investigation. The Bishop of Faisalabad gauged that among Christians, a "sense of helplessness, insecurity and anguish had crept in."

Recently, a case in which a boy and his two uncles were charged with blasphemy, one of the uncles having been murdered in the street when the defendants emerged from court, gained international notoriety. Allegedly, the boy, who is illiterate, and his relatives threw pieces of paper on which were written insults to the Prophet into a mosque. No neutral observer, including the Pakistan

Human Rights Commission, believed that the evidence was credible. Yet the surviving defendants were sentenced to death.

Asma Jahangir, a courageous lawyer with the Pakistan Human Rights Commission, undertook a defense of the Christians when no other lawyer would step forward to represent them. For her advocacy, religious extremists have attacked her and her family five times. Nonetheless, she prevailed in an appeals court which reversed the sentence, and the two Christians left court, fled, and have taken asylum in Germany. Their families, incidentally, have had to leave the village, a village in which they have lived for centuries, because posters were put up threatening them with blasphemy as well.

You see, the blasphemy law works like this. If a person charges another with blasphemy, the charged person is arrested where he waits in jail 6 months to a year while an investigation goes forward. In jail, he is often set upon by Muslim prisoners for his supposed act. It is a way to destroy the reputation and the livelihood of a person simply because he is a rival to you.

When international outrage this last year reached the government of Prime Minister Benazir Bhutto, she promised to modify the law against blasphemy. However, a general strike called by radical Muslims faced down the government. Recently, Prime Minister Bhutto has promised that the blasphemy will remain a capital crime; there will be no major reform.

Our inaction helps create regimes and forces whose ultimate aim is to destroy the West and the great tradition of Islam as well. Imagine, Mr. Chairman, if the U.S. State Department took a neutral or disinterested view of the radicals who murdered Prime Minister Rabin. In fact, we accept and champion the view of the worldwide Jewry that those who commit acts of violence supposedly in the name of Jewish law are not part of genuine Judaism at all.

We have the same moral obligation, and indeed the same enlightened self-interest, to treat the religion of Islam in the same way. We should show our support and respect for the vast majority of Muslims who reject those who practice violence as being unIslamic.

Let us raise our horizon and take a look at what is happening in the world today. The destruction of the great Communist tyranny by the West did not automatically usher in an era of democracy and capitalism. What has risen to threaten the West is a different tyranny, the second-worst kind. It is not Communism, it is Fascism. China, I believe, now has a Fascist regime. Although I spent 5 years studying international affairs in order to get a Ph.D., if you want to know the difference between Communism and Fascism, it is this: in a Fascist country you can buy a Gucci handbag. The rest is the same.

Iran is a Fascist regime. Sudan has a Fascist regime. We should call these movements for what they are. They are not religious. Let us never legitimize them with that name and insult hundreds of thousands of Muslims. These are a new form of Fascist tyranny.

When I came in from Washington International Airport—this will conclude my remarks, Mr. Chairman—I threw my briefcase in the back seat of a taxi and slid in behind the driver and looked over his shoulder. He was from the Middle East and there was Arabic writing on the dashboard. I thought to myself, what is his

Islam going to be? Because what we legitimize in our foreign policy, we legitimize at home. You can tell a person by his fruits, and the fruits of Fascism is and always has been a frontal attack on religious minorities. It is happening today. The longer we allow it to happen, the worse it will be for millions of Christians, for millions of Muslims, and for America.

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

Mr. SMITH. Mr. Forte, thank you very much for that very incisive and insightful testimony. It is very helpful, I think, for all of us.

I think we do need to differentiate between the fact that Islam is not a religion that is given to violence, it is the extremists that are responsible for that. I think your point is well taken about our alleged or purported neutrality in dealing with this. The State Department and this Congress, I think, need to very quickly reevaluate that, or it will come home. We have one particular person traveling right now, Reverend Farrakhan, who seems to be embracing wherever he goes, including in Iran, the hardest line imaginable. So I thank you for that very strong statement.

Mr. SMITH. I would like to ask Reverend Augustine to make his presentation.

Rev. AUGUSTINE. Mr. Chairman, I am going to present a summary of my testimony. I ask that the whole of my document be included.

Mr. SMITH. Without objection, it is so ordered.

**STATEMENT OF REVEREND CANON PATRICK P. AUGUSTINE,
ASSOCIATE RECTOR, CHURCH OF THE HOLY COMFORTER**

Rev. AUGUSTINE. Mr. Chairman, I want to say thank you to the House Committee on International Operations and Human Rights for inviting me to testify about the violation of human rights and persecution of Christians in the Islamic world with particular emphasis on Pakistan. I consider it a special privilege to testify before this august House on behalf of hundreds and thousands of suffering members of our human family.

Before I say any more, I want to make it absolutely clear that the purpose of my testimony is not to demonize Islam. I have been working for many years in my church in Rawalpindi, Islamabad, Pakistan, Chicago, Illinois, and here in Vienna, Virginia, to hold Christian-Muslim dialogs which have been reported well in the local and national newspapers.

I serve on the advisory committee of the Christian-Muslim relations of the Presiding Bishop of the Episcopal Church in U.S.A. My letter published in The Washington Times, which is available with me this afternoon, on March 6, 1995, made a plea for people of both faiths to unite against injustice.

Mr. Chairman, I stand here as a sincere friend of the Islamic community who has participated in marches of support for the freedom of Palestine, Afghanistan, Kashmir, and Bosnia. I pray to God Almighty for the spirit of tolerance to hear the truth. The purpose of this testimony is to testify about the present difficulties and persecution being faced by Christians in Muslim majority situations. For example, central Asia, Egypt, Iran, Malaysia, Morocco, Niger, Nigeria, Pakistan, and Saudi Arabia. I would like to focus my testimony on the country of my birth: Pakistan.

Pakistan is a Muslim majority country, with a number of religious minorities, including Christians, Hindus, and Ahmadis. The national flag depicts this by a narrow white stripe to represent the minorities beside the green background of the rest of the flag. The official government figures from the last census give the Christian population as 1.3 million, however, I believe this figure is grossly underestimated and would suggest 3.5 million, nearly 3 percent of the total population.

Muhammad Ali Jinnah, the founder of Pakistan, emphasized in his speech to the Constituent Assembly on August 11, 1947, that all members of a newly formed nation had equal rights of citizenship. I quote: "You are free; you are free to go to your temples; you are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the state."

The 1985 amendment to the 1973 Constitution, Presidential Order No. 14 of 1985, had an important change of emphasis as far as non-Muslim minorities were concerned. All previous constitutions had included in the preamble the following clause, taken from the Objectives Resolution of 1949: adequate provisions shall be made for the minorities freely to profess and practice their religion and develop their cultures. In the 1985 annex to the Constitution, the word "freely" was omitted, and there have been many protests from Christians about implications of this one word change.

There has been very grave concern among Pakistani Christians concerning a Shariat bill, the version of which was presented to the Pakistan Senate on May 13, 1990. The bill stated that it was based on the Objectives Resolution and aimed to make Shari'ah the supreme law in Pakistan, which is Clause 3.

There were many critics of the bill, including constitutional experts, lawyers, human rights groups, women's groups, and the Shi'ite Muslims. The bill contradicted the constitutional guarantee that all citizens are equal before the law and are entitled to equal protection under the law. Christians feared that the Shariat bill would open the way to non-Muslims sinking to the status of dhimmi, non-Muslims under the protection of an Islamic Government but with no rights as citizens, that is, Christians and other minorities would become little more than resident aliens in their own country.

Blasphemy law under the Shariat bill has proved to be an easy tool for unscrupulous Muslims to make trouble for Christians and Ahmadiyya against whom they have a personal grievance. Accusations made against individuals have had the extra effect of fueling general anti-Christian sentiment. A progressive Muslim newspaper examining various cases of Christians accused of blasphemy sums up as follows: In all cases an ulterior motive for the charge appears a distinct possibility. And religious fanaticism has been whipped up to such an extent that the accused may not be safe even if he is acquitted. It is very possible that local people and maulvis will remain determined to carry out their death sentence. Indeed, several Christians accused of blasphemy have been killed.

I have in my testimony quoted four different stories. I will mention two of those stories.

Basihir Masih and Gul Pervaiz Masih. On December 10, 1991, two brothers, Basihir Masih and Gul Masih were involved in a

heated argument over the repair of a common water tap. Three days later the neighbor reported to the police that the brothers had broken the blasphemy law. Both were arrested and imprisoned. A month later Basihir was released after the deputy commissioner of the area had made inquiries and found that he had not even been present there when the reported blasphemy was supposed to have taken place.

The next day the Islamists demonstrated in the street demanding that both brothers be killed for their blasphemy. Mullahs issued a fatwa, or legal pronouncement, that they deserved death and posted large notices around the city demanding that the brothers be killed. They also appointed a death squad of young college students to carry this out, but with Gul in prison and Basihir in hiding, moving from one village to another, the death squad was not able to achieve their aim.

Gul was chained and in solitary confinement, with no blanket against the cold, and was harassed and beaten by the Muslim prison Mullah. He was found guilty at his trial before the district judge in November 1992 on the basis of the lone witness of Sajjad Hussain, a member of a Sunni Muslim militant group. He was given the death sentence and was the first case under blasphemy law in which death was prescribed. Many international human rights organizations, including my own Episcopal Church, appealed for the release of Gul Masih. On November 27, 1994, the Lahore High Court acquitted and released Gul Masih, but as his life remained in danger from Islamic extremists, he fled the country.

I would like to mention another story of Tahir Iqbal, a Christian who was partially paralyzed and had been in prison in Lahore since December 1990. He was charged under section 295B of the Penal Code, that is with desecrating the Qur'an Sharif. However, he was the object of much animosity because of his apostasy from Islam and the free lessons he gave to Muslim children. He was detained in prison for his own safety, but was beaten and ill-treated there. He died there in mysterious circumstances on January 20, 1992. This is a story of a handicapped individual.

Other forms of discrimination against Christians. The hudood, or restrictions ordinance, part of criminal procedure, and the law of evidence introduced by the British in India before partition, have been Islamized, so that a non-Muslim giving evidence in a court of law counts as only half a witness and may only testify against a non-Muslim. Women are also admitted as half witnesses only, valued at a quarter of a Muslim man. Under the qisas, or retaliation, and diyat, or blood money, ordinance, compensation is awarded on the same sliding scale. A Muslim woman or a non-Muslim man get half of what a Muslim man would get, and a Christian woman gets a quarter.

There is general mistrust of Pakistani Christians, who are suspected of siding with the Christian West against their own country. They are often accused of espionage for Britain, the United States and even Israel and India. During the Gulf War of 1991, Christians suffered extra persecutions, for example, being beaten up or killed, churches burned down and cemeteries desecrated. On October 30, 1993, the Christian village of Sikandarabad, Sindh, was bulldozed

and the debris set on fire. The 35 Christian families who lived in the village took refuge in Karimabad, three miles away.

In a development linked to the Salamat Masih blasphemy case mentioned previously, a village called Ratta Dhotran, near Lahore, had an adjoining settlement known as Isaiyan-di-Thatti, where until recently there lived some 32 Christian families, including Salamat Masih, comprising about 250 people who were forced under severe persecution and death threats to leave their land and houses. The young Muslim militants said, there is no way that we will let people from Masih faith, meaning Christian faith, pollute our village. We won't let them stay here and we don't care about the police or anyone else.

The walls of the buildings on the road to Ratta Dhotran were painted with anti-Christian slogans. The Christians reported that they received daily death threats from the boys. Interestingly, two religious communities lived together harmoniously in Ratta Dhotran for many decades. The Roman Catholic Church helped the entire village to settle in Francisabad, a new Christian locality on the outskirts of the city of Gujranwala.

According to Pakistani law, if either spouse of a non-Muslim marriage converts to Islam, then the marriage is automatically dissolved. In recent years, there have been a number of cases of Muslim men abducting Christian women and forcing them, sometimes at gunpoint, to recite the Muslim creed, which is all that is needed to become a Muslim. After that, their abductor promptly marries them on the basis that their former marriage is now dissolved. Christian women are being converted to Islam by force.

At the end, I would like to present two recommendations. It is my humble plea, sir, before the Honorable Members of this House, which is the very icon of freedom, to remember the sufferings of the persecuted communities and never hesitate to raise their persistent voice for justice and fairness for Christian minorities living within the Islamic countries.

The U.S. Government should assist and grant visas and provide asylum to those whose lives are found under danger by the Islamic militants. We recognize, sir, that there are other minorities besides Christians who are suffering within the Islam world. Equally there are Islamic groups who are being oppressed in the West and elsewhere. We plead for compassion and action for all suffering peoples whatever their race or religion.

We affirm that all human beings have been created in the image of God and as such reflect His glory. They are to be treated with dignity and with respect. Therefore, it is the task of us, all of us, to stand on the side of those who are oppressed of whatever community, of whatever group.

Sir, thank you for listening. Respectfully submitted.

Mr. SMITH. Thank you very much, Reverend Augustine. That was a very detailed statement, and I think it complemented Mr. Forte's statement regarding the use of the blasphemy law to terrorize. I think it is something that we have paid scant attention to. Congress has raised the issue on a few occasions, but hasn't highlighted it as something that truly undermines religious freedom and hurts people, and as you said so well in your testimony. So I want to thank you for that.

[The prepared statement of Rev. Augustine appears in the appendix.]

Mr. SMITH. I would like to ask Pedro Moreno if you would present your testimony at this time.

STATEMENT OF PEDRO C. MORENO, INTERNATIONAL COORDINATOR, THE RUTHERFORD INSTITUTE

Mr. MORENO. Thank you, Mr. Chairman. I will summarize my statement and I would ask that the whole statement be submitted to the registry. Also, some of the statements that I will make that are not included in this written statement.

Mr. SMITH. Without objection, that will be made part of the record.

Mr. MORENO. In the last 30 years, the State of Chiapas in Mexico has witnessed some 30,000 Protestants forced into exile. Many of these exiles live in permanent refugee communities in and around San Cristobal de las Casas. Their only crime is adherence to a form of Christianity other than the traditional religion. People in the states of Chiapas, as well as in Oaxaca, Hidalgo, and others, have been victims of senseless violence, which has included stoning, shootings, evictions, rape, and even murder.

Religious persecution in southern Mexico has many underlying factors. One of them is socio-political: the existence of an unofficial, parallel power structure in the region which is intolerant of people of different beliefs. This is coupled with the fact that the Mexican Government is either unable or unwilling to control these intolerant elites.

There is a municipal council, Mr. Chairman, which is elected by the Chamula Indians in this region which acts with total disregard of regional and national laws in Mexico. And members of this council, especially the President until recently, have been charged with inciting and even encouraging the eviction of the Chamula Indians. This is one of the problems and why the Chamula Indians are being persecuted in this region: because they don't belong to the official religion, and because the government in this region is controlled by economic, social, and religious structures that are acting independently from the Federal Government.

Also in the State of Chiapas, the economy is dependent on the sale of poch, a locally made hard liquor. Since evangelicals do not consume poch, merchants of this liquor, tribal leaders and local authorities, resort to persecution.

In Chiapas, which is Mexico's poorest state, most Chamula Indians live in a state of virtual servitude. They depend on tribal caciques, or bosses, for economic stability and for acceptance into the community, which takes place through participation in traditional religious ceremonies marked by extreme drunkenness. These traditional religious ceremonies, often a syncretic mix of Catholicism and animistic rites, are at the center of social life in Chiapas' rural areas.

Despite Article 24 of the Mexican Constitution, which guarantees freedom of religion for people in Mexico especially, these actions continue. There are several cases of religious intolerance, some of them occurring even these days, Mr. Chairman.

I spoke again with Mexico just a few minutes before we came to this meeting. There are meetings taking place at this moment in Tuxtla Gutierrez, which is close to Chamula, and evangelical leaders are meeting with local authorities to try to solve some of these problems.

Just on February 11, 3 or 4 days ago in Sinacantán three men were detained by caciques, or local bosses, which are the municipal authorities, because they converted to evangelical Christianity 15 days ago. These people were in prison and later, after a few days, were released, but they are receiving threats.

There have been threats just in the last 2 or 3 days against evangelicals in El Puerto and Zequentic, in the State of Chiapas, as well as Huacatenango where a meeting took place yesterday concerning evicted people that need to return to their homes.

There are 30,000 of these Chamula Indians that have been evicted and most of them are still displaced and unable to return to their homes.

On September 29, 1994, a group of Chamula Indians decided to go back to their own land. This was the first group in 20 years that was going back to their land. They were attacked by a mob of 300 people. Three evangelicals were killed, and an evangelical girl, Rosa Diaz, was hospitalized in critical condition after being raped and shot in the small village of Icalumtic in Chiapas.

More recently, on October 5, 1995, Pastor Aurelio Gómez of the Interdenominational Christian Church of Ejudal, in Huitiupan was shot to death during an attack by five masked assailants.

I have many other cases of evangelicals that have been beaten and stabbed and raped on different occasions. April 12, 1994, Domingo López was attacked, his wife and daughter beaten and raped; in November, 1993 there were several other incidents.

May 25, 1993, the body of missing evangelical Vicente Mendez Velasquez was found after the self-confessed murderers led the police to the body and admitted that they had shot him four times and then hacked his body with machetes before disposing of it in a nearby cave.

One document that I would like to bring to your attention, Mr. Chairman, is an agreement that was signed, and I have a copy of the agreement here in Spanish, signed on July 13, 1989, which had the signatures of representatives of evangelicals, as well as municipal authorities and representatives of the legislative, executive and judicial branches of the Mexican Government in the region.

According to this agreement, the evangelicals would go back to their lands after committing themselves to not building any chapel in their communities; they would not proselytize, they would not practice their religion in other communities, they would not use any particular home as a chapel, and they would not listen to religious music in their own homes. We also have several other incidents of religious persecution in other states of Mexico, such as Oaxaca and others that I mentioned. So it is clear that there is widespread discrimination against minority religions in Mexico, especially Protestants.

The Rutherford Institute, which I represent today, filed a legal complaint with the Inter-American Commission on Human Rights asking the Commission to intervene by asking the Mexican Govern-

ment for an explanation as to why this situation has not been dealt with by Federal authorities. We also visited the region to gather firsthand information.

After 2 years of corresponding with the Inter-American Commission, the Mexican Government responded on October 19, 1995, stating that several efforts have been made to resolve the conflict. One of the clearest, a recommendation by the National Commission of Human Rights in Mexico asking the governor of Chiapas to prosecute the perpetrators, asking the Congress of Chiapas to have a constitutional procedure to investigate the municipal authorities, and asking the president of the municipal council of Chamula to abstain from, and I am quoting here, "violating the rights of indigenous people in those municipalities and to respect the diversity of religious creeds."

These recommendations, according to the same Mexican Commission of Human Rights, was fulfilled only partially by the Governor who did not really bring anybody to trial. The State Congress argued that they could not do anything against the municipal authorities because they had already resigned, even though they were charged with murder, and that the municipal president, Domingo Lopez Ruiz, had rejected the recommendation. Not only that, but the municipal president challenged the Commission to come to the region, insisting that the evictions were legitimate, and that he would continue carrying them out or encouraging them or allowing them.

The government of Mexico argues that the Chamula Indians have not resorted to Federal courts and other Federal procedures. But in a situation where 30,000 people have been evicted, when the whole world knows about their problem, for 30 years, we believe that the Federal Government should not be waiting for them to go to the Federal Government or court. These Chamula Indians are illiterate, do not have lawyers or resources, they are intimidated, killed, raped, evicted. They do not have a place even to live, much less to have a Federal procedure on their behalf.

We believe that—and the Mexican Government argues also—that these cases could be brought to a Federal instance where a general prosecutor or attorney should investigate the situation. But we believe that it will require the immediate attention of the Mexican authorities.

We believe, Mr. Chairman, that the situation is very serious, that the response of the Mexican Government is inadequate to the demands of the Chamula Indians, and we hope that your efforts to protect religious freedom and human rights around the world will bring about a renewed focus and commitment on the part of national authorities in Mexico as well as the international community to find a lasting solution to the long-suffering of the Chamula Indians.

Thank you very much.

Mr. SMITH. Mr. Moreno, thank you very much for your testimony.

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

Mr. SMITH. I would like to ask Mr. Ghaffari if he would present his case now.

**STATEMENT OF ABE GHAFARI, PRESIDENT, IRANIAN
CHRISTIANS INTERNATIONAL**

Mr. GHAFARI. Thank you, Mr. Chairman, for giving me this opportunity to speak about religious liberty for specifically Iranian evangelical Christians. I will summarize my statement.

The persecution of Christian minorities in the Islamic Republic of Iran first gained attention from the public and some human rights organizations in the early 1990's. However, the killings of three evangelical Protestant pastors in Iran during the first half of 1994 gained worldwide attention and brought more focus on the worsening plight of persecuted Christians, particularly that of Muslim converts to Christianity and other evangelical Protestant Christians.

A little brief history. The recent history of religious liberty for Christians in Iran can be divided into three periods: the late 1970's, and early 1980's; the mid and late 1980's; and finally, the 1990's. I will only discuss the 1990's.

During the 1990's, persecution drastically increased with some notable occurrences. First, the Iran Bible Society was closed in February 1990. Second, Reverend Hossein Soodmand, a Muslim convert pastor, was condemned to death by the Islamic court in the city of Mashad in December 1990 and the sentence was carried out shortly thereafter. The charges against him were conversion from Islam, evangelizing Muslims, and pastoring a Muslim convert church.

Third, Reverend Dibaj was condemned to death by the Islamic court in the city of Sari in December 1993. The court verdict labeled his charges as apostasy from Islam.

Fourth, Bishop Hovsepian-Mehr led an international campaign which culminated in the release of Reverend Dibaj in January 1994. An Islamic Government official denied that there was a death sentence against Dibaj, even as copies of the court order for death sentence were being distributed worldwide. The official stated the death penalty was too severe; however, he did not say what would constitute just penalty for conversion from Islam in the Islamic Republic.

Fifth, Bishop Hovsepian-Mehr disappeared in mid-January 1994 from Tehran. His body was found in late January buried in a Muslim cemetery under suspicious circumstances.

Sixth, Reverend Tateos Michaelian, another Iranian evangelical Christian pastor, and Reverend Dibaj disappeared in late June 1994 from Tehran. Their bodies were found in early July 1994.

In January 1994, Bishop Hovsepian-Mehr released a list of human rights violations against members of his church that included the beating of Muslim converts, closing of Persian-speaking churches and arrest, detention, interrogations, and torture of Christian pastors and evangelical Christians, acts that only escalated during 1994 and 1995. Because of the church closings, the number of Persian-speaking churches, Persian being the language of 99 percent of Iranian Muslims, was reduced from over 20 in 1990 to only 3 churches in 1995.

The negative publicity following the court sentences of Reverend Soodmand and Reverend Dibaj in Iran led the authorities to abandon the use of such formal channels of persecution. As a result,

Muslim converts to Christianity, other evangelical Protestant Christians, pastors and church leaders continued to be arrested, imprisoned and tortured, simply because of their religion. Some are kept under heavy surveillance, with their phones tapped and their letters routinely opened, while others receive written and oral death threats. Some have also escaped assassination attempts. Others have lost their jobs or have been refused gainful employment, housing, and education.

Since Bishop Hovsepian-Mehr's death in January 1994, government agents are concentrating their persecution more on individuals who are Muslim converts and/or those who encourage Muslims to convert to Christianity. Ethnic Christians such as Armenians and Assyrians also continue to face officially sanctioned discrimination, particularly in the areas of employment, education, housing, the court system, and public accommodations.

Because of the structure of the underground church, only the most severe incidents of persecution are reported to Iranian pastors and church leaders or to the outside world, and some are reported months or years after the incidents occur, often by refugees after they flee Iran. For example, the killing of Mr. Manuchehr Afghani, an Iranian Muslim convert to Christianity in Tehran in 1988, was not reported until 1995.

The consequences of persecution of Christians in Iran: While some Iranian Christians have lost their lives, others have found no choice but to worship in small underground house churches. A small percentage, about 1 percent per year, find ways to flee Iran.

Persecution of Iranian Christians fleeing to foreign countries: The persecution of evangelical Christians does not end, however, with their flight from Iran. The persecution continues in their country of first asylum as they await immigration to a country where they can freely practice their faith. In both Turkey and India, Iranian evangelical Christians are persecuted by Iranian Muslim fanatics. And strangely enough, much of the refugee's persecution is related to the UNHCR and U.S. INS procedures and the treatment that they receive at the hands of these officials.

Persecution in Turkey specifically: Iranian evangelical Christians who have fled to Turkey have faced persecution by their host government and fanatic Iranian Muslims. Converts have been threatened. The only two Iranian Christian churches in Ankara and Istanbul are now closed. The Ankara Iranian church disbanded after the Turkish police raided a worship meeting and arrested two Muslim converts for not having updated their residence permits. Both Iranian Christians were deported to Iran in June 1994 where they reportedly were questioned at the border and received 110 lashes each. There are reports that one or both were executed in Iran.

The Iranian Church in Istanbul was pastored by an American citizen. He was informed by the U.S. Consulate of an Iranian plot to harm him and was advised to leave Turkey. He left in November 1995. Yet another sign of the growing anti-Iranian Christian sentiment festering in Turkey, a leader in the Iranian mosque in Istanbul recently protested the existence of an Iranian Christian church in Istanbul.

Now the case of persecution in India—in India, Iranian Christians, particularly Muslim converts to Christianity, are also per-

secuted. Iranian Christians have been verbally insulted and threatened with death. Assassination attempts have been made on one Iranian Muslim convert's life. Another has had to remove his children from school because fanatics questioned school officials about his children. Others have had to move to unknown locations.

Now I would like to focus on the persecution by the UNHCR and U.S. INS. In Turkey, the UNHCR has denied upwards of a dozen Iranian Christian refugee family cases and has refused to reopen their cases, even when new and pertinent information has been submitted. Because most refugees do not have form completion or interview skills and adequate counsel and do not know how to present their cases, their cases are denied.

In July 1994, the U.S. INS adopted a policy requiring all refugee applicants be recognized as refugees by the UNHCR before being interviewed by the U.S. INS. Prior to that time, applicants had been allowed to apply directly to the U.S. Consulate.

At the same time, the UNHCR turned over all of its refugee processing and decisionmaking authority to the Turkish Government. Therefore, as of July 1994, an Iranian Christian refugee in Turkey who is often a Muslim convert must be interviewed by the Turkish security police who are most often fanatic Muslims. The resulting attitude and behavior of the Turkish police toward the Muslim converts who are apostates is often hostile and abusive. The net effect of the above changes in procedure is that not a single Iranian Christian has immigrated to the United States from Turkey in the last 18 months.

Now the case of India, Germany, and Austria. Written and oral reports of persecution by Muslim fanatics have gone unheeded by UNHCR officials in India. The U.S. INS in New Delhi has also failed to accept as fact the persecution of Iranian Christians in India.

U.S. INS offices have been very slow to accept Iranian Christian refugees, even when they are already officially recognized by the UNHCR as refugees. In Frankfurt, one Iranian Christian was not given an interview until 8 months after his application was filed. Some refugees in New Delhi have still not been interviewed 6 months after submitting their applications. The second ranking U.S. INS officer in New Delhi has shown abusive behavior toward the refugees, making statements such as, don't waste my time with your story, as well as screaming and telling them they have no chance of being accepted into the United States.

The report to Congress on Proposed Refugee Admissions for Fiscal Year 1996, page 20, states that the U.S. INS interview with the refugee applicant is nonadversarial. This has not always been the case with the U.S. INS offices in places such as New Delhi, Frankfurt, and Vienna. An American immigration attorney in Washington, DC, Ms. Jan Pederson states in a December 1995 letter regarding one refugee applicant, and I quote, "I would forewarn you that some examiners in Frankfurt exhibited hostility toward Islamic converts to Christianity."

There is also marked inconsistency between U.S. INS processing posts in decisions to accept or deny applicants. For example, an officer in Madrid accepted one particularly weak case while officers in Vienna and Frankfurt denied very strong cases.

The adversarial attitude of the U.S. INS officials and inconsistent refugee processing has led to refugees finding themselves between a rock and a hard place. They cannot go back to Iran, yet the governments of the countries in which they have found temporary residence threaten them with deportation, and in some cases actually deport them back to Iran. Many of the refugees are also financially destitute and cannot survive unnecessarily drawn-out appeals.

Some tangible recommendations for assisting persecuted Iranian evangelical Christians: Change in the human rights situation in Iran may not take place in the near future, but much can be done to help the fleeing Iranian Christians. They have clear needs which can and must be met.

For example, independently investigate the refugee processing procedures; designate all persecuted Iranian Christians and Christian minorities in Muslim countries and enclaves as priority one; bring about changes in the U.S. Department of State policies and U.S. INS procedures so that the same standards for acceptance are used by U.S. INS officers at refugee processing posts which are used in the U.S. asylum offices; an appeal process outside the U.S. INS refugee processing post must be established for bona fide refugees; establish a monitoring of the refugee application process; Iranian refugees and Christian refugees from other Muslim countries and Muslim enclaves should be able to apply directly to the U.S. INS in those countries, rather than going through the UNHCR, voluntary or joint voluntary agencies, which are NGO's; U.S. INS refugee processing posts should be established in all neighboring Muslim countries; the U.S. Government must apply international pressure to influence Iran and Turkey to stop returning one another's refugees and asylum-seekers.

Finally, a concluding proposal. We at Iranian Christians International believe no more than 1 percent of the Iranian evangelical Christians are able to flee Iran annually. This is due not only to the foreign travel restrictions in Iran, but also due to the terrible price associated with abandoning one's homeland and the uncertainty and suffering that await them when they reach another country. If these problems are resolved, then the persecution of a much larger number of evangelical Christians can be avoided.

If the Islamic Republic of Iran would provide a window of opportunity, say 2 years, for any evangelical Christian to leave Iran without harm or retaliation against them or their family, we believe 10,000 persons would leave. However, for this to take place, there must be new policies and procedures for the direct processing of refugees, meaning bypassing UNHCR and joint voluntary agencies by interested democratic governments in countries bordering Iran such as Turkey. If there is such a guarantee of efficient and fair processing, then the suffering of many Iranian Christians can be relieved.

Thank you.

Mr. SMITH. Mr. Ghaffari, thank you for your testimony.

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

Mr. SMITH. I think, as you know, part of the portfolio of issues that this subcommittee has under its jurisdiction is refugee policy,

and for the last year-and-a-half I have been very much dismayed and chagrined by the Administration and the UNHCR's reluctance to treat bona fide refugees all over the world, including Iran, the way they want to be treated. Granted, we are awash in refugees right now because of wars and a whole host of other reasons, but to close off one's borders and to just insist on repatriation as opposed to properly adjudicating a request and determining whether or not there is a well-founded fear of persecution really is a very sad chapter in refugee policy on the part of the UNHCR and the U.S. Immigration Service. So I thank you for your recommendations. They will be taken very seriously to heart by this subcommittee and, hopefully, we can do something tangible to assist.

Just briefly on that question of refugee policy, why is it do you think that the UNHCR and the U.S. Immigration people take such a jaundiced view toward the Iranian Christians? Is it that they don't believe that the persecution is real, or is it just a closed-mindedness on their part?

Mr. GHAFFARI. Only partly. But also because the refugee cases are not prepared properly; the refugees don't know how to do it and they don't have interview skills, for example, and they don't have adequate counsel and help with the preparation of their cases. That is part of the reason.

Also, there are blatant statements, for example, by UNHCR in New Delhi that we have hundreds of thousands of refugee applicants and we can accept only a very, very small percentage. So it is these kinds of things.

Mr. SMITH. So the caseload overwhelms them as well?

Mr. GHAFFARI. Right. There is no opportunity for the refugees. There are no countries which would accept them. There are very few opportunities for these refugees to immigrate anywhere. That is one thing that they state. And then also, this attitude of, well, we really don't believe you. Don't waste our time. Sometimes just a clear mistreatment of these refugee applicants.

Mr. SMITH. I appreciate that. We will look into that.

You know, my concern about refugee policy grows by the day. There is an immigration bill making its way through Congress that would cap the number of refugees; a very, very severe cap, approximately 50,000 is one number that is being bandied about, and currently we allow 110,000 in. The Administration is pushing to downsize that from anywhere to 80,000 to 90,000 or maybe even acquiesce to the 50,000. Some of us believe that refugee policy is a completely different issue than illegal immigration, and it needs to be recognized as such. Some people like to blur that line of demarcation and treat everyone as if they are an economic migrant.

We had a situation, I won't go on with this too much longer, with women who have actually been found by INS personnel to have been victimized by forced abortion in China whom this Administration wants to send back to China. They have targets on their back; they will go right to the gulag as sure as I am sitting here. And yet this closed-mindedness on the part of the Administration is seeking to send them back. It took us 4 months to get those witnesses before our subcommittee. So there is, I think, a very poor attitude with this Administration, and there are Republicans who feel like-minded, that refugees are better off sent back rather than

being given safe haven here or anywhere else, any other country of asylum.

Let me just ask our three distinguished witnesses who spoke to the issue of Islamic extremism, what should Congress do now?

Mr. Ghaffari, you gave some very specific recommendations. Is the U.N. Commission on Human Rights in Geneva an appropriate forum to really address the use of blasphemy laws, and to address it now? Because it seems like such a denunciation, which can take place so easily as a way of getting even with somebody, or even if someone happens to be a Christian or is converted, is a way of, as you pointed out, Mr. Forte, perpetrating private acts of terrorism; it encourages vigilantes, if you will. What can we do to really try to chill that? Because it seems to me that is a very menacing, rising tide of abuse.

Mr. FORTE. The two methods are, as you well know, publicity and spending. Those are Congress' greatest weapons. In spending, for example—is the third panel going to be dealing with Egypt and Sudan? I am not sure.

Mr. SMITH. We have will some people who will speak to that, but this isn't the last hearing on this as well.

Mr. FORTE. In Egypt, for example, which receives, what, \$1 billion a year in aid, the Coptic minority has been definitely marginalized. They no longer hold posts of political responsibility. They are being discriminated against in economic advancement. There have been reports of forced conversion of women.

Anecdotally, colleagues of mine who visited Egypt would be approached by Coptic girls and would ask, "Are you Christian?" and they would secretly pull aside their blouse to show a hanging cross, because if they displayed it, they would be attacked. Egypt, in order to try to mollify the Muslim Brotherhood's influence, is treating Christians as victims.

That is a general pattern, that so-called friendly government, in order to mollify the extremists, will allow Christians to become scapegoats, and that is on the sign of fascism. That is exactly what happened in Nazi Germany. You use the minority as scapegoats in order to gain more and more power against the intolerant, even your own intolerant wing of your own party. That is what happened in Germany.

So if you tie your foreign aid appropriations to specific findings and demarches regarding human rights, much better results would occur.

Second, with publicity, there are reports out of the Sudan and out of Mauritania that international slavery is rife, particularly at the expense of blacks and Christians. It seems to me that we have universal jurisdiction under international law to arrest, under our own domestic law, to arrest anybody anywhere who exercises—who tries to enslave or tries to commit acts of piracy.

Those are the two great crimes. It seems to me Congress could demand that such enforcement take place through publicity.

Mr. SMITH. Mr. Forte, you will be happy to know we do have a hearing scheduled with the Subcommittee on Africa that Ms. Ros-Lehtinen chairs on Mauritania and the slavery issue. I thank you for your comments.

Rev. Augustine.

Rev. AUGUSTINE. I would like to add that the word "persistent" would be used when you asked what the Congress can do, not one time, but raise again and again this issue with the Islamic regimes, and when an issue like Rashmir is raised by the Pakistan Government which is about the violation of the human rights, in that region, Congress should also raise the issue of the violation of hundreds of thousands of Christians whose rights are violated every day and they are oppressed and killed, and they receive threats constantly.

I would also like to raise this issue, that our Congress should ask the government of Saudi Arabia, which does not allow any religious group—not only Christian, but any religious group—to even say a prayer in their thoughts, in their mind, in their dreams, and if the (Metwah) muillahs, the religious police, comes to know about it that even in their heart they said a Lord's prayer, they will be arrested, they will be rotting in those Sandis jails forever.

In our country here, Sandis are sending hundreds of thousands, millions of petro dollars to build Islamic mosques and are fully supported, and if I have to contribute, I will contribute toward the building of a worship place and they are opening many religious centers; they are sending their missionaries in the United States. But they would not allow any religious freedom for any religious community back in most of the Islamic countries.

A recent example, the State Department wanted permission to acquire a place for a Christian worship. The Saudi Government gave no permission for religious worship to be allowed in that part of the country. I would ask that our government, which has a very good relationship, to be persistent in asking the Saudi Government and to grant religious freedom to other religious communities in that part of the world.

Mr. SMITH. Mr. Forte.

Mr. FORTE. One thing we can guarantee, and it is shameful that we don't, is the freedom of Americans to worship. It seems to me entirely appropriate for Congress to place into the defense appropriations bill a requirement that no American who serves under the armed forces will ever be ordered not to worship appropriately, in the manner in which he sees fit, because of the country he happens to be assigned to. And I think it would be appropriate if you put that into the State Department appropriations bill as well.

Mr. SMITH. Thank you for that recommendation.

You may find this of interest. The priest that married my wife and me, Father Engeltera, was the lead chaplain in Saudia Arabia during Operation Desert Shield/Desert Storm. When he came back, we spent considerable time talking to him about—and I had raised this earlier with the ambassador to Saudia Arabia—the fact that although the Americans were there literally to save Saudia Arabia from Saddam Hussein's aggression, which many of us thought after Kuwait would continue right into Saudi Arabia, Father Engeltera could not even display the cross on his uniform. Americans who wanted to worship, whether Protestant, Evangelical, Catholic, or Jewish, were precluded from doing so by the Saudi Arabian Government. On a Sunday, for example, instead of advertising mass, they would have to advertise bingo—not even bingo but some other kind of recreation activity—because otherwise it would be an af-

front to the Nation of Saudi Arabia. So your point is very well taken that tolerance cuts both ways. We should extend complete tolerance to the Muslims, but the extremist element ought not to be aided and abetted in their intolerance.

Rev. AUGUSTINE. You know, I fully agree with Dr. Forte. And in our own country, if you can tell the Saudi ambassador to speak to persons like me to hear the story how we have helped the Muslims in the United States. The Afghan refugees in Springfield came to me in Vienna, and there were about 300 of them who said, "We have no place of worship."

I said, "Would you like us to give you a parish hall at St. Christopher Episcopal Church in Springfield, Virginia?" I provided for 4 weeks teaching of Islamic faith, their history, their tradition, and then brought both the communities together. For the last 4 years they are worshipping free of charge in this Christian church.

During the Gulf War, I had a Christian-Muslim dialog and a prayer vigil in my own church, the Church of the Holy Comforter in Vienna, Virginia, and through our church, through our discretionary funds, we have supported so many Afghan refugees and other Muslims with food, with rent money. I wish the ambassador of Saudi Arabia and other Islamic ambassadors could hear our stories, that we are keeping our churches open and we welcome them when they are in need.

Mr. SMITH. Yes.

Mr. MORENO. Mr. Chairman, you mentioned Saudi Arabia. I haven't testified on Islamic countries today but I am aware of the situation there, and I have visited Egypt and interviewed the Minister of Religious Affairs there.

I was reading about Saudia Arabia. The U.S. State Department, in its Report on Human Rights for 1994-1995, states that freedom of religion does not exist in Saudi Arabia and that all citizens in Saudia Arabia must be Muslim. We see that kind of reality, where people are born into a religion and they have never chosen their religion. As Muslims, not even Christians, but as Muslims they never chose their religion and they don't have the freedom to choose their religion. If they choose a different religion, then they are persecuted and the law requires even capital punishment to be applied under Islamic law, the Shari'a.

So I believe that we should think about this situation and question if even Muslims have liberty of conscience in Muslim countries. A religion that is imposed by law, by economic pressure, social pressure, family pressure, cannot be considered a sincerely held belief if it is not something that can be changed, that can be exercised on an individual basis.

We are dealing with the innermost part of the human being, and we believe that anyone's religion should not be imposed. Everybody should have the freedom to change their religion, and that is, of course, stated in the International Covenant on Civil and Political Rights and other documents.

Mr. SMITH. Thank you for that comment. I have additional questions I would like to submit to you for the record if you wouldn't mind responding.

Just very briefly, Mr. Moreno, on Mexico and the situation in Chiapas, which is obviously much different than the extremist Is-

lamic repression and the Communist hatred of Christianity as well, what does it count for? You know, you mentioned that somebody who converted found themselves being harassed 15 days later. Is this something that is being brought to bear by people of religion? Who is actually persecuting the evangelicals in Chiapas?

Mr. MORENO. There is a situation with the caciques, who are the local bosses, and they have control over the community. They, of course, claim to be Catholics, as most people in Latin America. But, of course, Catholicism is very different in Latin America in many regions, especially in rural areas, than Catholicism here in the United States or in Europe.

So these people encourage a system of festivities where there is heavy drinking, and many Evangelicals and some Catholics have refused to join in these festivities, and so they are persecuted. It is clearly because of religious beliefs as the agreement I quoted states. Just 3 days ago there was a group of people sitting in the plaza in Huacatenango shouting "We don't want Evangelicals in this town."

So it is a religious problem, and the Catholic church is divided on the issue. On the one hand there are many people that support the evicted Evangelicals and they are working for their protection and for their right to return to their homes. But there are other groups, other sectors of the Catholic church, that are not as sympathetic to their plight. In any case, we believe that they are persecuted because of religious reasons and also because of economic reasons.

Mr. SMITH. I want to thank this very distinguished panel. You have made a number of good recommendations that this subcommittee and this particular member will follow up on, and I want to thank you. There will be additional hearings, so this is part of a process, and I want to thank you for your very valuable contributions.

Mr. SMITH. I would like to welcome our third and final panel to the witness table. One of the most exciting developments that is occurring is that many of the churches are getting more involved in speaking out and demanding action by our own government, the United States, and by groups like the United Nations.

I would like to first welcome Richard Land, who is the president/treasurer of the Christian Life Commission of the Southern Baptist Convention's agency for applied Christianity. Prior to becoming the Christian Life Commission's president, Dr. Land served as The Criswell College's vice president for academic affairs from 1980 to 1988. Dr. Land has contributed articles to both learned journals and popular periodicals, and has served as a contributing editor to the Criswell Study Bible. He is an ordained Southern Baptist minister and has been a member of the Southern Baptist church since 1953. The date of my birth, by the way.

Morton Winston, a professor of philosophy at Trenton State College, currently serves as chairman of the board of directors of Amnesty International, USA. He joined the board of Amnesty International in 1991 and has served on the Executive, International and Administration Committees. As a long-time human rights activist and scholar, Dr. Winston brings both experience and vision to Amnesty's board of directors.

Reverend Dr. Albert Pennybacker served as president of the ecumenical development initiative and associate general secretary for income development and interpretation, National Council of Churches of Christ in the United States of America. Additionally, on an interim basis he is serving as associate general secretary for public policy, and is director of the NCC Washington office. His major vocational commitment for 35 years has been in pastoral ministry.

And, finally, Martin J. Dannenfelser, Jr., director of government relations for the Family Research Council, joined this pro-family policy group in 1995. His responsibilities include tracking and initiating legislation relating to family policy. Mr. Dannenfelser received a bachelor of science degree specializing in business and public administration from Trenton State College in New Jersey. Just let me say that it is good to see my good friend and colleague, Marty, who served as my administrative assistant for a number of years, for some 15 years, and it is truly a pleasure to have you on this side of the witness table.

I would like to begin with Dr. Land.

STATEMENT OF DR. RICHARD D. LAND, PRESIDENT, CHRISTIAN LIFE COMMISSION OF SOUTHERN BAPTIST CONVENTION

Dr. LAND. Thank you, Congressman. I want to begin by expressing my appreciation to you and tell you that I will be summarizing my remarks, and I ask that my written remarks be written into the record in their entirety.

Mr. SMITH. Without objection, so ordered.

Dr. LAND. The persecution of Christians in various parts of the world has not been a high profile item on America's agenda. I am delighted and grateful to be able to say that due to your efforts and the efforts of many others, that tragic neglect is rapidly coming to an end.

I want to thank the Puebla Program on Religious Freedom for their assistance in making this issue known. There was virtual unanimity of support at a recent conference sponsored by them here in Washington for the statement of conscience of the National Association of Evangelicals concerning worldwide religious persecution. I have copies of these available and they are attached to my statement.

The National Association of Evangelicals, which represents tens of millions of evangelical Christians in America, has produced this statement of conscience which outlines the facts of such persecution of Christians, states the principles of opposition against such persecution, and issues a call for actions which would directly address such persecution. As a member of the executive committee of NAE, I am delighted that the National Association of Evangelicals has taken this leadership role.

I also want to specifically thank Stephen Rosenfeld of the Washington Post for lending his influential forum and powerful voice to this issue. Also, the Executive Council of the General Convention of the Episcopal Church has joined in support of the National Association of Evangelicals statement.

The 15.6-million member Southern Baptist Convention, reflecting a growing concern on this issue, passed a resolution overwhelmingly at its convention in June 1995. The resolution expresses support for all people suffering denial of religious liberty in the world.

In addition, Pope John Paul II, as has been mentioned earlier today, has reiterated his strong and longstanding stand for religious freedom in his remarks to the Vatican diplomatic corps on January the 13th, 1996. In that speech the Pope raised the issue of religious persecution in some Islamic countries, as well as China and Vietnam, and noted that such abuses were "an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living."

When Episcopalians, Evangelicals, Southern Baptists and Roman Catholics are all voicing grave concerns over the persecution of Christians in other countries, I believe we can say that critical mass has been reached. I believe we are witnessing the beginnings of a broad-based movement which will insist with increasing intensity that the government of the United States of America take serious and important steps to use its influence to insist that the offending foreign governments stop these atrocities.

Let me be clear that we are not insisting that the U.S. Government seek to hold the entire world to the pristine standard of the U.S. Constitution's First Amendment religious liberty rights and guarantees, as desirable and as beneficial to humankind as we believe that would be. We are insisting that basic human rights be recognized.

These persecutions of Christians are clear and unacceptable violations of the U.N.'s 1948 Universal Declaration of Human Rights, particularly, but not exclusively, Articles 2 and 18. The international family of nations has agreed that all human beings have the inherent right to freedom of thought, conscience and religion.

As we have heard today, the persecutions are real and they are widespread. A focused campaign against these persecutions supported by a committed domestic constituency, such as sensitized and informed American Christians, can and we believe will have tremendous and far-reaching results.

The inspiring paradigm of the plight of Soviet Jewry, and the tremendous impact that the American Jewish community was able to achieve by galvanizing the will and determination of the American people, is the best argument both for the ability to make a life-changing difference and for the fact that the efforts achieved can be far-reaching.

The American campaign on behalf of Soviet Jews helped to seal the fate of Soviet repression and its far-flung empire. We believe a campaign to use American governmental influence to stop the persecution of Christians may have similarly dramatic results.

Evangelicals and Catholics are being persecuted in many of these countries by those who are seeking to hold back the 21st century by using the 20th century's repressive methods. Christians are threats to the anti-democratic forces which oppose modernity, and if the Western secular elites do not understand this, make no mis-

take, the Chinese, Vietnamese and Cuban commissars and the Islamic ayatollahs do.

Further, if the U.S. Government makes the price for persecuting Christians, usually the most vulnerable people in these societies, unacceptable, it strengthens the moderate Islamic elements in these societies in their attempts to resist the thuggery and persecution perpetrated by Islamic radicals in their midst.

Clearly, the U.S. Government has been woefully negligent in dealing with the issue of persecution of Christians around the world. This issue has not occupied a significant place in American foreign policy. It has often not even been on the State Department's radar screen, and that must change.

There are several steps the Clinton administration can and should take to rectify this situation. First, the President should deliver a strong, hard-hitting major policy address making it clear that governments seeking to be on favorable and friendly terms with the United States must not persecute Christian minorities.

Second, the president should appoint a high level Special Advisor to the President for Religious Liberty who would have broad-based authority to investigate, monitor and report to the President persecutions which occur and what the various agencies of the U.S. Government, such as the State Department and the Justice Department, are or are not doing about it. Such an advisor should be someone who has the full confidence of and rapport with the American religious community.

In addition, we would fully commend to your committee and to the full Congress, as well as to the President, the entirety of the call to action on pages 3 to 5 of the National Association of Evangelicals' statement of conscience. I would urge the Congress to take a hard look at the NAE's call to action and to see what parts, such as immigration service indifference, special trade status, foreign aid, State Department reporting on religious persecution, et cetera, could be embodied in legislation.

There are some examples of the State Department's woeful and callous indifference to the plight of persecuted Christians which I believe need to be mentioned specifically. They are illustrative and not exhaustive.

First, the current U.S. ambassador to China, Jim Sasser, at a meeting with NGO's in Washington, DC on January the 24th, 1996, indicated that he was not aware of the Protestant Evangelical house church movement in China, perhaps the largest evangelical movement in the world, much less of the torture and imprisonment of its members.

It is right and helpful for the Ambassador to be briefed on the persecution of Buddhists in Tibet and the massive violations of women's rights in the People's Republic of China, but it is unforgivable that in the many months of briefings given him by the State Department, that they did not brief him on the persecutions of a movement that may number 80 million people in China. We believe Ambassador Sasser should be recalled until such time as he can be fully briefed on the extent of the persecution of Christians in China, and there should be an investigation as to who was responsible for the Ambassador's background preparation and why they

could be so shockingly insensitive to the persecution of millions of people.

Second, the Vietnamese Government continues, as we have heard here this afternoon, to this present moment, to persecute Christians. Yet when our government was negotiating with Vietnam over our government's recognition of that country, this issue was not even on the table. In fact, at the very moment the United States granted much-coveted full diplomatic recognition to Vietnam, that country embarked on a campaign to intimidate and suppress Christian worship.

Third, the U.S. Attorney General should issue immediately a bulletin to INS hearing officers acknowledging mounting anti-Christian persecution in many parts of the world, and direct such officers to process the claims of escapees from such persecutions with priority and diligence. What amounts to an anti-Christian bias in U.S. Government circles in this area prevents Christians from escaping torture by fleeing to the United States. Just as an example, an Ethiopian pastor arrested and tortured 25 times was told by his lawyer that he had little chance of gaining asylum in the United States because Christian claims of persecution were not taken seriously.

Fourth, the head of the U.S. delegation to the Human Rights Commission of the United Nations should give a major address at the commission's annual meeting in March on Christian persecution and other examples of religious intolerance under the agenda item "Religious Intolerance." The U.S. head of delegation has failed to address religious intolerance at the commission for the past 2 years of her tenure.

Fifth, there should be a full investigation and report to determine who at the State Department was responsible for advising participants not to carry Bibles or religious literature with them to the UN's Conference for Women in Beijing last fall. It is shameful that the United States capitulated to China's demand that participants limit their own religious freedoms. This should never occur again at any future international conference, especially one on human rights, that the United States helps fund and attends. The United States should have insisted that another forum site be found if China could not tolerate the religious rights of the U.N. participants.

Sixth, there should be a full report and investigation into reports that the U.S. Consulate in Jeddah, Saudi Arabia has bowed to Saudi Government demands to end Christian worship services for U.S. personnel and their dependents on consulate grounds. It had long been the practice that such services were held, and they ceased sometime after March 1994. Here we seem to have a case of American citizens' First Amendment rights being abrogated on American property in foreign countries in acquiescence to the demands of a repressive Saudi regime.

Traditionally, the role of our embassies in foreign lands has been not only to represent the American Government but to symbolize American values. It seems that, at least in regard to persecution of Christians, often the State Department has been in the posture of abject surrender to the most repressive of regimes which have

denied fundamental American values of freedom from religious persecution.

The question of whether to grant most-favored-nation privileges for Vietnam will be certain to come up later this year for the first time, and most-favored-nation status for China will be up for renewal in May. We urge the U.S. Government to take a hard look at U.S. policy with regard to these and other nations in the context of these countries' persecution of Christians. Also of relevance in this regard will be China's efforts to gain entry into the World Trade Organization.

We are told that the 21st century will be the pacific century. What kind of century will it be? America has great power and influence. Such power contains responsibilities as well as privilege. We must do all we can to influence the Asian powers of the future to recognize the basic human rights of their citizens, including Christians.

Experience tells us that governments, like children, often do not what you expect but what you are prepared to inspect. We expect our government to insist that nations who want to be in good relation with us cease and desist from persecuting Christians. We will be inspecting whether they do so.

A foreign policy that denies our basic values and seeks only to meet the requirements of commerce and business is and always will remain totally unacceptable.

In conclusion, I would just like to say that as I have listened to these testimonies, very moving testimonies this afternoon, I am reminded of a similarly moving experience that occurred in the early 1960's as I was attending a movie theater in southeast Houston.

I saw the movie "Judgment at Nuremberg," and in the movie "Judgment at Nuremberg"—which I would encourage everyone in this room to see again if they have seen it, and if they have not seen it to go out and rent it—the American justice, the chief justice of the American tribunal, is under tremendous pressure, the pressure of realpolitik, to give light sentences to Nazi judges because, after all, we need the German support in the cold war against Russia. And the American chief justice, played by Spencer Tracy, said, "A country is not a rock. A country is what it stands for when standing for something costs. Let the whole world know that this is what we stand for: Justice, truth and the value of a single human being."

I believe that should be and must be the guiding star of the policy of the government of the United States.

[The prepared statement of Dr. Land appears in the appendix.]

Mr. SMITH. Dr. Land, thank you very much for that moving testimony. I had read your call to action printed on January 23rd, which you spoke of and about this afternoon, and was greatly moved by its comprehensiveness and the fact that it is very serious about getting, whether it be Democrat or Republican administrations, to take seriously the plight of Christians.

During the 1980's, I worked with Frank Wolf and Tony Hall, a Democrat and a Republican, trying to remove MFN for Romania because of its egregious human rights abuses, which were particularly focused against Christians. It took 3 years to get a hearing in the Ways and Means Committee because we were told that, oh,

they came to the Olympics, they have a separate foreign policy vis-a-vis the then Soviet Union than the other east bloc countries; arguments which had a surface appeal, but rang hollow. The Securitate was one of the most despicable of the intelligence services, and now everyone agrees that Ceacescu was a thug and nobody wants to be identified with him. But during those years of the 1980's, nobody took seriously the persecution of Christians by this government.

I want to thank you. This is a comprehensive statement and I appreciate it. It is going to have major impact on and many implications for U.S. foreign policy.

Mr. SMITH. I would like to invite Dr. Winston for his testimony at this point.

STATEMENT OF MORTON E. WINSTON, CHAIR, BOARD OF DIRECTORS, AMNESTY INTERNATIONAL, USA

Dr. WINSTON. Thank you, Mr. Chairman. Good afternoon.

I would like to thank you, Mr. Chairman, for calling these hearings and for inviting Amnesty International to testify. I am, as you know, chairman of the board of Amnesty International USA. I am also a professor of law at Trenton State College, a college of which you were one of the most distinguished alumni. So I am very pleased indeed to be here.

I have a report, ten pages, that I would request be fully submitted into the record.

Mr. SMITH. Without objection, so ordered.

Dr. WINSTON. I would then like to make some brief remarks, excerpting parts of the written testimony and trying to highlight certain concerns that have not been addressed by other speakers earlier this afternoon.

Amnesty International USA welcomes this opportunity to submit testimony on specific instances of intolerance and persecution on grounds of religious belief where these issues fall within the mandate of the organization.

The causes for religious intolerance are complex and have very often a political dimension. It is, therefore, not always possible to make a sharp distinction between intolerance based strictly on religious grounds and intolerance based on political grounds, as the following testimony will indicate.

Governments seek to curtail or ban the practice of religious groups for a variety of reasons. Some countries seek to reduce the influence of one or more religious groups because of their perceived links with opposition groups or with separatist movements. Other governments suppress religious communities because they disapprove of their connections with branches or headquarters abroad. A third category of governments have clamped down on religious freedom following a reform of the national legal system in accordance with their own religious convictions.

State control of religious activity may take different forms. A few countries allow only the practice of a single state-recognized religion. A larger group of countries has followed a policy of giving official recognition to only a limited number of religions and of putting their institutions under close supervision.

Officially prohibited activities may include preaching and evangelizing, teaching religion to children, distributing or copying religious materials, and attending religious services. People have been in prison for converting from one religion to another and for displaying religious symbols such as verses or crucifixes.

Sanctions inflicted on religious believers for the infringement of these prohibitions range from various forms of harassment to imprisonment, torture, even the imposition of the death penalty. In some instances, religious believers have been subjected to confinement in labor camps for decades for exercising their right to freedom of religion.

While the following testimony does not constitute an exhaustive survey of instances of religious intolerance which fall under Amnesty International's mandate, it is intended to illustrate patterns of concern and abuse and to make several recommendations that governments can take to end this kind of human rights violation. At the request of the committee, the testimony focuses primarily on the persecution of Christians.

The report has parts that deal with a number of cases that you have already heard of today. In Cuba, we discussed a case of Reverend Vila, who has been in prison for house worship in Cuba. We also discussed the problem in Pakistan having to do with the blasphemy laws, and particularly the Masih case that you heard of earlier.

In the section dealing with China, we also focus on the arrest and harassment of people in the house evangelical movement and particularly on the plight of Bishop Zeng, who you heard of earlier, who is one of Amnesty International's POCs. We are quite concerned about his health. He apparently has pneumonia, a 76-year-old man. We are calling for his immediate and unconditional release by the Chinese authorities.

Rather than going over these cases again which have been elaborated in greater detail by some other speakers, I want to focus on parts of the testimony that deal with concerns Amnesty has in Sudan, Saudi Arabia and Mexico, where there is less overlap.

Sudan remains a country that has experienced flagrant manipulation of religious issues, and has fostered a climate of intolerance where widespread human rights violations based on religious affiliations have been perpetuated. The country, as you know, has been mired in a civil war between the government in Khartoum and the armed opposition, Sudan People's Liberation Army, SPLA, since 1983, when the government sought to impose its interpretation of the Shari'a or Islamic law on the whole country.

The current military government led by President Omar al-Bashir, backed primarily by the National Islamic Front, and the main armed opposition factions, the Sudan People's Liberation Army led by John Garang de Mabior, and the South Sudan Independence Army, SSIA, led by Dr. Riek Machar Teny-Dhurgon, are responsible on all sides for committing human rights abuses.

Upon independence Sudan was, for all practical purposes, two countries: a northern region, predominantly Arab, Muslim, well-educated and in control of the government apparatus, and a much poorer south with an African population divided into Christians and worshippers of traditional religion. In September 1983 the

Khartoum Government tried to consolidate its power and "arabize" the country through the enforcement of a radical version of the Shari'a law.

In the north this included the imposition of severe restrictions on the rights of women: a dress code, the prohibition to women of travel unless accompanied by males, and a steady retrenchment on educational opportunities for women. In the south, this has resulted in a scorched-earth campaign-style war that has created millions of refugees and has taken the lives of thousands of innocent Sudanese.

The government has sought to suppress all forms of politically independent activity and to destroy the institutions of an independent civil society throughout the country. After legal changes in mid-1993, the media are technically no longer the monopoly of the state, but they remain entirely controlled by government loyalists. The judiciary, the prison system, and the police and the army have been purged of anyone suspected of opposition to the official State ideology. In May 1993 the government even expropriated the holy centers of the three main Sudanese traditional Islamic groups: the Ansar, the Khatmiya, and the Ansar Sunna.

As a standard practice, the Khartoum Government detains and tortures suspected opponents in so-called ghost houses, the security force's secret detention centers. Targets have been non-Muslim and moderate Muslim critics of official policies and the radical Islamic agenda. Political activity remains forbidden, and any form of opposition leads to detention without charge or trial, often to torture. Hundreds of people convicted of criminal offenses have been flogged. An unknown number have suffered judicial amputation of hands and feet.

Massive human rights violations have also been committed by various SPLA factions, claiming to be building a new Sudan, against the Khartoum Government and each other. There has been a lack of accountability and a complete disregard for humanitarian principles in the conduct of war. Prominent internal dissidents have been detained and some have been killed. Ethnic violence against civilians has been mirrored by killings within the ranks of each warring faction. Captured government soldiers of rival factions are usually extrajudicially executed on the battlefield or after interrogation and torture. Male villagers caught during an offensive are forced into becoming porters and are killed after being deemed no longer useful.

We have a recommendation. The tragedy of Sudan should not be allowed to continue. The Sudanese authorities and the SPLA factions must end human rights violations. The international community in the United States has a critical role to play, and must, if Sudan is ever to know peace.

Amnesty International calls for the creation by an appropriate intergovernmental organization of a team of international civilian human rights monitors to work with the authorities and the Sudanese public in all parts of Sudan to build respect for human rights. Amnesty International also calls on the Sudanese Government and each faction of the SPLA to demonstrate their commitment to human rights by inviting and extending full cooperation to a mon-

itoring team to be established in the areas under the control of the belligerent parties.

In Saudi Arabia persecution of religious minorities, particularly that of Christians and Shi'a Muslims, has increased dramatically in Saudi Arabia during the years following the Gulf War. Hundreds of men, women and children have been summarily arrested and ill-treated by the religious police, mostly without formal charges or trials, for the nonviolent expression of their religious beliefs.

The judicial punishments embodied in the Hanbali interpretation of the Shari'a, the most conservative interpretation of the Islamic law, are strictly adhered to in Saudi Arabia. Public and private non-Muslim worship is banned and there are no places of worship for non-Muslims in the country. Punishments prescribed and implemented by the Saudi Arabian authorities include public flogging, amputation and beheading. These rulings are applicable to both Muslim and non-Muslim residents, and also include arrest and detention without charge or trial, torture and flogging and, in the case of foreign nationals, deportation.

The Christian community, predominantly expatriate workers on short-term resident permits, has been targeted by the religious police due to its activities, such as the formation of clandestine worship groups. Of those Christians arrested, the majority come from developing countries. For example, in 1994 eight Filipino Christian worshipers were arrested during a religious service in Riyadh. Others have been reportedly arrested solely for the possession of religious materials such as cassette tapes or Bibles.

Amnesty International recommends that the Saudi Government enact new laws to combat religious persecution and to demonstrate a commitment to international human rights standards, guaranteeing people's rights to freedom of thought, conscience and religion. The government is urged to release all persons being detained for the nonviolent expression of their religious beliefs. Amnesty International also stresses the importance of safeguards to protect detainees from torture and ill treatment, which should all be prohibited explicitly by law.

In Mexico, Amnesty has documented the increase in the number of threats against human rights advocates during 1995. Prominent among those targeted for advocating human rights are those working on behalf of the rights of the indigenous populations, including members of the Catholic church. Many of these threats and incidents of harassment have occurred in the State of Chiapas. However, they are not exclusive to Chiapas.

The Catholic Bishop Samuel Ruiz has advocated human rights on behalf of the indigenous populations for decades, and has played a prominent role in the peace negotiations between the government of Mexico and the EZLN. He has received dozens of threats over the years. On February 19, 1995, scores of supporters of the ruling party, the PRI, demonstrated outside the cathedral where Bishop Ruiz officiates, hurling abuse, making death threats, and throwing rocks, chairs and eggs against the doors. Although the cathedral is centrally located in San Cristobal de las Casas, the police did not intervene for 2 hours while such harassment went on.

In the neighboring State of Oaxaca, another Catholic Bishop, Arturo Lona Reyes, was shot at by two masked men as he was traveling by car on June 29, 1995.

In June the Mexican Government took even more serious measures. On June 23, 1995, Fathers Rodolfo Izal Erioz, Loren Riebe, and Jorge Baron Gutlein, all foreign nationals and Catholic priests in parishes in the State of Chiapas, were arbitrarily arrested and expelled from Mexico. All three had helped promote the welfare of local indigenous peasants in their respective parishes.

According to reports, the decision to deport the priests was based solely on unfounded accusations from local landowners alleging that the priests had engaged in political activities. Due to the priests' work in human rights, Amnesty is alarmed that the expulsions may indicate the Mexican Government's intolerance against those perceived as exposing abuse.

Let me conclude with our primary recommendation, Mr. Chairman. We believe that it is important for the U.S. Government to urge, at the next meeting of the U.N. Committee on Human Rights, that the Special Rapporteur for Religious Intolerance be tasked with investigating situations of widespread and systematic abuse based on religious affiliation in all the countries of the world where that occurs. In particular, we ask that access be granted to those countries for human rights monitors, so that the monitors can visit persons in detention and to better document abuses. As you know, it is sometimes difficult to document abuses in many countries where the most egregious violations occur.

Thank you for the time, Mr. Chairman.

Mr. SMITH. Thank you very much, Dr. Winston. I guess I will wait until I get to the questions, but I have some questions I would like to pose to you.

[The prepared statement of Dr. Winston appears in the appendix.]

Mr. SMITH. Rev. Pennybacker.

STATEMENT OF REVEREND ALBERT M. PENNYBACKER, ASSOCIATE GENERAL SECRETARY, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE USA

Rev. PENNYBACKER. Thank you, Mr. Chairman. It is with genuine appreciation to the committee and its Chair that I speak on behalf of the National Council of Churches of Christ of the United States, the principal ecumenical organization through which 33 Protestant, Orthodox and Anglican communions, church bodies with a combined membership of 51 million adherents—though I certainly make no pretense to speak for all 51 million—but through the National Council these church bodies make common witness.

I have presented my testimony in writing to the committee and would request its inclusion.

Mr. SMITH. Without objection, it will be ordered.

Rev. PENNYBACKER. Then I will make comment and summarize that testimony.

The National Council of Churches of Christ in the USA once again voices its strenuous opposition to religious persecution anywhere in the world, the punitive attack on religious liberty and

freedom for which we have been a longstanding and vigorous advocate.

Much of the very moving testimony that has been presented today has long been a part of the conversation in church life. The problem was that no one was listening. If the work of this committee and these hearings gain the attention of people to that issue, then you can count vigorously on the support of the National Council of Churches. We are pleased to be in the company of other religious voices now addressing this fundamental human rights issue.

We are and have been deeply committed to the religious freedom of people of every faith, and even the freedom of conscience of people of no faith, and especially of those who share our Christian faith. During the difficult years of Soviet domination of eastern Europe, we maintained strong affirmative and cooperative ties with the Christian communities of long and faithful histories who maintained their faith under conditions of painful, almost unimaginable religious persecution, even martyrdom. We rejoice today in the new freedom they know to rebuild their churches and serve their communities and publicly affirm both their faith and their compassion, and we support their new life.

In settings today where there is genuine religious persecution, often directed at the diminishing of resident Christian communities as well as other religious communities, we seek to maintain ties of support, encouragement, advocacy and even direct aid. This is currently the status of our ties with Christians in Cuba, China, North Korea, Vietnam, Pakistan and other nations. We have not hesitated to address governments in such settings in seeking genuine redress, typically with the counsel of the resident Christian community.

Our first concern, then, is that in addressing religious persecution, the integrity of the resident religious communities be respected and the transnational ties of all religious faiths be allowed to offer companionship, support, advocacy and aid to religious communities in difficult, even hostile, settings.

As a second concern, in any increased commitment to oppose all forms of religious persecution, we urge a careful assessment of the claims of religious persecution, listening not only to voices of those who enter new settings from outside but the witness from indigenous religious voices, as we have heard today, where such religious persecution appears to be occurring.

There is no question that religious persecution, as described to this committee by others with whom we join, is occurring in numerous places in the world. We would add that the evidence is all too clear that group classifications of people become the basis for prejudicial and hostile actions, violating the rights of both particular communities and the rights of individuals to belong to them.

Women, for instance, are the ones who often suffer the most as members of religious groups under attack. Further, religious groups may be caught in intra- or inter-communal strife, religious fanaticism, and ethnic cleansing. Civil wars and genocide can threaten religious groups. Such realities insist on being confronted in the context of a commitment to a pluralistic civil society. Both the U.S. Government and religious bodies here, we believe, are called to share that sort of commitment.

However, there are also the claims of the persecution of Christians in our own country, sometimes along lines that appear to us excessive, aligned with domestic political concerns and an inappropriate use of so strong a term as persecution. I think we could not listen to what we have heard today and in any way claim that persecution fits the experience of Christians here.

We urge great forbearance in linking the authentic concern for those of our religious tradition experiencing persecution for their beliefs beyond our borders and excessive claims of religious persecution here. We believe that our historic preservation and defense of religious freedom and the separation of church and State have protected us from the horrors of religious persecution experienced elsewhere. We are grateful for every voice and action that defends and maintains this fruitful, longstanding American commitment.

As to actions, we support the appointment, perhaps, of a commission, knowledgeable, representative and compassionate, to investigate and report to the President the conditions of religious persecution and to recommend appropriate courses of action to address such conditions. We believe the focus should be the task of addressing all religious persecutions that a broad perception of religious persecution needs to inform our actions, and that it is premature to move quickly to the appointment of a Special Advisor to the President on these matters. Ours is not opposition. It is a concern for timing.

We believe that the actions of the Immigration and Naturalization Service regarding any instances of religious persecution, not simply anti-Christian persecution, of course, needs to be included within that investigation. We urge a further continuing and strong commitment to the International Covenant on Civil and Political Rights and to the U.N. Declaration on the Elimination of All Forms of Intolerance Based on Religion or Beliefs. There is an integral relationship between religious freedom and freedoms of expression, communication and assembly.

We concur with the National Association of Evangelicals that religious liberty is not a privilege granted by governments but is God-given. To use a word familiar in our American vocabulary, an "unalienable", God-given human right.

Our Council has a long history of standing firmly for religious liberty, dating from our first policy statement in 1955, renewed in 1963, and revised and updated as recently as 1995. Such policy statements become informative for study throughout the churches. I quote an early phrase that describes religious liberty as basic, both historically and philosophically, to all our liberties. Recall the conditions of the world when that was issued in 1955.

We are pleased to voice again, in concert with others, our vigorous opposition to all forms of religious persecution. We affirm again and urge you to affirm a commitment to religious freedom and the relieving of any religious persecution experienced not only by Christians but by those of any and even no faith. We commend the sensitivity and caring of those who have been alert to raise the issue and newly put it before us at this time. We stand ready to cooperate with the recommended actions that may issue from these hearings.

Thank you.

Mr. SMITH. Thank you very much, Rev. Pennybacker.

[The prepared statement of Rev. Pennybacker appears in the appendix.]

Mr. SMITH. I would like to ask our final witness, Mr. Dannenfelsner, if he would present his testimony at this time.

STATEMENT OF MARTIN J. DANNENFELSNER, JR., ASSISTANT TO THE PRESIDENT FOR GOVERNMENT RELATIONS, FAMILY RESEARCH COUNCIL

Mr. DANNENFELSNER. Thank you, Mr. Chairman.

First, I would like to express the apology of our president, Gary Bauer, for not being able to be here today. He did intend to be here but he has had a bronchial infection over the last few days. He wanted to thank you for your leadership on this issue and to express that apology.

Mr. Chairman, it is truly ironic that some of the world's biggest problems fail to attract the notice they deserve. That is the message we get on the global problem of anti-Christian persecution. That persecution is growing, both in frequency and in cruelty. We are appalled at the lack of concern and public attention being paid to the hidden horror of anti-Christian persecution.

This persecution takes many forms. Under predominantly Islamic and former Communist Governments, Bibles and religious services are being banned. Missionaries and converts are being imprisoned, and in Ethiopia believers are actually being crucified.

One of our staff members, Rosanne Dupras, was a volunteer worker overseas for 7 years and has traveled extensively throughout Asia. She has witnessed the persecution of individuals because of their religious faith.

For example, India is hailed as the world's largest democracy, with a population of almost 1 billion people. Eighty-five percent are Hindu, 12 percent Muslim, and 1 to 2 percent are Christian. Although the national government describes itself as a secular democracy with freedom of religion for all, the government has taken a less than tangential approach to the outcries of persecution.

Miss Dupras recalls Sunil, a native of India and a Christian, jailed, harassed, stripped naked and interrogated for an endless number of hours. The compound where he lived was vandalized. He was slandered and vilified in the local press by persecutors who included police officials and government intelligence agents as well as radical Hindu fundamentalists. The State Government participated in and initiated many of the attacks. The Federal Government simply turned a blind eye. Atrocities like this occur frequently in nation states that give lip service to freedom of religion while persecuting any deviance from their own ideology of religion.

Allow me to clarify that this persecution extends beyond Christianity to include other faiths, although persecution of Christians seems to be the most widespread. In Ayodhya, Ms. Dupras reports that Hindu groups slaughtered Muslims as the police watched, and in Bombay the police themselves were the ones who massacred Muslims. A young Muslim Bengali woman in Bangladesh had to flee for her life after writing a book which was sympathetic to Hindus rather than to Muslims. She is still hiding somewhere in the West.

So far, the U.S. Government has largely turned a deaf ear to this rising tide of terrorism and these human rights violations. Saudi Arabia, our recent ally in the Gulf War, has pressured the United States on two fronts. The first was to close a U.S.-sponsored night club frequented by American servicemen in Saudi Arabia. Our government said "no way" to closing it. The Saudis also demanded that we stop Sunday worship services at our embassy. To this we buckled.

In Turkey, the United States has turned a blind eye as Turkish officials forcibly return Christian refugees to the clutches of Iran.

On January 15th, 1996, the Wall Street Journal reported, "China's religious authorities ordered all places of worship to register with the government in what may be the beginning of a new crackdown on religion."

A column by syndicated columnist Mona Charen which appeared in the December 14th, 1995 edition of the Detroit News elaborated, and I quote, "Persecution is commonplace in China, where only a fraction of the estimated 30 million to 70 million Christians belong to government-approved sects. Amnesty International reports cases of Christian women hung by their thumbs from wires and beaten with heavy rods, denied food and water, and shocked with electric probes."

Miss Charen's Detroit News column described the following abuses under Sudan's Islamic Government: "Many of the black Sudanese in the southern part of the country—the north is Arab—have resisted conversion, in many cases because of adherence to Christianity. As punishment, the Sudanese Government has denied food and medicine to Christians in famine areas and has sold thousands of Christian children, some as young as 6, into slavery."

Tolerating episodes such as these conflicts not only with the inalienable rights of life, liberty and the pursuit of happiness in our own Declaration of Independence, but even those basic human rights universally accepted. These rights include, under the Universal Declaration of Human Rights, the right to life, liberty and security of person, Article 3; freedom from slavery or servitude in all their forms, Article 4; freedom from torture or cruel, inhuman or degrading treatment or punishment, Article 5; equal protection of the law without any discrimination, Article 7; the right to freedom of thought, conscience and religion, freedom to change his religion or belief and to manifest his religion or belief in teaching, practice, worship and observance, Article 18; freedom of opinion and expression, Article 19; and the freedom of peaceful assembly and association without compulsion to belong to a particular association, Article 20.

Christian persecution is a gross violation of human rights. In the United States, an historical example for our defense of religious minority rights abroad is the 1974 Jackson-Vanik amendment which made Jewish immigration a condition for aid to the Soviet Union.

Title 22 of the U.S. Code contains the following passage: "The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in the community of nations which respect individual and economic rights and freedoms."

Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people.

The U.S. development cooperation policy emphasizes the encouragement of development processes in which individual civil and economic rights are respected and enhanced as one of its four principal goals. It states that "pursuit of these goals requires that development concerns be fully reflected in U.S. foreign policy." Our policy toward humanitarian violations is quite clear, and the real tragedy here is the appalling lack of concern here at home and the lack of action by the Administration.

It is time to end the silence of our President and his Administration. President Clinton must waste no time in addressing the American people, issuing demarches to offending nations, initiating letters to heads of state, and working with the State Department desk officers in the offending nations. The President's focus should begin with some of the most egregious violations, such as China, Ethiopia and the Sudan. Hopefully, other countries will begin to change their policies when they see the tangible consequences of their inhumane actions.

As others have noted here earlier today, as a candidate for President in 1992 Mr. Clinton criticized former President George Bush for coddling dictators in his policy toward China. Ironically, the Administration has now totally decoupled the issues of human rights and most-favored-nation trade status for China. This action sends a signal that the U.S. Government is prepared to do nothing more than pay lip service to China's human rights abuses, which include persecution of Christians, forced abortion, and slave labor. We call on President Clinton to heed his own advice and stop coddling persecutors of Christians. The time has come for rhetoric to be joined with actions and results.

Mr. Chairman, there are many things that Congress can do. We know that some of these things are already taking place, but we call for a more concerted, expanded coalition of Members of Congress to track the abuses that are taking place and to set up checklists that can then be followed. We pledge that the Family Research Council will call upon other citizens and churches to get more involved in educating the American people about these abuses and speaking out, calling for further action.

I would like to quote a State Department Bulletin that I think speaks to the values of the United States from December 1984, which said succinctly, "The moral basis of democracy—the principles of individual rights, freedom of thought and expression, freedom of religion—are powerful barriers against those who seek to impose their will, their ideologies, or other religious beliefs by force."

If we fail to speak out forthrightly in defense of these freedoms endowed by our Creator, we will undermine our Nation and the principles upon which it is built. Failure to do all within our power will also sear our collective consciences as we hear the anguished voices of our brothers and sisters overseas who cry out, "Why have you forsaken us?"

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Dannenfels, for your excellent statements.

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

Mr. SMITH. I want to thank all of our witnesses for their testimonies. I do have a few questions I would like to ask.

First, Dr. Winston, each year on frequent occasions, but certainly when the Country Reports and Human Rights Practices are presented by the Assistant Secretary of Human Rights, Jim Shattuck—

Dr. WINSTON. John Shattuck.

Mr. SMITH. John Shattuck—he will be here before our subcommittee very shortly, will get an overview of what is going on around the world, and then we hear from the major human rights organizations. Last year, James O'Dea, your Washington representative, and others from Freedom House and some of the other organizations were very pointed in saying that this Administration talks but does not act. As a matter of fact, the way he put it was that—this is Amnesty—that human rights and the country reports in particular are an island; that there is a total disconnect when it comes to linkage to policy, be it trade or any other policy within the Administration.

So the testimony sounds good, and I respect Mr. Shattuck, Secretary Shattuck, very, very much—we work on many things together, particularly right now with Bosnia and war crimes and the like, and he does a good job there. But when you go up the chain of command and it gets to Under Secretary Tim Wirth it goes nowhere. It does not get to the Secretary, and again, there are no linkages to try to combat that.

We have tried in this committee—and I offered the amendment to do it, which passed the House—to set up a special line right to the Secretary for refugees and for human rights, because we are not getting through and there is a major league disconnect with human rights and other policies.

How would you rate the performance of the Clinton administration with regard to religious persecution against Christians and others? Because, you know, the focus today is on Christians. They have been neglected. How would you rate the Administration on this?

Dr. WINSTON. Well, you know, Amnesty shies away from making political judgments of that kind, Mr. Chairman.

Mr. SMITH. I am looking for a substantive judgment.

Dr. WINSTON. Well, let me agree with you that I think there is a lack of linkage or connection between the reporting that is now being done by the U.S. Government on human rights and the foreign policy of the U.S. Government. I think as a general statement that is quite accurate.

As you know, these reports were mandated by Congress, and I have been looking at these reports for many years in my role as an Amnesty person, and looking at the quality of the information contained in the reports versus those in our own reports and those of other independent human rights organizations. I must say my judgment, in those countries where I am most expert, is that the quality of the State Department reports has improved significantly over the years. I believe that last year's report set a new standard

for U.S. human rights reports in terms of the thoroughness and accuracy in information.

However, there has been a reluctance on the part of Congress and Administrations to link the information contained in our own reports with substantive decisions on foreign policy. That includes questions of aid and trade, as well as other questions of bilateral relations between the United States and other countries. We have laws in this country that, for instance, forbid the sale of weapons and military aid to countries that have gross and systematic patterns of human rights violations. That has never been adequately enforced, as you know, Mr. Chairman.

I would say that until these hearings, to answer your question, until these hearings, I, myself have not seen any evidence of interest in Washington on the issue specifically of religious persecution, and specifically that of Christians. So again, I thank you, Mr. Chairman, for raising this issue and holding these hearings.

We people in the human rights field often feel we are kind of crawling in the dark and no one is listening to try to bring attention to these forms of abuse which many people think no longer exist in the world, and therefore, don't regard as problems. So when a Member of Congress organizes hearings like this to bring these facts to attention, we are very grateful. So thank you, Mr. Chairman.

Mr. SMITH. I appreciate you saying that. Just let me point out that we have had a number of hearings, so I know what it is like to have that sense of being a winter soldier in battle, when very few people from the press have shown up, and that goes for regional hearings that we have held.

We have six laogai survivors, including a Buddhist priest and a Catholic nun, who collectively have spent over 130 years in the gulag system in China. Harry Wu was among them, and nothing about that appeared in the papers. So, I think one of the reasons why we should have renewed hope is because organizations like some of the evangelical organizations are getting involved. I think that brings a new earnestness and urgency to the matter, because they certainly have produced results in some other areas. So I do think there is reason for hope and the Research Council certainly has a very extensive grass-roots network among Americans to get this information out.

Dr. WINSTON. Could I just add, Mr. Chairman, I think this is an issue that really represents common ground. It is not a partisan issue, it is not a Jewish or a Christian issue or a Muslim issue, it is an issue that all thinking people of conscience can agree upon. That is why it is so good that you are having these hearings and bringing these abuses and violations to light.

Mr. SMITH. I appreciate that.

You mentioned earlier, Dr. Land, that Ambassador Sasser was unaware of the house church movement. For the record, I would think that most know that when he was Senator Sasser, he was in favor of linking most-favored-nation status to human rights. For a while after Tiananmen, it was very much in vogue to be seen cavorting with and speaking to and having lunch with and doing all kinds of neat things with human rights activists, including the Dalai Lama. Now it seems that the petals are off the rose; it is not

as trendy any more to be for human rights, because now it means real dollars and real bucks, and interests in your own district will come forward, as they have in mine, to say, wait a minute, this might mean some jobs. But it seems to me that we need to put people above profits. That is what all of you are doing so well with regard to this.

When I was in Beijing, I had a 2-hour breakfast meeting with members of the U.S. Chamber of Commerce that I will never forget. The meeting was very cordial, very polite, and very candid, but the members there were unaware of the coercive population control program. They thought it was a figment of my imagination when I spoke about it, notwithstanding the fact that our own U.S. Census Bureau has volumes of evidence about how egregious that policy is and how some companies are actually now implementing it, as Ms. Shea mentioned earlier. It is an area that we need to look into even further.

But one member at that table from one of the corporations said, religious freedom flourishes here; my secretary goes to church every Sunday; why don't you go with her. And I said, that is the official church, and there are only a few of them, and they are, as they are throughout the Communist world, co-opted churches. There are some real believers in there. I can't say who is who. But the churches certainly are run by the government and by a department of cults or a department of religious affairs, whatever one might want to call it. I have met with them here, and in China, and in Romania, and in other East Bloc countries and there is always an atheist, somebody who is there to make sure that very, very strict parameters are adhered to. They are paid for by the government as well. So you know where their allegiance lies.

There is an incredible naivete on the part of some of our business community. The business coalition for U.S.-China trade has a moral obligation, since they are aiding and abetting this dictatorship, to at least know the facts, to meet with Wei Jing Sheng at least when he was out of prison and back in again to meet with others in these countries. I have heard it over and over again, from otherwise very sincere CEO's and others who turn to me and say religious freedom abounds in China. Not. Nothing could be further from the truth.

So I just raise that because of my experience. Senator Sasser should know better and he ought to be brought back and made aware of this, or at least, in his post, he should become a quick study on the house church movement and on the beleaguered Catholic church in that country—because there are tens of thousands per year who convert who are then beaten, tortured, harassed and thrown into the laogai, simply because they are not part of the "official church".

Dr. LAND. Congressman, in this particular instance as a former constituent of Senator Sasser's, I am placing the blame on the State Department. For him not to know about the house church is the State Department's fault for not briefing him, and I think is indicative of an attitude at the State Department of extreme insensitivity to this issue as part of the normal course of events.

I sometimes get the impression in my own conversations with that department and people who represent that department that

when people get into trouble for exercising their Christian belief, that they are just getting what they deserve; they ought to know better. And that is an intolerable attitude.

I think that, you know, to criticize a Republican now, Calvin Coolidge is reported to have once said, the business of America is business. I do not believe that. I have never believed that. I don't believe most of my constituency believes that. I don't believe that most Americans believe that. Most Americans believe that the business of the United States of America is the propagation of our values, and that the most fundamental value of this republic is freedom of conscience and as part of that, freedom of religious belief.

Mr. SMITH. Rev. Pennybacker.

Rev. PENNYBACKER. I would just like to put in as a kind of footnote on the conversation, because I agree with most of what has been said, that I was recently one of two participants in the senior executive seminar at the Foreign Affairs Academy dealing with the question of the churches and of what was the religious situation in countries around the world. That is the first time that such an invitation has come to me or to the National Council. I hope that is an indication of a growing interest that can be encouraged and addressed through these hearings and through the work of the Congress and this committee. I felt like there was at least a beginning receptivity to those sorts of concerns on behalf of those who arranged that seminar and those who were a part of it.

Mr. SMITH. Let me ask you, Rev. Pennybacker, about the issue of the official churches. I know from my contacts, because I have met with many of them over the years, that again, there are some good people among them; there are also a number of people who are part of the secret police, part of the government-paid bureaucracy that is in place to make sure that the church stays, again, within very strict bounds, and its informers.

I know that the NCC did sponsor a meeting of church leaders with Fidel Castro in New York last October, and I was wondering if you could tell us, again, since you or your associates were in on that meeting, what kind of demands were made on Fidel Castro?

I remember reading "Against All Hope" by Armando Valladares, with whom I worked in Geneva, which is like so many other books I have read by people who have suffered in the gulags because of their faith or their human rights advocacy. He and others look at those who have been co-opted by the government with extreme anger, as people who put on a nice face to the West—or in this case the North—while unspeakable tortures are visited upon those in these gulags.

Rev. PENNYBACKER. Yes. Thank you for the question. The National Council's relationship in Cuba has been at the invitation of the Evangelical Church Council of Cuba, which is a group made up of Pentecostal and other Christian groups in Cuba that have continued under difficult conditions across the years, and in response to that invitation, we have had relationships with them and with the government in that context.

One of the consequences of this was that the State Department issued a license to the National Council for medical and humanitarian supplies to be delivered, especially for the needs of children, the first I think that were delivered there; some other church bod-

ies, the Presbyterian church and others, are now able to do that, and that license was allowed.

You would be interested to know that those supplies were not delivered to the government but were delivered to the Evangelical Church Council in Cuba and were distributed under those auspices where volunteers, for instance, came to the tarmac and unpacked the plane and took the things away to hospitals, to places where there was care for children, so that some of that relationship that is sort of quasi-official has allowed the kind of humanitarian concern for people that is appropriate to church ties that are transnational.

Let me illustrate again what I am concerned about when I say that the continuing access to church bodies beyond national borders is so important. I think for instance that Archbishop Tu Tu would not be alive today were he not embraced by the religious community throughout the world as a figure who represented hope and promise during the days of apartheid in South Africa. Those kinds of ties go back even to Germany when Pastor Niemoeller, opposed to Hitler in the Nazi era, became an international figure in the religious community. Such ties across the years have been very helpful, and whatever happens with regard to religious freedom, the capacity to maintain those ties, it seems to me, is something that the government can assist in providing.

Every church body has a mixture of folk who are saints and sinners. I have been in meetings with representatives of churches from around the world, some of whom I thought were people of authentic Christian faith, very profoundly so. Others were people who perhaps were there at government instigation.

I am not convinced at all that the claim of government control, for instance, of Orthodox churches in Soviet countries is a story that can be justified. There clearly were relationships, but let me illustrate in our own country. I remember being interviewed by a person from the FBI about a member of my congregation, and I cooperated with those requests. No doubt there is a file that if it were released would say I cooperated with our government.

What is the role of a pastor and a church leader in dealing with the real situation where people are and the persecutions and difficulties under which they live? It seems to me that we do have a wonderful record of the integrity of established churches in maintaining the religious faith of people, and that faith has blossomed once there was the opportunity for these churches to find new freedom, to teach, to care, to engage in acts of mercy, and that is the pattern across many of the countries where established churches have taken on new vitality.

Mr. SMITH. If I could ask about Cuba again, just because I think it is very important. It is my understanding that the NCC General Secretary Joan Brown Campbell asserted at that meeting that the Cuban churches are free to carry out all of their basic ministries. Do you think that is an accurate statement?

Rev. PENNYBACKER. I think it is an accurate description of our relationship with those churches and our ability to deal with them in helpful and continuing and supportive ways, and I think in that context we and they have had the freedom to go about our ministries.

Mr. SMITH. Has there been an attempt by the NCC to get into the Cuban jails to meet with the many human rights and religious activists there?

Rev. PENNYBACKER. We have had contact with jailed pastors and with jailed parishioners of congregations there. Many of the endeavors covered in the press are carried out not by a group that is related to the NCC, but a group called Pastors for Peace, which has been aggressive in their relationship to Cuba and that has no connection with the National Council of the Churches of Christ in the United States at all.

Mr. SMITH. Let me just ask anyone who would want to touch on this: how will the anti-immigrant climate that is out there, which is being fueled by a number of people in Presidential politics and otherwise, affect persecuted Christians and other believers if it is allowed to take hold?

Are there concerns that any of you have, especially with the immigration bill making its way through the Judiciary Committee? There is an anti-immigration fervor to just close up our borders. While I would agree that illegals are one thing, refugees are completely different.

Dr. LAND. Well, I think, first of all, that we have to have control of our own borders and have some way of making decisions about those things, but we must always in my opinion give first priority to refugees of conscience who want to come to the United States.

When we look at the Statue of Liberty in New York Harbor, many of those poor and huddled masses that have come to America were not victims of economic persecution, but were victims of religious persecution, and we in the United States had a long history of being sympathetic to victims of such persecution, and in fact I received a letter in preparation for appearing here before your committee today that informed me of something I did not know about one of my favorite Americans, Abraham Lincoln, and that is that it is a remarkable occurrence that we are having these meetings during the week in which we celebrate his birthday, because Abraham Lincoln, before he was President, was very much involved in Springfield in helping a group of religious immigrants who had been persecuted in Europe who relocated to Springfield.

Lincoln was one of the leaders in the Springfield community in making a welcome for these people, in providing assistance for these people. He donated furniture from his own home and provided employment for several of these people in his household prior to his departure for Washington. So I think we have a long-standing tradition in this country of recognizing prisoners of conscience and in giving them refuge in this Nation and we have benefited greatly from it. So I would acknowledge that any country has to have control of its borders, that we should give priority to prisoners of conscience and that would include certainly victims of religious persecution.

Mr. SMITH. I am not sure if any of you saw it, but No. 3, on the recommendations from the Statement of Conscience of the National Association of Evangelicals calls upon the Administration to issue an Attorney General's bulletin to INS hearing officers acknowledging mounting anti-Christian persecutions in many parts of the

world and directing such officers to process the claims of the escapees from such persecution with priority and diligence.

Would you all agree that that is something that should be done?

Rev. PENNYBACKER. I would only say that it should be expanded to religious persecution, including all religions, and not focus implicitly as that might be read to imply only on Christian persecution. I think there is religious persecution of a very profound sort in lots of places that does not involve the Christian community.

Dr. WINSTON. I would just like to add that Amnesty has been concerned over the years with the failure of the U.S. Government to provide adequate hearings for people who come to this country and apply for political asylum, whether on religious grounds or other grounds or well-founded fear of persecution.

We have raised these concerns on several occasions with the Congress and with the Administration. I believe there are still problems in this respect with the way refugee asylum claims are being handled by the INS. So we would be pleased to support an initiative from the Congress to make it easier for people to apply for political asylum and to receive a respectful and thorough hearing of their claim, rather than just being summarily denied.

Mr. DANNENFELSER. We would agree with that and have seen some other areas where we feel that people have been returned too quickly. There does seem to be a desire to just turn people back over to hostile governments, and we feel that they do deserve a more careful hearing.

Mr. SMITH. We have had a number of hearings previous to this on the comprehensive plan of action on the refugees in Bosnia, and one of the recommendations the evangelicals make in this point paper—Dr. Land, that you make—is the cessation of INS's delegation of refugee processing functions to foreign and U.N. agencies. We have found in our investigations this despicable pattern of returning refugees rather than finding countries of safe haven as a front, so they never get to us.

Would you all tend to agree that that is something that we need to change? Rev. Pennybacker?

Rev. PENNYBACKER. Well, clearly, that kind of thing you are describing is poor indeed. I recall that some of the immigration opportunities with which the National Council's program of refugee resettlement in this country has been involved, when the U.S. quotas have been reached, we have turned to churches in Canada and other places whose national quotas could become applicable in helping people relocate. Provisions that oppose such partnerships that are now a piece of the resettlement operations need to be reviewed again.

Exploring whether those cooperative relationships address the needs of refugees, when quotas are exceeded, but people need to be relocated, whether those cooperative relationships can, through church ties, still become operative would be very, very helpful.

Mr. SMITH. Can I also encourage all of you—before Dr. Winston answers—to make your voices known as quickly as possible, given that the immigration bill is right around the corner and maybe on a fast track. I fault the people on my own side of the aisle, and on the other side of the aisle as well, for putting an artificial cap on

refugees at 50,000. 110,000 is adequate, and I think, you know, we ought to err on the side of being generous rather than stingy.

Rev. PENNYBACKER. We have taken a public position on just exactly that side.

Mr. SMITH. Dr. Winston.

Dr. WINSTON. Yes. I believe that we are going to be taking a position on that issue.

Mr. SMITH. One additional question for you, Dr. Winston. You have a specific recommendation regarding the U.S. Special Rapporteur?

Dr. WINSTON. That is right, yes. We feel that there is an opportunity here to take this issue to the world. Using the influence of the United States at the upcoming meetings in Switzerland of the U.N. Human Rights Commission to urge that U.N. Special Rapporteur on Religious Intolerance be tasked with specifically investigating situations of abuse and persecution that are widespread and pervasive in many countries of the world, and for gaining access to those countries by independent human rights monitors and defenders to document those abuses, and specifically, to interview persons in detention.

Let me just explain. One of the reasons that is allied with persecution is when religious people speak from conscience to defend the human rights of others. Very often, human rights workers come from churches that believe strongly in human dignity and human rights. Those people, then, when they expose abuses, are themselves often put at risk, and part of the persecution or repression that gets directed at them is due to their religious convictions, but also in terms of their defense of the human rights of others.

This makes it very difficult in some cases for us on the outside as it were to document abuses, because the people who are on the ground reporting abuses themselves are repressed or harassed or are in prison. So we regard it as a matter of priority for the international community to find ways of gaining access to these closed and repressive countries by independent human rights monitors, and other groups, who are able to document abuses, to interview people in detention, and to, one hopes, therefore, relieve this sort of blocking of investigation. So we believe that the appropriate way to pursue that is that the U.N. Commission recommend that the Special Rapporteur undertake this kind of task.

Mr. SMITH. I appreciate that. It certainly is in need of reform.

I will never forget when I was in Geneva in 1989, as Mr. Bush's delegate to the United Nations, to present the U.S. position on intolerance. We have a copy if anyone wants to see it. I met with the Special Rapporteur, a fine gentleman, very upstanding; he had no power. He exchanged letters with the Chinese Government saying we understand this is the case, and they would write back and say, no, you are severely mistaken. I mean, it was an exchange of letters is all it was. So I think your point about the need for access couldn't be more important at this particular time.

I just want to remind everyone of something we need to be raising with an MFN fight looming, regardless of whether we lose it or win it. No one knows how that is going to go. When the Chinese thought for a while that Mr. Clinton was serious about linking human rights with MFN, all of a sudden there was talk of allowing

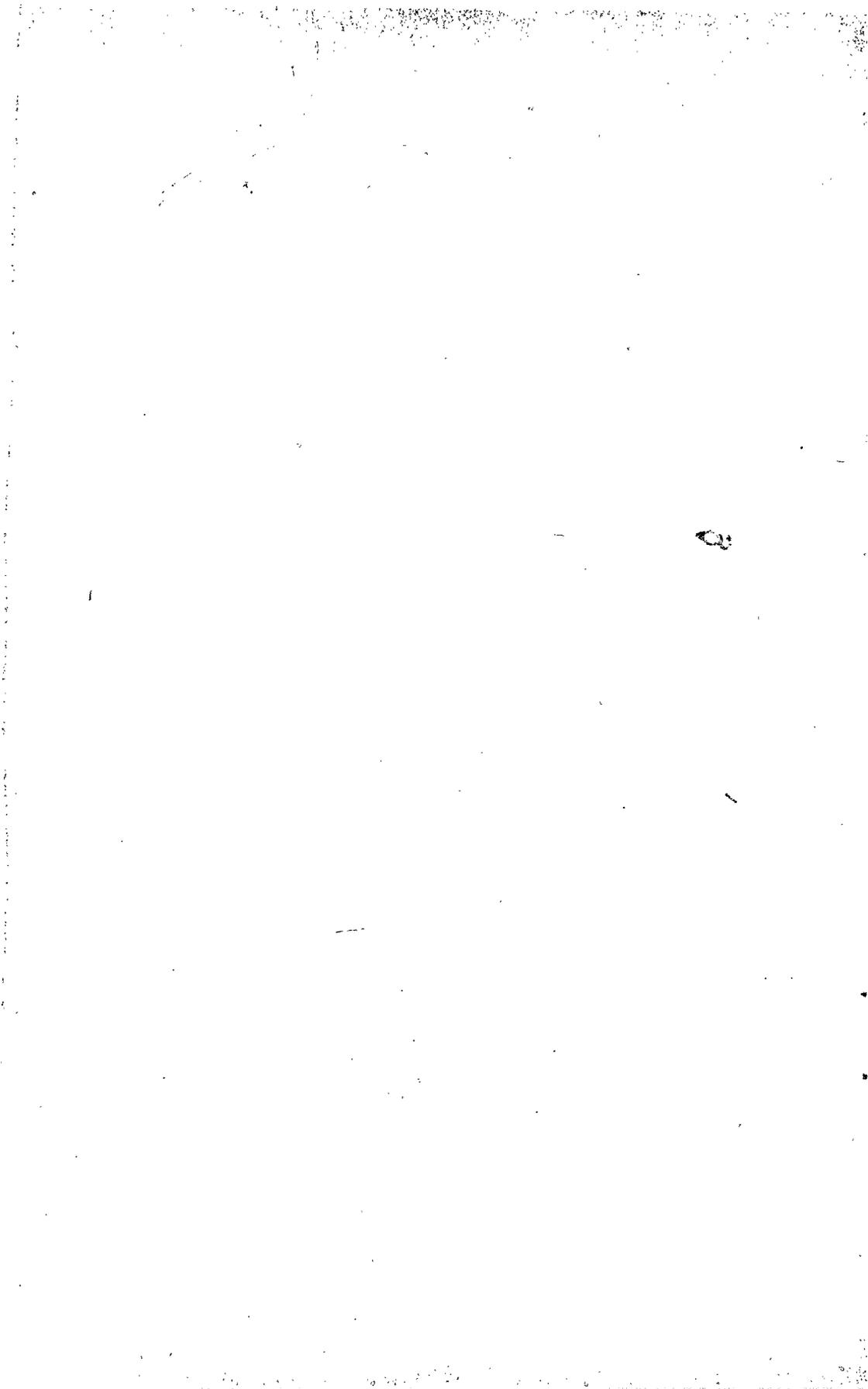
the Red Cross into prisons. As soon as they saw that that was a hollow threat on his part, that talk dissipated overnight. So we really need to pick up access.

Let me also say you make your point well about indigenous monitors being at risk. In Cuba, when Armando Valladares succeeded in getting a U.N. delegation to go in and to have people come forward, seemingly in an unfettered way to say what has happened there, they then became victims of repression, and were themselves thrown into prison. It was outrageous. Hopefully we will get into that more, later.

I want to thank this panel for their expert testimony again. We will be making your testimony part of the official record and will get individual copies out to key Members of Congress on the Appropriations Committee, to Ben Gilman and others who are very concerned about this, such as Jesse Helms, to make sure that everyone knows that a major effort is being made. Your testimony is very important to that. So I want to thank you very much.

Rev. PENNYBACKER. Thank you very much.

[Whereupon, at 6:25 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]



APPENDIX



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TESTIMONY OF NINA SHEA, DIRECTOR
PUEBLA PROGRAM ON RELIGIOUS FREEDOM
FREEDOM HOUSE
before the
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

February 15, 1996

Mr. Chairman, Freedom House congratulates the Subcommittee for holding these hearings on the persecution of Christians throughout the world. This is an issue which has been part of our focus at the Puebla Program for ten years and was the topic of a conference we sponsored last month at which over 100 key Christian leaders and activists discussed strategies for ending the indifference of the West regarding this abomination. At that conference, the National Association of Evangelicals issued "A Statement of Conscience and Call to Action," in which they vowed to break their own silence on the mounting evidence of global Christian persecution and urged the U.S. government to adopt 14 reforms to ensure that the global persecution of Christians is accorded appropriate concern in U.S. foreign and immigration policy. On February 9, this extraordinary document has been adopted by the Executive Council of the General Convention of the Episcopal Church. Mr. Chairman, thank you for so consistently raising your own voice against the torture, enslavement, imprisonment and murder of Christians throughout the world.

I have been asked to address patterns of persecution against Christians in those countries that remain under communist control, namely North Korea, Vietnam, and China.

Mr. Chairman, each of these governments initially attempted to eradicate religion by force. While North Korea came the closest, this tact was ultimately unsuccessful and Christianity lived on in the underground. Today, each of these communist governments attempts to control and restrict Christian worship and activity using diverse means. While there was a communist bloc isolated behind the Iron Curtain, the Free World understood as a given that religious freedoms and other human rights were denied in communist-controlled countries. Few realize that even now religious persecution continues in the remnants of the communist world.

Communist ideological fervor has dissipated to varying levels in these countries, and in China and Vietnam Marxist economic policies have been overthrown in favor of capitalist ones. Nevertheless, these three governments continue to persecute Christians, as well as other religious groups, for simple acts

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of worship and witness. And all three rank at the bottom of the 1996 Freedom House *Freedom in the World* survey among the "18 Worst Rated Countries" for political rights and civil liberties. The repression of Christians is part of a political climate in which human rights and democratic freedoms are routinely abused. "I think independently, therefore, I am guilty," remains the prevailing maxim Pope John Paul II, in his annual address this year to the diplomatic corps for the traditional exchange of New Year's greetings, decried the oppression of Christians throughout the world and singled out both China and Vietnam by name.

Why do the Communist governments, which have forsaken ideology in so many other respects, still repress independent worship? The answer is simple. The churches assert moral values that these governments do not want to hear.

A fundamental moral teaching that is in conflict with Communist ideology is Christianity's belief in the inherent dignity of the individual. That is, individuals have rights by reason of the fact they are human persons; rights are not derived from or distributed by the State or political agents. The Christian view of the human person is informed by the teachings of the Bible. And in many Christian traditions a philosophy of natural reason has been developed in defense of the idea of the inalienability of human rights. Thus when Pope John Paul II defended universality of human rights at the United Nations last fall, he appealed to moral criteria that are accessible to all persons of intelligence and good will, regardless of faith.

This tenet of human dignity and rights remains anathema to Communist authorities for it threatens their monopoly on absolute and unchecked political power.

CHINA

An understanding of this conflict helps explain why the Central Committee of China's communist party, in several recent documents circulated in Hong Kong, names Christianity in China as a principal threat to political stability. The mechanism for Beijing's control of religion is the Religious Affairs Bureau, controlled by the Department for a United Front, which in turn is controlled by the Communist Central Committee. The Religious Affairs Bureau registers, oversees and controls all churches within a framework provided by its Catholic Patriotic Association and the Three-Self Patriotic Movement for Protestants. Those operating independently -- such as the Roman Catholic Church and a vast underground network of Protestant Evangelical house churches -- are unlawful and their members liable for arrest and imprisonment on charges of "counterrevolutionary acts" or other crimes. In classic Orwellian newspeak, Beijing described its position on independent worship in a White Paper on Human Rights it issued on December 27, 1995, as follows: "In order to ensure that citizens really enjoy the freedom of religious belief, religious bodies and religious affairs are not subject to any foreign domination."

Since July, the Religious Affairs Bureau has been headed by communist hard liner and atheist Ye Xiaowen, who is now implementing a fierce campaign to stem the growing tide of Christian belief in China. Following Ye's appointment, at least four prominent Roman Catholic bishops were arrested and detained, which was the first time in over a year that members of the hierarchy were detained for more than a few days, one bishop continues to be imprisoned at this time. On January 14, authorities renewed their drive to register all religious meeting places. Evangelicals have been targeted throughout

the country, but with particular intensity in Shanghai and in Anhui province where authorities have "resolutely recommended" reeducation through labor for principal members of independent churches "whose misdeeds do not warrant criminal punishment."

The current word on the street among Evangelicals is that local authorities are being pressed hard to round up all Evangelicals for registration or arrest. Police have vowed to "hit and eradicate" five Christian-based religious groups operating in Anhui, according to China's *Public Security Bureau News* newspaper. American Bible missionaries I spoke to this week were told by Chinese Christians that they are at this time too afraid to meet with foreigners or hold Bible meetings and are lying low in their Christian activities. They reported that this is now the most repressive period for them than at any time since the pre-Deng period in the late 1970s. An American Bible missionary who recently returned from China said that an arrest warrant with the names of 3,000 Evangelical preachers is being circulated by the Public Security Bureau. Many house church leaders have argued that to register with the government would compromise their religious faith by giving ultimate authority to the state.

China has the dubious distinction of holding more Christian prisoners than any other country in the world. We do not know the actual numbers because its judicial and penal system are closed. The Puebla Program has in its database the names of approximately 200 Christian clergy and leaders, alone, now imprisoned or under some form of detention or restriction because of worshiping within these independent churches. Roman Catholic priests are imprisoned for celebrating Mass, and administering the sacraments without state authorization. Protestant Evangelical preachers are arrested and tortured for holding prayer meetings and distributing the Bible without state approval.

A few examples of prisoners in China's Christian gulag follow:

- Dai Guiliang, a 45-year-old Evangelical preacher was sentenced to (and is now serving) three years without a trial for propagating the book of Genesis.
- Gao Feng, a 27-year-old Christian employee of Chrysler's Beijing Jeep Corp., was rounded-up with dissidents prior to the UN Fourth World Conference on Women and sentenced in December to "reeducation through labor" in connection with "praying without authorization."
- Zheng Yunsu, the leader of the popular Jesus Family religious community, is serving a 12 prison term at the Motorcycle Factory Labor Camp near Jinan city for "leading a collective life" and holding "illegal" religious meetings. His four sons are also serving hard time after they made inquiries into his case with authorities in Beijing.
- Bishop Zeng Jingmu, the 76-year-old Roman Catholic Bishop of Yu Jiang, is in jail after being arrested from his home in late November, and suffering from a serious case of pneumonia he contracted on another imprisonment earlier in the year.
- Rev. Vincent Qin Guoliang, a 60-year-old Roman Catholic priest, is serving a two-year sentence of "reeducation through labor" on charges that have not been made public. He has been forced to do hard labor, mostly at the No. 4 brick factory in Xining, since his initial arrest in 1955 for refusing to repudiate association with the Vatican.

- Rev. Liao Haiqing, a 68-year-old Roman Catholic priest in Jiangxi province, was arrested in August 1995 and is being denied medication for his heart condition and high blood pressure. He has previously served a ten-year prison term.

VIETNAM

Vietnam so restricts independent religious association for Buddhists and Christians that even American tourists routinely find themselves under arrest for their faith at the very time that the United States is restoring diplomatic and trade ties and Vietnam is seeking Most Favored Nation Status. This is underscored with a stunning example that occurred last week. A week ago, three American young people traveling with the Oregon-based Evangelical group, Youth with a Mission, were arrested and ordered under house arrest after they were found talking with eight young Vietnamese Christians from a church in Ho Chi Minh City. According to our best information these youths were held without due process for several days before being made to pay a fine and sent home. This outrageous treatment of American citizens and the denial of their basic religious rights shows Vietnam's utter contempt for international human rights law. (The freedom to meet with co-religionists is enshrined in the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief).

How much more severely does Vietnam restrict the religious freedoms of its own citizens. Both Roman Catholics and Evangelical Protestants, as well as Buddhists, suffer religious repression.

Since the early 1990s, Vietnam has employed a repression strategy of striking at the Catholic Church's hierarchical structure, rather than imprisoning clergy. The government has moved toward decapitating the Roman Catholic Church by barring bishop appointments and by stanching the flow of seminary entrants and graduates and restricting the number of ordinations. In a petition to Vietnam's Prime Minister presented on September 29, 1995, the Vietnam Catholic Bishops' Conference detailed the problems that have "seriously hindered our pastoral ministry and our faithful's religious life."

The Vietnamese bishops demanded that the bishops "be free to appoint and transfer their priests, religious men and women within their own diocese," whereas now many local officials make "subjective and arbitrary decisions" in this area. The church needs coadjutor and auxiliary bishops in places where the diocesan bishop is aged or sick, the petition stressed. This is particularly true in Saigon, Vietnam's largest Catholic center where Hanoi continues to block a Vatican episcopal appointment. The petition asked for more favorable conditions for men and women religious orders; urged that priesthood candidates, already required to obtain local government approval to enter the seminary, be ordained upon completing their studies without having to obtain further approvals; and urged that two more major seminaries be opened. It also demanded that the government drop its requirement that all religious activities obtain prior governmental approval.

With the Roman Catholic Church, harsh persecution continues to be directed against the indigenous Congregation of Mother Coredeptrix. This is the only Catholic order founded by Vietnamese citizens and thus it is highly popular. Fourteen priests, and monks from the Coredeptrix have been imprisoned since 1987. Seventy-year-old Brother Nguyen Chau Dat for example, is serving a 20-year sentence on counter-revolutionary charges after a trial with 22 other of his co-religionists from the Coredeptrix order in 1987.

Though Evangelical pastors were released from long-term detention during the debate about the lifting of the U.S. trade embargo in 1993, harassment of the Protestant churches that are not registered with the government takes other forms, such as short-term detention, fines and property confiscations, which are no less onerous for the Evangelicals.

On September 10, Vietnamese-American pastor, Rev. An Doan Sauveur, was apprehended by police as he led an open-air service with 70 local Christians on a hillside outside Haiphong. He was held three days under incommunicado house arrest where he and a Vietnamese-Canadian colleague, arrested at the same time, were interrogated. The two Christians were released from custody on September 13 after being fined and ordered to leave the country. The Vietnamese Security officials confiscated all the Bibles and hymnals that the local Christians had in their possession at the time of the raid.

Evangelicals who work with tribal groups are frequent targets of arrest and harassment for "illegal preaching." Last year three lay leaders were arrested for the "crime" of evangelizing on their bicycles, and were denied food for five days for praying while in prison.

In October, To Dinh Trung, an Evangelist working with prominent house church leader Rev. Tran Mai, was tried and convicted of "abusing his freedom as a citizen to propagate religion." He was sentenced to three years in prison. He revealed at the trial that he had been beaten by security police during his six-month pre-trial detention. According to Trung's wife, the Evangelist was beaten, bound by hand and foot and left to lie in the sun for a long period of time during which he was denied water. He eventually became delirious and went on a hunger strike until he was untied and given minimal food and water.

In May, a court in Bato District, Quang Ngai Province, sentenced two Protestant Evangelicals, Tran Van Vui and Nguyen Van Loi, to two years' imprisonment. They have been in prison since their arrest on November 20, 1994, probably for their itinerant evangelistic work among the Hre tribe.

Evangelical Christians do not have access to a new print-run of Bibles -- the first legal Bibles allowed in several decades -- unless they submit to the control of the government by registering their churches. Bibles, including personal ones of citizens and tourists alike, are routinely confiscated in Vietnam. In July, Saigon airport authorities confiscated 600 Bibles being brought in by American tourists. In January last year, police raided Village No. 3 of Son Nhat and confiscated all eight Bibles possessed by the 35-family Christian community there and prohibited them from holding house church meetings, according to Voice of the Martyrs.

Raids on independent Evangelical churches are common. On September 17, authorities in Dalat raided a local church affiliated with Rev. Dinh Thien Tu's house church movement, which is the largest autonomous Protestant movement in Vietnam. In early August, police had raided and closed a government-sanctioned Baptist church in Dalat after finding "illegal" Christian literature on the premises, according to News Network International.

These are merely a few examples of the pervasive harassment and suppression faced continuously by Christians in Vietnam today.

NORTH KOREA

With its Stalinist ideology and a bizarre personality cult built around its founding leader the late Kim Il Sun, North Korea is the most repressive country on earth today. The government relies on relentless propaganda and a comprehensive surveillance system that aims to control virtually every act, thought and desire of its citizens. In this society, freedom of belief and worship have no place.

Documenting North Korea's abuses of religious and other human rights is extraordinarily difficult. Westerners permitted into the country are largely confined within the show-case city of Pyongyang -- designed and maintained to impress foreigners -- where they are vigilantly supervised. Reports from refugees are also scarce because the government's extremely tight security has made fleeing the country nearly impossible. Nevertheless Puebla has been able to construct a general picture of the situation based on interviews with a range of recent visitors to North Korea and have determined that official Christianity in North Korea is largely a sham and that the regime is responsible for violating the most basic religious rights.

Kim's combination of thought control and brutal punishment apparently devastated North Korea's Christian community. Pyongyang, nicknamed "Asia's Jerusalem," was one of the continent's most Christian cities. Today, the North Korean government claims there are only 10,000 Protestants and no more than a few thousand Catholics in a country whose total population is over 21 million.

Since 1988, churches have been allowed to be built. There are now only three church buildings, one Catholic and two Protestant, and these are government-built and operated and regarded by many Western observers as propaganda outlets for the government that are open only when Western visitors are in the country. The government permits some limited worship in private homes, but its claim that the majority of the country's Christians worship in about 500 house-churches is probably exaggerated, since the government restricts travel, forbids unauthorized meetings and keeps religious believers under surveillance. Currently there is not a single Catholic priest in North Korea and therefore there are no masses or sacraments administered.

But North Korea has gone farther than China and Vietnam in another respect: it has imposed on its citizens an alternative religion, a personality cult centered on Kim and his son. Starting as young children, North Koreans learn to look on the "Great Leader" Kim Il Sung and his son, the "Dear Leader" Kim Jong Il, as infallible, god-like beings and the progenitors of the Korean race. The media disseminate legends attributing supernatural origins and powers to the Kim family, and history books ascribe to Kim all the country's achievements, even those for which he bears no responsibility. Statues and posters of Kim are displayed throughout the country, and every adult must wear lapel badges with his picture. Children study the cult of Kim for many hours a day, sing songs glorifying his accomplishments and say "grace" while saluting his photograph and that of his son. Kim's *Juche* philosophy -- whose emphasis on the supremacy of the human will most theologians will find at odds with Christianity -- is the national ideology. Thus North Koreans are not only prevented from practicing their own faith. They are in effect forced to practice another.

The government controls the vestiges of traditional religious practice by means of state religious associations, including the Korean Christian Federation (for Protestants) and the Korean Catholic Association. Any religious activity not sponsored by the government is illegal. Home Bible study is forbidden, as are Sunday schools in which children might be educated. There are no church marriages, no

baptisms and no displays of religious symbols. The government prints a small number of religious tracts for use by official religious organizations. But the "Bibles" it prints are censored to conform with the regime's religious policies. Those who defy the government's religious policies risk a cut in their rice rations or exile to the countryside, where life is even harder than in the cities. Religious leaders and some believers have even been committed to mental institutions because of their faith.

Doubtless, individual Christians remain in North Korea who are sincere in their belief. But Puebla has concluded that official Christianity in North Korea is in large measure a fraud. Members of the Korean Christian Federation are believed to have been specially trained by the government in Christian hymns and doctrine. A British journalist visiting North Korea met with a leader of the Federation who couldn't name the first three books of the Bible, and a scholar studying North Korean religion has heard several Korean Protestant leaders say that Kim is more important than Jesus. Church leaders accept the cult of Kim as the country dominant ideology.

Reports by some observers would indicate that worshipers are actors in the government's charade. A Washington Post correspondent witnessing services in two of the churches reported that of the four Protestant congregants he asked to name the first book of the Bible, none was able to do so, and that only one of the four knew the number of Jesus' apostles. This journalist reported as well that worshipers seemed "listless" and hardly touched the Bibles placed before them. Other journalists visiting the churches were reminded of "a visit to a Madame Tussaud's Wax Museum" or a Potemkin village.

CONCLUSION

In the realm of religious freedom, Communism remains distinctively harsh even within the world of Asian authoritarianism. China, Vietnam and North Korea all severely restrict religion, including Christianity, and attempt to bring it under government control. Regrettably, even as trade and free markets burgeon in China and Vietnam, religion freedom continues to deteriorate. The Communist parties that control these countries cling to their political ideology that has been so consistently disastrous for human rights throughout their rule.



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Upon the Map of China
Rises the Shrine and
Our Lady of She-Shan
Through Whom We Pray
"There may be one fold
and one shepherd"

TESTIMONY BEFORE THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS OF THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS OF THE UNITED STATES CONGRESS

By

JOSEPH M.C. KUNG
PRESIDENT
CARDINAL KUNG FOUNDATION

FEBRUARY 15, 1996

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Mr. Chairman, I would like to thank you for the opportunity to testify before this subcommittee again on the issue of the freedom of religion and its ongoing persecution in China.

My testimony is limited to the Roman Catholic Church. I know that other religious communities also suffered greatly under the Chinese Communist Government. Their situations, I understand, will be covered by other guests.

Mr. Chairman, the "freedom of religion" is not open to the free choice and conscience of an individual in China; rather, it must be submitted according to the Government's choice. In the case of the Catholic Church, the government's choice is "The Chinese Catholic Patriotic Association", which, in accordance with the basic doctrine of the Catholic faith, cannot be regarded as Catholic. The real Roman Catholic Church is declared illegal by the Chinese government. There are 965 million Roman Catholics worldwide. Refusing to legalize this universally recognized religion is tantamount to an admission by the Chinese Government that there is no "freedom of religion" in China.

The persecution of the Catholic Church is limited only to the loyal Roman Catholic Church, not to the Chinese Catholic Patriotic Association. To understand such compulsion, we need to review their background, some of which will be reintroduced from my testimony two years ago on March 9, 1994.

The current persecution of the Roman Catholic Church in China started 46 years ago when the communist government came to power. Its aim was to stamp out the Roman Catholic faith. Failing to do so, the Chinese government created in 1957 the Chinese Catholic

"With what prayerful longing and love do I follow the life of the loyal Chinese Catholic communities." Pope John Paul II, July 1, 1991

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 2 of 9

Patriotic Association so that this organization can be entirely controlled by the government and be independent from any foreign influence or control. Communists are atheists. It was never the mission of a communist government to promote religion. The primary goal of establishing the Patriotic Association was therefore to replace the Roman Catholic Church. They failed again. Hence the continuous persecution.

To better understand the impetus behind these activities, I will briefly review the basic differences between the two organizations.

- *** The Patriotic Association takes instruction from the National Congress of the so-called Catholic Representatives while the Roman Catholic church is governed by the Pope.
- *** The Patriotic Association rejects the authority of the Pope. Roman Catholics recognize the authority of the Pope.
- *** The Patriotic Association appoints its own bishops and ordains them without the permission from the Pope. All the Roman Catholic bishops are appointed by the Pope and ordained accordingly.
- *** The Patriotic Association is legal in China and has official status recognized by the government while the Roman Catholic Church is illegal and is unofficial.

Since the Patriotic Association is both legal and official, its members suffer no persecution. They also receive political and financial support from the Chinese government.

In accordance with the Roman Catholic's basic faith, a Roman Catholic must accept the authority of the Pope who, we believe, is Christ's representative on earth and the successor of St. Peter. Under no circumstance can a Roman Catholic accept just any other church as a substitute without abandoning his faith and status as a Roman Catholic. Roman Catholics in China, therefore, cannot concurrently keep their faith and follow their government's instruction to reject the Pope's supreme legislative, executive, and judicial authority in the Church in spite of the risk of persecution. His Eminence Cardinal Kung Pinmei, the bishop of Shanghai, said on the eve of his trial in 1960: "I am a Roman Catholic Bishop. If I denounce the Holy Father, not only would I not be a Bishop, I would not even be a Catholic." As the Pope said on January 14, 1995 in his message broadcast to China: "A Catholic who wishes to remain such and to be recognized as such cannot reject the principle of communion with the successor of Peter." By remaining loyal to the Pope as mandated by the Catholic faith, the Roman Catholic Church is outlawed in China and is known as the unofficial Church.

There is no religious freedom when a person cannot worship according to his conscience. For choosing their conscience and faith, tens of thousands of Catholics including many from the Legion of Mary, a lay Catholic organization, were incarcerated nationwide. Thousands gave their lives for their religious faith. Many of them were executed in public. Cardinal Kung was imprisoned for thirty years. His Excellency the late Archbishop, Dominic Tang, S.J., Archbishop of

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 3 of 9

Canton, for 22 years. His Excellency the late Bishop Peter Joseph Fan, bishop of Baoding, for 34 years. The list goes on and on.

In his address on August 19, 1995, the Pope said: "the great majority of Chinese Catholics, precisely in order to live this fidelity in fullness, have chosen the path of suffering and silence. With deep affection our hearts turn to these brothers and sisters of ours who suffer great hardship, thankful for their generous and heroic example."

Mr. Chairman, the persecution of Roman Catholics is not ancient history. That is why we are all here today. The persecution continues and gets worse at a time when China is given much freedom in business and finance, at a time when China is making significant economic progress, at a time when China is working hard to claim its status as an important member of the international community. Certainly, the policy of the United States Government to separate human rights and trade under the policy of the current administration must bear some responsibility for this ongoing religious persecution.

As soon as the Patriotic Association was established, all properties of the Roman Catholic Church were confiscated. Later, as China opened up, many of the church buildings and other properties were transferred to the Patriotic Association, leaving the loyal Roman Catholic homeless and penniless.

Many foreign visitors have seen these reopened churches. They appear Catholic. The priests dress like Catholic priests. Even their prayers sound Catholic. But, they are not Catholic. They all belong to the Patriotic Association.

Behind the seemingly serene and pious scenes in these churches are the continuous suppression, often brutal persecution, of the eight million Roman Catholics loyal to the Pope.

Persecution is much more widespread than merely targeting those who have been singled-out as "ringleaders". Many others, ordinary citizens and simple villagers, suffer serious routine harassment for their faith in the hands of the public security bureau. This includes intimidation, short-term detention, beatings, physical abuse, lack of medical treatment during confinement and heavy fines which I would characterize as ransom.

Lacking a place to worship, Roman Catholics, particularly in the countryside, often build their own simple houses of worship on private property. A few of these structures survived, but most of them have been destroyed by the government.

In the last two years, we had reports that four churches were destroyed. Many more probably met with the same fate.

In 1994, for instance, the faithful in a remote village in Jilin Province collected 20,000 JMP (US \$ 2,500). They mobilized the whole village including children to build a tiny chapel. They completed the structure quickly, only in five and a half days, hoping to escape the notice of the local authorities. They hoped that once the chapel was built, the Government might just tolerate it. They were wrong.

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 4 of 9

The Security Bureau of the government had the intelligence. More than one hundred army vehicles with several hundred soldiers came. They ordered the villagers to tear down the building themselves. Instead, the faithful gathered in their newly built chapel and prayed in unison. The soldiers grabbed all praying villagers and threw them out of the chapel. Using a high pressure water hose, the soldiers dispersed all the villagers. During the late night of July 22, 1994 the soldiers returned. While the villagers slept, the chapel was torn down. Next morning, the villagers gathered at the debris of the destroyed church. They prayed. They wept.

Exactly sixteen months later on November 22, 1995, more than 40 police vehicles with about 150 public security officers destroyed another newly-built church near Dong Lu in the diocese of Baoding in Hebei. The officers severely beat the Catholic construction workers, resulting in five injured workers. Seven Catholics were detained. Two days later, a Holy Mass was offered at the site of the destroyed church. Thousands came.

Between these two incidents during the 16 month period, two more churches, both located in Baoding, were destroyed.

Mr. Sun Guofu from a small village in Hebei was arrested on February 23, 1995 for organizing a retreat for the Roman Catholic laity and for listening to a catechism audio tape.

Mr. Sun was badly tortured. When he passed out, he was placed outdoor in the cold. The family of Mr. Sun was notified by the local government that in order to secure his release, he must give a banquet to the security personnel, and pay a fine of Chinese yen \$ 5,000 which is equivalent to almost 2 years of a villager's income. As there was no way for Mr. Sun to raise the fine, or ransom, he remains in jail.

Rev Chi Huitian of Hebei Province was arrested on April 17, 1995 for his refusal to obey the order from the Security Bureau to cancel his Easter Mass. He stayed in jail about 6 months. He now suffers from a brain concussion which resulted from severe torture while in jail.

Rev. Liao Haiqing of Jiangxi Province, age 68, was arrested many times. The latest rearrest was on August 4, 1995. He has a heart condition and high blood pressure. In the beginning of this detention, Rev. Liao was not allowed to receive medication from his family. We do not know what his current condition is.

Rev. Vincent Qin, a Jesuit priest of Qinghai Province, was also repeatedly arrested. His latest rearrest was on November 3, 1994 while he was working in a brick factory. He was sentenced to three years for performing his apostolic work.

Rev. Xu Delu of Jiangsu Province was arrested on October 8, 1995 after he had offered a Holy Mass in a private home. There is no further news regarding his condition.

Rev. Guo Baile of Jiangsu Province, known as a "fisherman's priest", was arrested on November 1, 1995 after he offered a Holy Mass on a 40-ton cement boat. Arrested with him were two female Catholics

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 5 of 9

who were beaten with an electric baton. Again, there is no further news of their fate and condition.

During the women's conference in Beijing, while the United States' first lady and the world's delegates were in China, many bishops, priests and faithful were detained in an effort to stop any attempts of the underground church from contacting the foreigners. I know of a number of young people who are still in hiding because they were discovered sneaking out of their village to go to Beijing. Their intent was to meet with certain foreigners in an attempt to reveal their struggles to the world via the international media. They never succeeded.

On each major Catholic feastday, many foreign visitors in China would be impressed with the attendance, music and prayers in the reopened cathedrals of the Patriotic Association. But, behind these peaceful and prayerful scenes, the underground Roman Catholics would attend Holy Masses and prayer service, secretly, in private homes and in desolated fields, even in the inclement weather.

As an example, in Yu Jiang of Jiangxi Province, the Roman Catholics, who have no church buildings, would congregate by the thousands on top of a desolate mountain to pray and to celebrate the Holy Mass on each important Catholic feastday. The Chinese Government tried its best to suppress these services. We know of two tragedies during the prayer service in the last two years.

August 15 is the Feast of Assumption, an important date on the Catholic calendar. It is a Holy Day of Obligation on which Catholics must attend Mass. In 1994, there was a preemptive action by the Chinese Government to prevent the prayer service on the mountain.

On August 13 & 14, 1994, about a dozen Catholic leaders in Yu Jiang and elsewhere were arrested. Many homes suspected to house out of town Catholics were searched. As a result, many faithful attempted to escape by jumping out of the windows on the upper floors. Many sustained injuries. Others hid in the bushes all night.

On August 14, roads leading to the mountain were blocked, and public transportation including ferries to and from this site were forbidden for people suspected to be Roman Catholics heading for the mountain.

Several thousand security personnel - many of them were hired temporarily - and soldiers lined the routes leading to the mountain. They tried to prevent those who filtered through the blockade from reaching the mountain.

Several thousand faithful, risking imprisonment, torture and fines, walked through chest-deep river and little known paths to reach the mountain, but were stopped by the government forces who used batons (some electrically charged) to beat the faithful, injuring scores and arresting dozens.

Despite these atrocities, two thousand faithful broke through the police line and reached the top of the mountain. There, they prayed and sang hymns. There were no bishop and priests to pray and sing

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 6 of 9

with them, because the clergy was all arrested.

Subsequent to the above incidents, many Catholic families were searched. Holy pictures and bibles were destroyed. They were warned that if they kept practicing Roman Catholicism, they would be fined up to JMP \$ 500. If they harbored out of town Catholics, they would be fined JMP \$ 2,000. Moreover, they were told that if they wanted to practice the Catholic faith, they must join the Patriotic Association which is schismatic and is not recognized by the Pope.

A similar incident occurred during the 1995 Easter season. Approximately 30-40 Catholics were arrested separately before and after the Easter Sunday, again in Yu Jiang. Among them was a 60 year old blind person. Fourteen of them were fined JMP 900 each, equivalent to their three months income and released. Four persons were sentenced to 2 to 5 years imprisonment. They are Pan Kunming (5 years), Rao Yanping (4 years), Yu Shuishen (3 years), Yu Qixiang (2 years). Others were let go after a short detention.

The Bishop of this diocese, Most Rev. Zeng Jingwu was arrested many times. He was rearrested on November 22, 1995 and is still in jail. We are most concerned as he has been in bad health.

These repeated and intermittent arrests without going through the proper court procedures are commonly referred to as "administrative detention". This terrorizing method has become notoriously prevalent in China as a weapon against the clergy and lay Catholic leaders. Not coincidentally, this methodology also makes it more difficult for international human rights groups to obtain timely information, or to lobby for their victims.

There is every evidence that the persecution is stepping up.

On December 22, 1995, the "religious bureau" in Shanghai announced 63 rules and regulations to further control the religious activities. The effective date of enforcement begins on March 1, 1996. We believe that other municipalities will follow suit. In essence, every religious group must be registered. Each religious activities must be preregistered and approved. No missionary activity from foreign countries is allowed. For unregistered religious groups like the Roman Catholic Church, no assembly of religious activities is allowed, no church is allowed to be built, and no stipends or donations are allowed. These new regulations appear to be a rigorous enforcement of decrees # 144 and 145 signed by Premier Li Pang on January 31, 1994. Failure to observe the above will result in various punishments.

The loyal Roman Catholic Church is not legal and has never registered with the Government. Registering with the Chinese government under the current law would identify the Roman Catholic Church's memberships, activities, finances and locations of worship. They are all regarded by the Chinese government as illegal activities. The Roman Catholic community in China is already feeling the pressure from this new announcement.

Many faithful know that they cannot follow the Patriotic

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 7 of 9

Association without abandoning their faith. They feel helpless except to prepare for the worst eventualities. They are now under close watch by the local authorities. Just as in the 1950's, they have packed their small bags and are ready to be arrested en masse once again.

Bishop Joseph Fan, S.J. of Shanghai, the auxiliary Bishop of Cardinal Kung, is taking charge of the diocese. He has been watched very closely by the Shanghai authorities for the past few years. His Eminence Cardinal Kung, appointed by the Holy Father, is the recognized true Bishop of Shanghai and the Apostolic Administrator of Soochow and Nanking. At present, Bishop Fan's every movement is monitored by security officers.

Bishop Joseph Fan and another loyal priest of Shanghai have announced that no longer can they offer Holy Mass in their houses to loyal Roman Catholics pursuant to the oppressive regulations effective March 1, 1996. They were given to understand that if the priests were to be caught offering Mass in their house with Catholics in attendance, they would be fined JMP 1,000 each and the member of the faithful JMP 500 each. The fine will be doubled if they are caught a second or third time. In the event they are caught the fourth time, they would be expelled to the countryside with reduced living quarters. It appears that something very awful and dreadful will happen soon to the loyal Roman Catholic church in China.

Recently, Bishop Su Chimin, Bishop of Boading, and his auxiliary Bishop, Bishop An Shuxin have also been under very strict surveillance. A security person watches them at all times. Two years ago, Bishop Su met with the U.S. delegation led by you, Mr. Chairman.

The arrests I reported above are just a cross section of our findings, representing the tip of an iceberg. The persecution covers a far wider area. Because of the close and constant surveillance and the dire consequences of being caught communicating with overseas parties on the persecution in China, receiving the latest news from China is most difficult. Only a small number of these atrocities reach the free world. We must have missed hundreds of such blatant human rights violations.

The communist Chinese government hopes that these repeated violations of freedom will intimidate the underground Roman Catholic bishops and faithful, thereby suppressing this loyal Roman Catholic church. The Chinese government hopes to accomplish this strategy without the awareness of the free world. Instead, increasing vocations and an increased Roman Catholic population from three million in 1950's to eight million now, characterized by their strong faith and persistence, have countered the strategy of the Chinese government to suppress the underground Roman Catholic Church. True faith and conscience cannot be smothered by persecution. The 46 years of continuous persecution have proven that fact. Timely reporting of these atrocities in the West will not only reduce these unjust sufferings, but also put the Chinese Government on notice that they cannot be taken as a serious partner in international politics and trade if human rights violations continue.

Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 8 of 9

Even more alarming is the fact that these arrests are not isolated incidences. They show a pattern of organized assault on the loyal but "illegal" Roman Catholic Church. They happen both in large cities and in small villages. They cannot happen without the direct endorsement of the central government. They are not isolated abuses of some junior local officials who happened to abuse their power.

We hope that the U.S. Government would appeal to the Chinese Government to release all these prisoners of conscience immediately and to grant Roman Catholics equal rights to practice their faith. As Pope John Paul II once said that there is no conflict between being a good citizen and being a good Catholic.

As a member of the United Nations, China must abide by and uphold the United Nations' Charter to guarantee freedom of religion for all citizens, not just for those members who belong to the government established Patriotic Association. The United States government and other freedom loving countries must not ignore such repeated and blatant violations of human rights.

The U. S. Government has used its influences to secure freedom for citizens of many other land such as South Africa, Haiti, and Bosnia. We find it anomalous indeed to observe that the United States was willing to impose a trade embargo on South Africa so long as the situation of apartheid continued, that for a long time it has been imposing trade sanctions against the repressive regime in Communist Cuba, but the United States has accorded to the Peoples' Republic of China most favored nation trade status. The question remains: Is the United States truly prepared to sacrifice some possible monetary loss to its business interests in order to send a strong message to a nation which has no regard for basic human rights and is violating them on a daily basis? It is important to keep in mind that a country which violates this basic right of its citizen is most unlikely to honor its promises to other nations.

United States of America was founded because our forefathers suffered, fought, and worked hard to gain this God given rights of freedom. On behalf of the faithful in the loyal Roman Catholic Church in China, I urge the United States government to help the Chinese citizens to regain their rights of religious freedom. The United States government and all freedom loving countries must press Beijing to stop these assaults on religious freedom and to challenge the Beijing government to demonstrate that it can be a responsible member of the international community.

Thank you, Mr. Chairman.



Testimony by Joseph Kung Before Subcommittee on Human Rights
February 15, 1996 Page 9 of 9

Translation of Chinese Names and places

An, Shu Xin	安樹新	Baoding	保定
Beijing	北京	Canton	廣州
Chi, Huitian	池會田	Dong Lu	東閣
Fan, Joseph	范忠良	Fan, Joseph Peter	范學淹
Guo, Bailo	郭伯樂	Hebei	河北
Jiangxi	江西	Jiangsu	江蘇
Jilin	吉林	Kung, Pinmei	龔品梅
Liao, Haiqing	廖海青	Nanking	南京
Pan Kunming	潘昆明	Qin, Vincent	秦國良
Qinghai	青海	Rao, Yanping	饒艷平
Shanghai	上海	Soochow	蘇州
Su, Chiwin	蘇志明	Sun, Guofu	孫國付
Tang, Dominic	鄧以明	Xu, Delu	徐德祿
Yu Jiang	余江	Yu, Qixiang	吁其祥
Yu, Shuishen	俞水生	Zeng Jingau	曾景牧

Addendum to Joseph Kung's Testimony on February 15, 1996 Before the Subcommittee on International Operations and Human Rights. Page 1 of 1

In Baoding and its neighboring towns in Hebei Province:

- 1) An almost 80 year old Roman Catholic pastor, Rev. Zhao Tingbin, was visited by local authorities daily ostensibly to investigate the property rights of his church and seminary. The villagers are afraid that this disturbance could be the prelude of the government's decision to destroy Rev. Zhao's church.

In the meantime, the authority proceeded to investigate every resident's status, dispersed all religious in the seminaries and convents. Several nuns were arrested. In the meantime, Catholic doctrine is not allowed to be taught in the church.

In the local schools, every student and teacher's background were investigated. When Catholics were identified, they were ordered to join the Patriotic Association and were not allowed to wear the Holy Medals. If refused, they would be dismissed from the school system. Several persons were subsequently dismissed. Concurrently, the authority promised that teachers who renounced their Catholic faith would be promoted from private school teacher to that of national status.

In order to prevent Roman Catholic students from attending Mass on Sundays, the school system declared Sunday a school day and Friday a free day.

- 2) December 21, 1995 was the first anniversary of the death of Bishop Zheng Jianzhang, the late Bishop of Baoding. In order to prevent the estimated 10,000 Catholics mourners to pray at Bishop Zheng's grave site, the government sealed off the area and prohibited the bishops and priests to offer Mass there. Residences were searched. Out of town Catholics were arrested. Rev. Liu Fumin, Rev. Hu Fun, Rev. Huang Quanlu, two nuns and seven Catholic lay persons were arrested. More than 150 police vehicles were used. Those who succeeded in getting through the police blockade were arrested on their return and transferred to their local authorities.
- 3) More than four hundred security personnel from the local authorities are now stationed in Baoding and its neighboring towns to enforce the laws regarding "illegal" religious activities. They even started a branch of a public security office in Dong Lu which is the site of the annual Marian pilgrimage in May with total attendance well over 100,000 from all over the country. To add insult to injury, the villagers must provide room and board to all the government's security personnel!

Hu Fun

胡鋒

Huang Quanlu

王金早

Liu Fumin

刘平民

Zhao Tingbin

赵廷彬

Zheng Jianzhang

陳建章

TESTIMONY OF REVEREND TRAN QUY THIEN
BEFORE
THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS
Thursday, February 15, 1996

Mr. Chairman,
Honorable Members of the Subcommittee on International Operations
and Human Rights,
Ladies and Gentlemen,

It is a great honor for me to be here today in this august assembly, which is part of the legislative branch of the United States and represents the highest authority in this land. When I received the invitation to speak in front of you today, I realized that it was not simply due to the fact that as a Catholic chaplain, I have spent some thirteen years in a number of Vietnamese communist "re-education" camps. Rather, I am called here to speak on behalf of the whole question of religious freedom in Vietnam, of which I am only a living witness.

I would like therefore to start out by saying that the communist authorities in Vietnam did not single out my church, the Catholic Church of Vietnam, as a target for their repressive policy. In fact, following Karl Marx and considering all five major religions of Vietnam (Buddhism, Catholicism, Caodaism, Hoa Hao, and Protestantism) to be "the opiate of the people" that needs to be eradicated, they have gone systematically after their extermination, suppression and/or co-optation. This is a policy that they have implemented and perfected in North Vietnam since their rise to power in 1945. When they came into full control of South Vietnam in April 1975, they only elaborated on that policy--improvising adaptations at first but eventually summing them up in two governmental measures, Decision No. 297 dated 11 November 1977 and Ministerial Decree No. 89/HDBT dated 21 March

1991, according to which all religions in Vietnam are under the control of the State Committee for Religious Affairs and all religious activities are strictly circumscribed. This includes not only such things as religious restrictions and prohibitions, church services, the selection of seminarians, the training, appointment and movement of religious leaders within the church, but even such things as the regulation of gifts or aid received from abroad, the importation of religious literature, international exchanges with churches and religious organizations outside of Vietnam. In the words of a famous Redemptorist father currently residing in Saigon, Father Chan Tin, the current situation of the Catholic Church of Vietnam is as follows: "The state intervenes blatantly in the internal affairs of the Church and opposes the Vatican's appointments of bishops to vacant sees. To take the case of the Saigon archdiocese, the Vatican had appointed Monsignor Nguyen Van Thuan to be the deputy to Archbishop Nguyen Van Binh even before 30 April 1975. Claiming, however, that he owed the people a 'blood debt,' the state held him in prison for thirteen years and even after he came out of jail, he was expelled from Vietnam. When the late Archbishop Nguyen Van Binh was seriously ill and about to die, the Vatican appointed Monsignor Huynh Van Nghi to replace him as the prelate of Saigon but the state repeatedly opposed that move and, even after Archbishop Nguyen Van Binh passed away, the state still made everything possible to prevent Monsignor Nghi from coming to Saigon [to assume his post]. It had him under constant surveillance, had him followed and prevented in every way from reaching Saigon. These are some of the latest developments. As for other areas of religious freedom, [the state continues to] limit the number of seminaries and seminarians, check on the background of teachers at those seminaries, prevent the appointment of local parish priests, raise all kinds

of obstacles when the bishops try to move the priests from one parish to another, all these and others should suffice to prove that the state continues to blatantly violate the human and civil rights of the Vietnamese people." (Phone interview granted to VNCR, Vietnam California Radio, on January 27, 1996)

From the above it is clear that the Socialist Republic of Vietnam (SRV) has been engaged in a vicious plan to do away with organized religions in Vietnam despite the fact that the Vietnamese people are among the most religious people on earth. This plan is a systematic one, divided into various stages, and it is fully controlled by the Communist Party of Vietnam (CPV) at every stage. As demonstrated by a detailed document written in 1994 by Do Trung Hieu, the Party member put in charge but who eventually came to be ashamed of the role he played in the destruction of the Unified Buddhist Church of Vietnam (UBC), the CPV does not stop before any scheme, no matter how insidious, in order to destroy what it considers to be its main competitors as far as the allegiance of people is concerned. Thus, no pen will ever be adequate to describe all the acts of terrorism, repression, suppression, murder and imprisonment aimed at the religious leaders and their followers--purely on religious grounds--in Vietnam. And among the means used towards those ends as well as to sow division among the various faiths in Vietnam, one must not fail to mention the so-called "political protection public security" force which is one of the main "instruments of violence" of the regime and the state-sponsored churches that are concoctions meant to destroy the various churches of Vietnam from the inside. For instance, to destroy the UBC they created an official Buddhist Church of Vietnam (only the word "Unified" is left out) to buy some ambitious leaders and draw them to the side of the government in an attempt to

confuse the (ignorant) outside world--but this church is all shadow, no substance. In the case of the Catholic Church, they created since 1976 a Liaison Committee of Patriotic Catholics that is allowed its own publication to contravene any and every attempt by the mother church to organize the Catholics of Vietnam, who number between six and seven millions, into an independent social force for good within an independent Vietnam.

Mr. Chairman,
Distinguished Members of the Subcommittee,
Ladies and Gentlemen,

In view of the above it is absolutely necessary for the world to speak up, and to get the support of the Congress of the United States, in demanding:

1. That the SRV Government restores to the churches of Vietnam their legality so that they can operate normally, as in any other civilized country, without the interference of such superfluous bodies as the State Committee for Religious Affairs or the state-sponsored pseudo-churches that go by the various names of "patriotic this" and "patriotic that."

2. That the SRV Government releases at once all religious leaders belonging to every faith, not only nuns and priests but also laypersons imprisoned for their religious activities. Once released, these people should not be in probation either, which is only an euphemism for house arrest.

3. That the SRV Government returns all the church properties to the various churches so that they could make their positive contributions to healing society--in terms of cultural, educational, social and religious contributions.

4. That the SRV Government only needs to follow the letter and spirit of its own Constitution, which in Article 70 guarantees the "freedom to worship, freedom of religion,

and the freedom to practice or not to practice a religion." The SRV is also bound by the commitment it gave in joining the United Nations that various freedoms be respected, including the freedom of religion, as defined in the UN Charter and the Universal Declaration of Human Rights.

In closing, I would like to present to you, Mr. Chairman and Distinguished Members of the Subcommittee on International Operations and Human Rights, my humble and most sincere thanks for giving me this precious opportunity to speak on behalf of my co-religionists and sister faiths in Vietnam.

Mr. Tom White
USA Director of The Voice of the Martyrs, Inc.
Date of Hearing: February 15, 1996
House Committee on International Relations
Subcommittee on International Operations and Human Rights

Cuba

Introduction

Throughout Fidel Castro's time in office, there have been many reports of Bible confiscation and the imprisonment of pastors and prominent church leaders. On one occasion, reported by Dr. Herbert Caudill living in Cuba, a few decades ago, 100,000 Bibles were thrown into the huge steel grinder of a sugar mill. Police kept the leather covers to make purses. In another incident, reported by Cuban pastor Noble Alexander, 27,000 Bibles were "accidentally" burned in a Havana warehouse after 3,000 of them were distributed and pictures were taken to "show" that Christianity is welcome in Cuba. As of today's date, Cuba has not yet replaced this number of Bibles.

Time has passed and religious liberty in Cuba is present on paper but still not totally in practice. Large open-air assemblies are forbidden. Two years ago, Chris Yales led a groups of forty Jamaicans with Bibles to Cuba. They were all arrested at their hotel. The police robbed many of them. They were escorted back to the plane with all of the Bibles.

In the summer of 1994 soon after Mr. Yales' abrupt "deportation" from Cuba, the Havana government drew up a list of agencies it will not admit to the island including Campus Crusade for Christ, Youth With a Mission, and many others.

Media reports over the last few years promote Fidel Castro as a religious "guru", appearing in American churches to change his image from a harsh and heavy-handed dictator to a kind and "tolerant" leader. However, in spite of these efforts to change public perception of him, there still remains an air of hostility, as displayed in the case of Pastor Orson Vila and recent rulings issued by him and the Office of Religious Affairs.

Pastor Orson Vila

On September 29, 1989, Cuban authorities in the Office of Religious Affairs (of the Central Committee of the Cuban Communist Party) met with the Board of Directors of the Evangelical Pentecostal Assembly of God Church to issue an edict allowing Christians to meet in house churches. This decision was also communicated to various other religious institutions.

As a result of this order by the Office of Religious Affairs, a total of 800 house churches were established across the country of Cuba. Among these 800 house churches was one in Camaguey called *Palabras de Vida Sobre la Roca* located behind the home of Pastor Orson Vila Santoyo [see photos], who stands as the present Superintendent of the Central District of the Assemblies of God Church in Cuba. Pastor Orson Vila's congregation grew to a membership of 2,000-2,500 meeting almost daily behind his home, where many atheists would renounce their ideology for that of Christianity. Pastor Vila gave up his medical career 23 years ago to preach the Gospel. He has been his church's National Advisor to youth and has been threatened several times by the police.

Due to this enormous growth coupled with converted atheists, the Cuban authorities decided to send a message to house churches across the country. On May 25, 1995 at 5:30 am, Cuban police officials arrested Pastor Orson Vila and confiscated items used in his church services. His congregation was banned from worshipping there.

On that same day, without previous warning to his family or the defense lawyer, Pastor Orson Vila was taken to the Municipal Tribunal of Justice where he was interrogated for four hours. Authorities were hoping that Pastor Orson Vila would deny his faith and convictions, but he did not. Thousands of people gathered in front of the public prosecutor's office on Cisnero Street in Camaguey in support of Pastor Vila.

Pastor Orson Vila was accused of "illegal gatherings" and "disobedience", which were considered inadmissible, according to Cuban authorities. Therefore, he was sentenced to one year and eleven months in prison for "spreading the Gospel." After an appeal was made, his sentence was reduced to one year and six months. He began serving his sentence in a cold, refrigerated cell in Cerámica prison in Camaguey. From there he was transferred to Central Penitentiary "Las 40" in Camaguey, where he is now located, doing forced agricultural labor. He weighed 217 pounds when he was arrested but has lost 62 pounds since then.

Even though the government was granted their wish of sentencing Pastor Orson Vila to prison, the authorities have not ceased the false accusations and harassment toward him and his family. Cuban authorities continue to threaten house churches in Havana, Villa Clara, Eastern Cuba and 82 more in Camaguey.

Conclusion

In spite of the fact that churches have been given more freedom over the last 10 years, Fidel Castro and his Office of Religious Affairs must be held accountable for the imprisonment of Pastor Orson Vila, the restrictions on house churches, and the banning of Christian groups from entering the country. The Committee for the Defense of the Revolution, represented by at least one family on each block continues to monitor the movements of every family on the street.

Mr. Tom White
USA Director of The Voice of the Martyrs, Inc.
Date of Hearing: February 15, 1996
House Committee on International Relations
Subcommittee on International Operations and Human Rights

Vietnam

Introduction

There may be some present here today who have the opinion that the animosity toward Christianity in Vietnam is due to the war. However, study of Vietnamese history proves this is not the case. Vietnam has opposed Christianity since its first introduction in the 1600's. Under Communism, this opposition first became a national policy with systematic containment and persecution.

Furthermore, we find a curious mix of Communism, Buddhism and other beliefs in Central Vietnam among the policemen themselves who persecute the Christian house churches. Many of the police have statues in their home, burn incense and maintain certain local religious customs.

When Vietnamese Christian pastors explain to the authorities that Christianity is not a Western religion but that the Bible was written in the Middle East, these arguments are tossed aside.

The Vietnamese government has allowed one printing of the Bible since the Communist takeover in 1975. This printing has been in the Vietnamese language only. The Vietnamese government still prohibits the printing or distribution of any Christian literature in tribal languages among the tribal groups in Vietnam. The most common accusation by the authorities against those practicing Christianity in Vietnam is that they are adopting a "Western" religion.

In the summer of 1994, Vietnamese police raided a print shop in Saigon and confiscated 400 New Testaments that were being printed for the K'Ho tribe. Police continue to search for the pastor who was in charge of this printing project. Communists continue to conduct routine searches of print shops. This confiscation of New Testaments occurred during the same year when the Vietnamese government announced that they would import a large quantity of Bibles or allow the printing of Bibles. This demonstrates the government's hypocrisy in giving permission with one hand and destroying Bibles with the other.

In July of 1995, one week after the United States signed economic agreements

with Vietnam, Vietnamese officials seized over 600 Christian books from believers. We have met Christians from the Hanoi or Haiphong area in Saigon in February 1996 who have traveled 800 miles on hard wooden train seats three days and three nights looking for a Bible. Vietnamese traveling back to Vietnam today have their Bibles confiscated upon entry at the airport.

South Vietnam

Pastor Nguyen Lap Ma - CMA

The Vietnamese government uses exile, imprisonment, beatings, property confiscation and heavy fines to persecute Christians in Vietnam. One example of property confiscation and exile is that of Pastor Nguyen Lap Ma and his family. [See photo]

Pastor Nguyen Lap Ma was leader of the largest church in Can Tho. After the Communists took over the South, they tried to force him into signing a document giving the church to them. He refused.

The Christian Missionary Alliance (CMA) movement in Vietnam is one of the largest Protestant organizations. Two hundred of their church buildings and properties were confiscated after the Communist take over and were not returned.

Pastor Nguyen Lap Ma, also head pastor of the Southwestern Region for the Evangelical Church in Vietnam, was placed under house arrest and moved to a remote area on the Mekong Delta on April 21, 1982. He was convicted as the "number one person against communism" without a court hearing or trial. Section 10 of Vietnamese governmental law says, "No one is considered guilty unless tried by a court and found to be guilty." He has also been beaten by police on numerous occasions.

Regulation 29 states: "A period for house arrest is 1-5 years after the date of conviction." Pastor Nguyen Lap Ma was evicted from his original residence and has remained in exile for over 13 years without a single court appearance. His wife and ten children suffer exile with him.

The Vietnamese government made repeated attempts to pressure Pastor Lap Ma to preach and write his opinions according to Communist doctrines. The government officials allow the family to go to church with the condition that they sit in the back and say nothing to anyone. The government's recurrent accusations and threats wear away Pastor Lap Ma's mental and physical strength. His conscience has consistently refused to comply with the government's demands, which in turn, has led to forced labor for the state and continued house arrest.

Pastor Lap Ma's children have also been persecuted by the government. They are not allowed to attend college and are denied benefits available to other children. I place a photocopy of a 1992 police document forbidding 13 year old Nguyen Thi Kim Tho to attend his eighth grade public school class. The reason given by authorities is, "under house arrest because of religion."

One of his daughters is married but her husband lives in another location. The government will not allow her to live with her husband but occasionally gives her permission to visit him. She is 28 years old.

Pastor Nguyen Lap Ma's current address is: Pastor Nguyen Lap Ma
Ap 6, Thi-tran Long My
Huyen Long My, Tinh Can-tho
Vietnam

Central Vietnam

In the last two to three years in the rural areas of Quang Ngai province and Quang Tri province, the Vietnamese government has constructed hundreds of wooden poles, 18-20 feet tall. On these poles are loud speakers facing all four directions.

The first week of February 1996 it was reported that at 3 a.m. in the area of Dong Ho, which is in Quang Tri province, the government began news broadcasts over these loud speakers. It was a very loud broadcast, which continued until 11 p.m. In many other villages, broadcasts begin at 4 a.m. also ending at 11 p.m. Even a government guide with the Americans was very unhappy for these broadcasts and apologized to the groups, stating negatively that this was propaganda.

These poles with speakers are situated in many outlying rural areas in succession, one-quarter of a mile apart or in clusters in the centers of villages. It is the opinion of Christians living in the area and of visitors that these loud speaker poles have been constructed in an effort to counteract the influence of Christianity and the growth of the house church movements in these areas.

Specific instances of persecution among the Vietnamese tribes in Central Vietnam are as follows:

Vietnamese Christians from tribal areas are placed on television or in the newspapers and are ridiculed. On July 10, 1995, the police in Dac Lac province interrogated eight Christians for a week. They asked one Christian named, K'Be where he had obtained these Bibles and tracts. He was accused of preaching the Gospel without a license. K'Be was forced to have interviews with the police on the radio and on television in the city of Di Linh. His face was on television every week for three minutes with an explanation of his crime.

K'Be told me in his words:

"They do not want the church to grow. They put my face on television, so the people can identify me. I have been caught three more times. They say if I am caught one more time, they will put me in prison. I asked the police why the city of Di Linh has no church. They claimed that the church refused to revolt against the government, so they closed it. My wife rejoices that my name is in the Book of Life and that my face is a witness on television. I serve in difficult areas. Pray for me." [Photo available]

Pastor Kon-Sa-Ha-Hak was arrested March 8, 1990. He is the pastor of 10,000 Christians in the K'Ho tribe. All of his property was confiscated, police tied his hands behind his back and put lit cigarettes in his nose. Evangelist Hoang Van Phung was also arrested for practicing religion without a license. These two men were held in a labor camp at Thu Duc. They have been released since we published a photograph of these two men visiting their wives in the labor camp and published the camp address, so Christians around the world could write to them. [Photo available]

The Vietnamese government arrests men and women, even elderly grandmothers. Mrs. Vo Thi Manh, a grandmother with 15 grandchildren, was held at different prisons and labor camps and released only a few years ago. Her crime was holding house services. She was transported from the Thu Duc prison to a labor camp in the back of an old U.S. Army truck with chains on her legs. [Photos available]

K'Manh

In late January 1995, Vietnamese police confiscated every Bible and Christian book in village #3 of Son Nhat. The only churches in this village are two house churches where 35 families meet. These families shared eight Bibles among them. The police required them to write a report and then prohibited them from meeting.

One of the house church pastors is Brother K'Manh. He and his family live in a simple home with a dirt floor. [See photo] His address is:

K'Manh
Thon 3 Son Nhat
Thi Tran Dinh Van
Huyen Lam Ha
Tinh Lam Dong
Vietnam

Ho Van Loc

Brother Ho Van Loc of the K'ool tribe has suffered greatly for having house church meetings in his home. Police and soldiers came to his home last year and killed his only water buffalo, which he used for plowing. The authorities, laughing at his family, butchered the buffalo in the front yard, built a fire, and cooked it.

The officials tried to get the villagers to eat it too, but they refused. Brother Loc stood quietly to the side with his wife and children, watching their only valuable earthly possession go up in smoke. The police carried the remaining meat and other possessions to the station. Brother Loc lives in Quang Nga, but currently serves a prison sentence with To Dinh Trung. [See photo]

To Dinh Trung

To Dinh Trung of the K'Ho tribe has been repeatedly arrested, beaten, videotaped, ridiculed by police in front of village assemblies, slept covered with mosquitoes in prison latrines. He has been expelled from the only official church some distance from his home at Binh Son, as this church is afraid of the police officials.

His wife recently wrote a letter to the Prime Minister of Vietnam, Vo Van Kiet, opposing her husband's arrest and conviction on official accusations of, "taking advantage of citizen's freedom to violate the interest of the government" and "evangelizing the Good News (the Gospel) to the people."

For the record, an English translation of Mrs. To Dinh Trung's letter to Prime Minister Vo Van Kiet has been included. She is also known as Im Thi Nguyen.

Mrs. Trung pointed out several discrepancies in her husband's arrest. According to Vietnamese People's Law it is not illegal to "evangelize". Police officials stated that Mr. Trung was "caught in action" while riding his bicycle home. There was no illegal action, in which he was engaging when he was arrested by police.

New Vietnamese rulings have also been issued which state that Bibles are not illegal, in fact they are being printed in Hanoi and Hai Phong. Therefore, authorities cannot use Mr. Trung's Bible as evidence against him in a court of law or destroy it, which they tried.

Mr. Trung is being held at: Trai Giam Tinh
Quang Ngai
Vietnam

Mrs. To Dinh Trung resides at: Binh Lap- Binh Son
Quang Ngai
Vietnam

No official churches exist in these tribal areas. Vietnamese Christians cannot walk or ride a bicycle fifty or more miles every Sunday morning to church.

Mrs. To Dinh Trung's (a.k.a. Im Thi Nguyen) Letter:

To: Prime Minister of (VN) Socialist and Democratic of Vietnam

To All: People's Court and Supreme Court of Socialist and Democratic of Vietnam __

Ref.: Petition to protest the unfair trial of my husband, Trung Dinh To, at the People's Court at Tra Bong, on October 10, 1995 at 8 am.

My Name: Im Thi Nguyen

Date of Birth: 1965

Correct Address: Binh Lap-Binh Son

Quang Ngai

Wife of Mr. Trung Dinh To

I wish to voice my protestation, disagreement, to the Prime Minister of Socialist and Democratic of Vietnam, with the following reasons:

I. Wrongly confiscating and (accusation) arrest at the city of Tra Bong.

1. As the victim's wife, I was not notified when my husband was arrested. This is against the government's Law #67 concerning the notification of any arrest to loved ones and Law #70, page 4 concerning "temporary arrest" by your own law.
2. According to Law #68, page 3 of the government, my husband should have received paper notifying us that he, my husband, only was kept in jail temporarily to wait for trial. We never received any notification concerning this matter.
3. There was no mention of my husband's belongings and property (his bicycle) at the time he was arrested. According to the Law #120, no officials were allowed to take away any of the "victim's belongings."
4. Law #71 states: "temporary arrest" by the state law doesn't allow officers to husband was held in prison for over 5 months and 5 days (from April 29, 1995 till October 4, 1995) before his was put on a trial (at People's Court in Tra Bong at 8 am October 5, 1995).

I. My husband was convicted at the People's Court on ground "taking advantage of citizen's freedom to violate the interest of the government!"

- a. When my husband visited Mr. Thanh at his house, my husband was invited by Mr. Thanh. My husband didn't come in without the host's invitation.
- b. At the court, the judge said that my husband "explained the Good News" to Mr. Thanh. My husband would not have explained "The Good News" if he was not asked to do so!
- c. When explaining "The Good News", my husband never did try to put down the government. But on the contrary, my husband advised people to obey the rule of the land as God wanted them to. He also encouraged them not to gamble, not to smoke, or to be involved in superstitious practices...My husband was innocent because he tried to help people to live a good life. Why was he arrested?

2. According to the local secret police, my husband was accused of "evangelizing the Good News" to people, he was "caught in action"!
 - a. According to the people's Law, it is not illegal to be "Evangelizing The Good News".
 - b. My husband was arrested while he was riding his bicycle home. How was he "caught in action"?
3. There was one witness, Mr. Quang D. Pham, who has known my husband for a long time. He declared that my husband was innocent.
4. At the People's Court, the evidence was the Bible and you, officers, wanted to destroy it (the Bible). According to the new laws regarding religious freedom, Bibles are being reprinted in Hanoi and Danang. Therefore, possessing a Bible is not illegal.
5. Also, according to the Law #56, it states that Bibles cannot be used as an evidence. Then Bibles should not be destroyed (burned).
- II. I wish to present my case as the wife of the "criminal." I want to clarify that my husband did not fight against another "prisoner" as he was accused at the time he was put in jail.
 - a. When my husband was being kept temporarily in the jail, he was not allowed to meet the one he was accused of beating. The secret police didn't want my husband to see him, because you secret police know that my husband was falsely accused, to extend his stay longer in your jail.
6. According to the Law #5 and #6, government is to protect its citizens. My husband was not protected but abused physically and mentally by the secret police. On behalf of the citizens of this country, I strongly oppose your unfair ruling and dictatorship upon my husband's case.

To the Honorable Prime Minister,

According to the new policy of this country, Mr. Quang Vu, Director of the Religious Committee from Hanoi, states that one of the ways to promote good relations with foreign countries is to promote the openness of religious freedom. This new direction is only in theory, not in reality. I wish to ask you, Mr. Prime Minister, to reconsider this.

7. According to the Law #11, my husband did nothing wrong. And if a person was not found guilty because of vague evidences, he or she should be set free. I opposed the decision made by the People's Court that my husband was declared that he had to be jailed for 36 months for committing no crime at all. It is unfair and uncivilized.
When my husband was taken away from my family on April 29, 1995, my third child was only 13 days old.

Binh son, Oct. 7, 1995

Petitioner- Im Thi Nguyen

8. P.S. My husband was taken to jail, but there was no legal paper or record given to him or to me as his wife. I have written petitions to all levels of authorities but do

not prevail. I followed steps as the Law required, but for 15 days after my first petition, I have not heard anything from your offices.

Binh Son, Oct. 23, 1995

Tra Nham

One case which illustrates the continual pattern of persecution is that of the house church at Tra Nham in Quang Ngai province:

1st Time: At 7:30 people from Village Farming Party plus community came to persecute and beat the brothers in our church rudely. The chief of the village fined us a pig which was belonged to Brother Đông's family.

2nd Time: On Thursday 1993, people from Village Farming Party plus community came again to persecute and punish us, the brothers in the church, a village guerrilla, Mr. Phâm shot death one ox of Brother Phuong and Dung's family. Afterward, Mr. Lan and Mr. Chuc guarded the front door with guns and Mr. Tuấn and Mr. Phân guarded the back door with guns, prohibited the brothers to leave the house. In this 2nd time, Mr. Banh, chief-of-police of the village gave order to bind Brother Nam with ropes then draw him outside. Mr. Truong and Mr. Thanh used the ropes to bind Nam up and Mr. Banh used a rod to beat Brother Nam. Afterward the village authority fined three brothers with 39 days of laboring. During this time, the village officers, Mr. Banh and Mr. Tuấn and Mr. Quyên pulled down one jack fruit and forced brother Truong to kneel down upon this spiny fruit and then fined brother Truong to carry wood in some areas in the village office. That's the 2nd time.

3rd Time: The people from Village Farming Party invited 5 brothers: Brother Trinh, Brother Truong, Brother Nam, Brother Thang and Brother Chuong to go to a meeting on the 4th day of New Year (Lunar New Year) on Feb. 95. When they go, the village officers commanded them to bring along 25 containers of rice. That night, he ordered to bring his duck worth 40,000 VN Dong (one week's wages). They have to stay in the meeting overnight. On the morning of the 5th day, they told Brother Trinh to go back and bring the money to buy back his own duck. In the morning of that 5th day, Mr. Phâm used his fists to beat Brother Truong and Brother Chuong on their faces and their faces turned all black. Then Mr. Phâm commanded Brother Truong to carry the ox stool by hand. He ordered Brother Truong and Chuong to go look for wood. The next day, the 6th day of New Year he ordered all of the 4 brothers to go work in the village office one day (carrying logs). On the 7th day, the officer ordered the 4 brothers to go and work for Mr. Thang, the village secretary. At midnight, the village guerrillas came to unit 3- Tra Nhem village, announcing the order of the village police authority Mr.

Hồ van Banh and Mr. Hồ van Minh and Mr. Hồ van Hoa. The village chief of Đông Tâm gave order to guerrillas to steal away the mother pig of Brother Ôn then of Brother Tranh. That night, they came again took the mother hen and 8 eggs of Brother Hanh, and at 6 p.m. they took away 5 mother hens of Brother Henh. At 7 p.m. Mr. Quyên shot to death the mother pig of Brother Loi. At 6:45 p.m. Mr. Hồ van Phâm took away the mother pig of Brother Thang. At 7:20 p.m. Mr. Phâm took away one cock and 5 mother hens of Brother Đông and also took away 2 mother hens and 10 chickens of Brother Thanl. and also the hen of Brother Nang. At 2 o'clock the next morning, Mr. Quyên shot to death the ox of Brother Ôn, and 3 other oxen and took away one female ox on the 9th of New Year and draw it back to the village office. The officer of community co-operated with the chief village gave order ask us to make 600 (milk cans) of rice for them. All the Brothers in the church had to gather 64 measures of rice to make 600 containers of rice for the authorities to eat from 9-10 of Feb. 95 and the amount of money we used for all the group from the 4th of New Year to the 10th of New Year is 80,000 VN Dong. What we said about the 1st and 2nd and 3rd time is a true report.

Person who wrote is Hồ Duy Thang

Person who testify is Hồ van Trinh

The church is Tra Nham, number of believers (both males and females) are 102 members.

North Vietnam

It is estimated that there are only 9 to 12 official Tinh Lanh churches open in North Vietnam. Tinh Lanh means "Good News". Tinh Lanh church is the government-umbrella church which would include all Protestant movements in Vietnam.

The growth of Christians in tribal groups in North Vietnam is in the tens of thousands within the last few years. In the Hmong tribe alone, north of Hanoi and in the surrounding regions, is also in the tens of thousands. The government refuses to allow any Christian worship that is not within the walls of the official church. When one remembers that there are only 9 to 12 official church buildings open in North Vietnam, this becomes a ridiculous situation and a restriction for on the Christians in this area.

Christianity was introduced to the Hmong tribesmen through Christian literature brought in from the South and short-wave radio programs. Some of these broadcasts were set up by FEBC, Far Eastern Broadcasting Company, with transmitters in the Philippines.

The Vietnamese government has responded to these Christian broadcasts with ridicule and harassment directed to the Hmong tribe. I now hold in my hands a copy of

the Hanoi newspaper called, *Nhan Dan*. This is the April 21, 1991 issue. In this issue, it reveals the Vietnamese government's verbal attack on the Hmong tribe for listening to Christian radio broadcasts. Some excerpts from this newspaper are, I quote:

"The Hmong have always believed that one day they will have a good leader, a Savior to come and save them.... Reactionaries take advantage of this psychological belief, in order to spread a rumor about this King."

The word, "King" refers to Jesus Christ. Another quotation:

"The King-worshipping 'Vang Chu' (God) movement started in Ha Tuyen province in September 1989. Since then there has been a widespread trend toward claiming the name of the King and receiving the King. This is causing a lot of serious damage against the security of the country, and many Hmong are suffering. They are stopping their work; killing domestic animals; leaving their local religion; selling buffaloes, cows, pigs and poultry to get money to purchase a radio to listen to the voice of 'Vang Chu' (God)."

Another quotation:

"Foreign radio stations are broadcasting in the Hmong dialect convince people that 'Vang Chu' (God) is in fact the real King of Hmong people. These radio broadcasts call upon them to leave their household spirit and worship the Heavenly Spirit instead."

Also during this same time period on *Radio Hanoi*, they have attacked Christian radio broadcasts with the statement:

"...they have also organized ethnic-language broadcasts from overseas to broadcast incendiary propaganda among the Hmong and destabilized the areas they inhabit inside Vietnam. These include the Hmong-language radio programs from Radio FEBC, which teach Christianity... claiming that Jesus came down from Heaven to care for the Hmong from the day they were born until they die. Therefore, Hmong people must convert to Christianity."

I now hold before you a small, five band, short-wave radio of the type which the Hmong people purchase. These radios cost eight or nine dollars and are a very great financial sacrifice for these people.

Although the newspaper article attacking Christian radio broadcast was printed in 1991, last year police continued to confiscate these radios from the Hmong tribesmen. Officials smashed them to pieces and confiscated any Christian literature they had. Once again, please keep in mind that the Hmong people are offered no alternative, as there are

no official churches in their areas, which they may attend with the so called "blessing" of the Vietnamese government.

The Vietnamese government refuses to allow pastors, even of the official churches, in South Vietnam to visit pastors in North Vietnam. They treat the two similar bodies as separate organizations and will allow no communication between them. The northern evangelical church of Vietnam is the only Protestant body in the North with official legal standing. As far as the Vietnamese authorities are concerned, there are still two Vietnams for Christians: the growing South and the even more tightly controlled North.

Northern evangelical leaders speak of government manipulation of church leadership elections and are unhappy with the order that their annual church conference must include a mandatory church visit to the Ho Chi Minh mausoleum, visiting the dead Communist leader.

Conclusion

1. I place here before you the original 1991 arrest document signed by Vietnamese police, arresting 43 year-old barber, Mrs. Pham Phi Anh for carrying Christian literature to the city Da Nang.

2. I place here before you the original arrest document and notice of the government seizure of Christian literature, four days later at the home of the same Pham Phu Anh back in Ho Chi Minh City (Saigon). Her husband was arrested at this time. The items seized and listed by police are:

- 1 New Testament and 1 Old Testament, published in Hong Kong in 1985
- 1 Pastor's Guide, published by a Protestant Organization in 1972
- 1 Sunrise Magazine No. 69, published in May 1971, Vietnamese Protestant Church
- 1 Notebook (1979)
- 1 Photo
- 1 Diary, published by Van Hoa 1988
- 3 Notebooks, The Holy Spirit, My Great Friend - Books 1, 2, 3
- 1 Handbook of Basic Theology
- 1 Diary Note
- 1 Sunrise Magazine No. 40 September 1968
- 1 Book explaining the poems of Ephero
- 1 Notebook, with alphabetic order
- 1 Notebook, (diary)
- 7 Letters
- 1 Book titled Lessons of the Bible
- 1 Notebook, published in 1989 by Van Hoa

3. I place here before you a court document fining 11 Christians for meeting June 5, 1995. They are fined 500,000 Dong, about 30 day's wages. This court document states:

Exactly at 4:05 p.m. of June 05, 1995, all eleven defendants must bring all the fine money to the People's Court. If defendants are late to pay the fine, all of defendants' properties will be confiscated and the fine will be paid double.

4. I place before you two court documents fining two Christians 2,000,000 Dong each for holding a Christian meeting in a home without police permission. (Such permission is never given.) The date on this document is June 12, 1995, a few weeks before economic agreements between the United States and Vietnam.

I ask all at this hearing today to place the Vietnamese government on notice of its continued arrests, beatings, fines, and harassment of its less than 10% Christian minority by recalling our American Ambassador from Vietnam and by bringing the names and cases of these persecuted before Vietnamese government officials.

The Deputy Prime Minister of Vietnam, Mr. Phan Van Khai, stated at the United Nations: "The government of Vietnam respects democracy and human rights. It allows different political viewpoints." If this is correct, the Vietnamese government should stop the hypocritical practice of using a 1991 local security law and other laws to forbid freedom of worship and religious assembly for its people.

Note: Additional photographs and information can freely be obtained from our office. Fax, phone, and address are noted below.

The Voice of the Martyrs, Inc.
P.O. Box 443
Bartlesville, OK 74005-0443
Phone 918-337-8015
Fax 918-337-9287

Statement before the Subcommittee on International Operations and
Human Rights

David F. Forte
Professor of Law
Cleveland State University
Cleveland-Marshall College of Law
February 15, 1996

House Committee on International Relations
Subcommittee on International Operations and Human Rights

During the first century of Islam, barely four decades after the death of Muhammad, a terrible rebellion broke out in the new Islamic Empire. The Empire was wracked by a civil war, fought between the followers of Uthman the third caliph, and Ali, the fourth caliph. Uthman's successors would eventually become the majority Sunnis in Islam, while Ali's would constitute the Shi'as. But those who rebelled against both wings were the Kharijites and their battles and theology were terrible indeed.

The Kharijites held that any Muslim who committed a sin was an apostate, an unbeliever who could never re-enter the fold of Islam and must be killed. Any Caliph who did not follow the strict practice of Islam must be overthrown. The Kharijites fought brutally against both the followers of Ali and of Uthman seeking to become the one and only version of Islam.

They were finally suppressed but not until more than 100 years later.

Today, a modern version of Kharijite heresy stalks Islam. It has gained the reins of power in Iran and the Sudan. It threatens Algeria, Bangladesh, Egypt, even Saudi Arabia. It cows a timid government in Pakistan to accede to its program. It persecutes minorities, particularly Christians. But its real objective is to steal the soul of Islam, to change that great religion's tradition of art, culture, learning, and toleration into its own image of rigid and tyrannical power.

Its weapon and symbol is the Shari'a, the sacred law of Islam, and they seek especially to enforce its criminal provisions against adultery, alcohol, theft, and apostasy. But little do these modern day radicals realize that the criminal portions of the Shari'a -- the most notorious being that of stoning for adultery, amputation for theft, and death for apostasy -- is the least developed part of the Shari'a. It was the least developed because the Islamic state always kept to itself nearly all criminal

Statement by David F. Forte

jurisdiction. The Caliphs intentionally excluded the qadis and jurists who developed the Shari'a from deciding criminal cases. There never was a time in the history of Islam when the portions of the Shari'a dealing with criminal offenses were enforced in the literalness their adherents now claim for it.

For the vast majority of Muslims, the Shari'a is a compilation of rules that applied certain great principles of Islam in a time far past. The great reformers of Islam in the modern world, Muhammad Iqbal, Ameer Ali, Muhammad Abduh, Muhammad Taha, all thought that the principles of Islam: toleration, freedom, and brotherhood, transcended the particular provisions of the Shari'a compiled ten centuries ago. The spiritual father of Pakistan, the great poet Muhammad Iqbal, termed the Shari'a (and its literal adherents) an example of outdated Arabian imperialism. These great reformers called for a new jurisprudence, one that takes the founding principles of Islam, particularly those promulgated by Muhammad in Mecca, and applies them anew to contemporary social realities. The solutions of a thousand years ago, were not, for these men, applicable today.

But today, the ancient rules of the Shari'a, hardly observed even in the days when they were formulated, are used in a program more nearly akin to fascism than to religion.

In Pakistan, for example, the law against blasphemy is being used to unleash a regime of terror against Christians, Christians who are among the poorest and most socially rejected of Pakistan's peoples. The law against blasphemy has had two effects. First, it directly attacks religious minorities who are supposedly guaranteed their rights by Pakistan's constitution and the International Law of Human Rights. Secondly, the law against blasphemy loosens and legitimates private acts of terror against Christians by unlettered Muslims who believe, and have been told by radical mullahs, that they have a right to attack blasphemers and apostates directly with legal impunity. All too often the authorities in Pakistan have confirmed that doleful fact.

According to the State Department's Human Rights Report, "Christian groups rarely press charges against the perpetrators of such incidents and believe the authorities are unlikely to pursue such cases."¹ Let me give you one example.

Naemat Ahmar, a Christian and teacher in the state school in the village of Dasuha, was shocked one day in December 1991 to find anonymous posters around the village accusing him of blaspheming the Prophet of God. A later investigation by the Human Rights Commission of Pakistan found no witness among his students, colleagues, or even Muslims in the village who had ever heard him make any such insult. Ahmar believed that a rival candidate for his teaching position, a Muslim, had

¹ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992 1171 (1993).

Statement by David F. Forte

put up the posters. Many local Muslims were, nonetheless, convinced Ahmar had blasphemed, even though he denied it and "offered unconditional apology for any offence any presumed remarks attributed to him might have caused."²

Fearful, Ahmar consulted with the Bishop of nearby Faisalabad, took leave from his post and took a job in Faisalabad. On January 6, 1992, Farooq Ahmad, who had seen the posters in Dasuha, travelled to Faisalabad, found Ahmar at his place of work, and stabbed him to death, inflicting 17 wounds. After the first strike, Ahmad asked Ahmar why he had blasphemed. Ahmar denied it, but Ahmad continued the attack.³

At the police station, Ahmad "was kissed by some of the policemen for his remarkable courage and commitment to Islam."⁴ Villagers came to give him cookies and flowers. Many clerics from the area visited him to offer their congratulations, while some engaged lawyers to defend him. In addition, the president of the local bar association offered his services to Ahmad, while no prominent lawyer would accept representing the family of the murdered Ahmar. Beyond taking the names of witnesses, the police took no steps to develop the investigation. The Bishop of Faisalabad gauged that among the Christians, a "sense of helplessness, insecurity, and anguish had crept in."⁵

In other case, a Muslim who had accidentally dropped a copy of the Qur'an into a fire was stoned and then doused him with kerosene and burned to death by a mob after mullahs had shouted over loudspeakers from the minarets of mosques that "a Christian had burned the Koran."⁶ Another woman found herself charged with blasphemy when her personal copy of the Qur'an fell out of her shopping bag to the ground.⁷

The law against blasphemy, passed in 1988, reads as follows:

² HUMAN RIGHTS COMMISSION OF PAKISTAN, THE "BLASPHEMY" EPISODES (hereafter BLASPHEMY EPISODES) 12 (n.d.[1992]).

³ Beena Sarwar, *Pakistan: Islamic Laws are Manipulated to Settle Political Scores* Inter Press Service, September 29, 1992, available on LEXIS, News Library, Curnws File.

⁴ BLASPHEMY EPISODES at 11.

⁵ In another case, a man who accused a Christian came to the jail and stabbed him a number of times. The Christian survived but was prevailed upon by the police to seek a reconciliation with his attacker. I.A. Rehman, *Persecuted by Law*, NEWSLINE (Karachi), November/December 1993, at 29.

⁶ *Man Accused of Burning Koran is Stoned to Death*, Agence France Presse, April 25, 1994, available on LEXIS, News Library, Curnws File. He had apparently dropped the Qur'an into a furnace during an argument with his wife. *Id.* See also Briefs, CALGARY HERALD, April 23, 1994, at 12, available on LEXIS, News Library, Curnws File.

⁷ Ahmad Rasid, *In God's Name*, FAR EASTERN ECONOMIC REVIEW, May 26, 1994, at 20.

Statement by David F. Forte

Whoever by words, either spoken, or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punished with death, or imprisonment, and shall also be liable to fine.⁸

As broad as the statute was, as severe as the penalty prescribed, Pakistan's Shariat Court still found it too mild. The Shariat Court held that Islamic law required the death penalty for any act of blasphemy. The penalty of life imprisonment was voided.⁹

Ahmadis, Christians, and Muslims have all been prosecuted under this statute. Destroying a person's life or reputation is remarkably easy under the statute and its procedures. Enforcement is left mainly to private complaint leading to a suppression that the government could never do on its own. Under Pakistani criminal procedure, a mere complaint (a FIR, or first investigation report), results in an arrest without a warrant and indeterminate detention, for bail is often hard to obtain or not granted at all.¹⁰ Technically, blasphemy is a non-bailable offense. As the Pakistan Human Rights Commission has stated, the blasphemy law gives "a killing edge to Muslim fanaticism and to orthodox Muslims' contempt for local minorities, especially the Christians."¹¹

Recently, a case in which a young boy and his two uncles were charged with blasphemy, one of the uncles having been murdered in the street when the defendants emerged from court, gained international notoriety. Allegedly, the boy, who is illiterate, and his relatives threw pieces of paper, on which were written insults to the Prophet, into a mosque. No neutral observer, including the Pakistan Human Rights Commission, believed the evidence was credible. Yet the surviving defendants were sentenced to death. Asma Jahangir, a courageous lawyer with the Pakistan Human Rights Commission undertook a defense of the Christians when no other lawyer would

⁸ Pakistan Penal Code, Sec. 295-C.

⁹ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991 1154 (1992); COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, at 1167.

¹⁰ Testimony, October 29, 1993, Amnesty International U.S.A., House Foreign Affairs Committee, Subcommittee on International Security, International Organizations and Human Rights, Federal Document Clearing House, available on LEXIS, News Library, Curnws File. For example, in October 1991 Chand Barkat, a Christian, was charged under Section 198 of the penal code of wounding the religious feelings of another. By the time he was tried and acquitted he had spent 15 months in prison, three more than the maximum sentence he would have received if he had been convicted. I. A. Rehman, *The Fires of Bigotry*, NEWSLINE (Karachi), November/December 1993, at 30.

¹¹ Bob Harvey, *Free Speech, Islamic Faith Meets head-on in Pakistan* (hereafter, Harvey, *Free Speech*), OTTAWA CITIZEN, January 9, 1993, Religion Section, at 9, available on LEXIS, News Library, Curnws File.

Statement by David F. Forte

step forward to represent them. For her advocacy, religious extremists attacked her and her family.¹² Nonetheless, she prevailed on an appeals court which reversed the sentence, and the two Christians took asylum in Germany.

When international outrage reached the government of Prime Minister Benazir Bhutto, she promised to modify the law against blasphemy. However, a general strike called by radical Muslims faced down the government. Prime Minister Bhutto now promises that blasphemy will remain a capital crime.

American foreign policy has been an ineffective friend, if friend at all, to these persecuted Christians and other religious minorities. By not using our substantial influence to let our allies know that these kinds of laws are against international law, that they offend the basic sense of decency of the American people, and that these actions will affect their relations with us, the United States State Department sends the following messages:

- 1) We don't believe in protecting those religious adherents of the West: we must be the materialist bankrupt culture the Islamic radicals claim we are.
- 2) Radical Islam is a legitimate force in the world, and it is all right with us if, for reasons of state, Islamic governments give in to the radicals' tyrannical agenda.
- 3) We treat our Islamic friends with patronizing indifference. After all, we in effect say, this isn't a human rights problem. This is a Muslim problem, and we all know how these people behave.

Our inaction helps create regimes and forces whose ultimate aim is to destroy the West and the great tradition of Islam as well. Imagine if the United States State Department took a neutral or disinterested view of the radicals who murdered Prime Minister Rabin. In fact, we accept and champion the view of the majority of Jews that those who commit acts of violence supposedly in the name of Jewish law are not part of genuine Judaism at all.

We have the same moral obligation, and indeed, the same enlightened self-interest to treat the religion of Islam in the same way. We should show our support and respect for the vast majority of Muslims who reject those who practice violence as being un-Islamic.

Let us raise our horizon and take a look at what is happening in the world today. The destruction of the great Communist tyranny by the West did not

¹² United Press International January 22, 1996, available on LEXIS, News Library, Cumwv File.

Statement by David F. Forte

automatically usher in an era of democracy and capitalism. What has risen to threaten the West is a different tyranny, the second worst kind. It is not Communism; it is Fascism. China now has a Fascist regime, as does Iran, as does the Sudan. We should call these movements for what they are. They are not religious -- let us never legitimize them with that name and insult hundreds of millions of Muslims as we do so -- they are a new form of Fascist tyranny.

Instead of complaining about pirated CD's in China, the Clinton administration should complain about the persecution of Catholics who remain loyal to Rome, of house Christians who must meet secretly to worship in fear of their lives.

You can tell a person by his fruits. And the fruits of Fascism is, and always has been, an frontal attack on religious minorities. It's happening today, and the longer we allow it to happen, the worse it will be, for millions of Christians, for millions of Muslims, and for America.

Testimony of The Rev. Canon Patrick P. Augustine
Chairman of the Overseas Mission Committee Episcopal Diocese of Virginia
Member Advisory Committee to The Presiding Bishop of Episcopal Church in USA on
Christian - Muslim Relations, Associate Rector Church Of The
Holy Comforter, Vienna, Virginia

Honorary Canon and Bishop's Commissary of the
Diocese of Peshawar, Pakistan in North America

Mr. Chairman and the Honorable Members of the House, I want to say thank you to the House Committee on International Operations and Human Rights for inviting me to testify about the violation of human rights and persecution of Christians in the Islamic world with particular emphasis on PAKISTAN. I consider it a special privilege to stand before this august House on behalf of hundreds and thousands of suffering members of our human family. Before I say anymore, I want to make it absolutely clear that the purpose of my testimony is not to demonize Islam. I have been working for many years in my Church in Rawalpindi, Pakistan, Chicago, Illinois and here in Vienna, Virginia to hold Christian-Muslim dialogues which have been reported well in the local and national newspapers. I serve on the advisory committee of the Christian -Muslim relations of the Presiding Bishop of the Episcopal Church in USA. My letter published in *The Washington Times* on March 6, 1995 made a plea for "people of both faiths to unite against injustice."

Mr. Chairman, I stand here as a sincere friend of the Islamic community who has participated in marches of support for the freedom of Palestine, Afghanistan, Kashmir and Bosnia. I pray to God Almighty for the spirit of tolerance to hear the truth. The purpose of this testimony is to testify about the present difficulties and persecution being faced by Christians in Muslim majority situations e.g. Central Asia, Egypt, Iran, Malaysia, Morocco, Niger, Nigeria, Pakistan, Saudi Arabia. I like to focus my testimony on the country of my birth: Pakistan.

Pakistan is a Muslim majority country, with a number of religious minorities including Christians, Hindus and Ahmadis. The national flag depicts this by a narrow white stripe to represent the minorities beside the green background of the rest of the flag. The official government figures from the last census give the Christian population as 1.3 million, however, I believe this figure is grossly

underestimated and would suggest 3.5 million (nearly 3 percent of the population).

Muhammad Ali Jinnah, the founder of Pakistan, emphasized in his speech to the Constituent Assembly on August 11, 1947 that all members of the newly formed nation had equal rights of citizenship. "You are free; you are free to go to your temples; you are free to go to your mosques or to any other places of worship in this state of Pakistan. You may belong to any religion or caste or creed - that has nothing to do with the state."

The 1985 amendment to the 1973 constitution (Presidential order no. 14 of 1985) had an important change of emphasis as far as non-Muslim minorities were concerned. All previous constitutions had included in the Preamble the following clause, taken from the Objectives Resolution of 1949..... adequate provisions shall be made for the minorities freely to profess and practice their religion and develop their cultures." In the 1985 annex to the constitution the word "freely" was omitted, and there have been many protests from Christians about the implications of this one word change.

There has been very grave concern among Pakistani Christians concerning a "Shariat bill", the version of which was presented to the Senate on May 13, 1990. The Bill stated that it was based on the Objectives Resolution and aimed to make "Shari'ah" the supreme law in Pakistan (Clause 3). There were many critics of the bill, including constitutional experts, lawyers, human rights groups, women's group and Shi'ite Muslims. The bill contradicted the constitutional guarantee that all citizens are equal before the law and are entitled to equal protection under the law. Christians feared that the *Shariat Bill* would open the way to non-Muslims sinking to the status of *dhimmi* (non-Muslims under the protection of an Islamic government but with no rights as citizens), i.e. Christians and other minorities would become little more than resident aliens in their own country.

Blasphemy Law under the *Shariat Bill* has proved to be an easy tool for unscrupulous Muslims to make trouble for Christians and Ahmadiyya against whom they have a personal grievance. Accusations made against individuals have had the extra effect of fueling general anti-Christian sentiment. A progressive Muslim newspaper examining various cases of Christians accused of blasphemy sums up as follows: "In all cases an ulterior motive for the charge appears a distinct possibility. And religious fanaticism has been whipped up to such an extent that the accused may not be safe even if he is acquitted. It is very possible that local people and *maulvis* will remain determined to carry out their

death sentence." In deed, several Christians accused of blasphemy have been killed.

REAL STORIES OF BLASPHEMY CASES INVOLVING CHRISTIANS

Bashir Masih and Gul Pervalz Masih

On December 10, 1991, two brothers, Bashir Masih and Gul Masih were involved in a heated argument over the repair of a common water tap. Three days later the neighbor reported to the police that the brothers had broken the blasphemy law. Both were arrested and imprisoned. A month later Bashir was released, after the Deputy commissioner had made inquiries and found that he had not even been present when the reported blasphemy was supposed to have taken place. The next day Islamists demonstrated in the street demanding that both brothers be killed for their blasphemy. Mullahs issued a *Fatwa* (legal pronouncement) that they deserved death and posted large notices around the city demanding that the brothers be killed. They also appointed a death squad of young college students to carry this out, but with Gul in prison and Bashir in hiding, moving from one village to another, the death squad was not able to achieve their aim. Gul was chained and in solitary confinement, with no blanket against the cold, and was harassed and beaten by the Muslim prison Mullah. He was found guilty at his trial before the district judge in November 1992 on the basis of the lone witness of Sajjad Hussain, a member of a Sunni Muslim militant group. He was given the death sentence and was the first case under blasphemy law in which death was prescribed. Many international human rights organizations appealed for the release of Gul Masih. On November 27, 1994 the Lahore High Court acquitted and released Gul Masih, but as his life remained in danger from Islamic extremists, he fled the country.

Naimat Ahmer

Naimat Ahmer, a Headmaster of government high school, poet and national writer was murdered on January 6, 1992. Although loved by his students, Naimat had made himself unpopular with local landlords at the village where he was a headmaster by putting an end to various abuses and mismanagement of the school premises and property which the landlords had previously enjoyed. The landlords accused him of blasphemy and succeeded in getting him transferred to a nearby village, Dasuha. There again he became popular with the students and unpopular with the landlords and teachers. An anonymous pamphlet was circulated, accusing Naimat Ahmer of blasphemy (without naming him). After

the pamphlet had circulated for two days, a *fatwa* was pronounced on Naimat. Teachers at his school (who were all Muslim) were also trying to have him dismissed and asked him what he thought of Prophet Muhammad. He replied that as a Christian he believed Jesus to be the only way to God and salvation, at which the teachers claimed that he had insulted Muhammad. Naimat was anxious about his safety, and managed to get a temporary transfer from the village school to the District Education office at Faisalabad. On January 6, 1992 a butcher's son, Farooq Ahmed, who came to his office and invited him out to lunch and killed him in full public view with a butcher's knife. The murderer danced and trampled on the body, exulting that he had earned a place in heaven for himself. The murderer was granted financial benefits and media support from the Islamists in Faisalabad and from the village community.

Tahir Iqbal

The case of Tahir Iqbal, a Christian convert from Islam, who was partially paralyzed and had been in prison in Lahore since December 1990. He was charged under section 295B of the Penal Code, that is with desecrating the *Qur'an Sharif*. However, he was the object of much animosity because of his apostasy from Islam and the free lessons he gave to Muslim children. He was detained in prison for his own safety, but was beaten and ill-treated there. He died there in mysterious circumstances on January 20, 1992.

Salamat Masih, Rehmat Masih and Manzoor Masih

Salamat Masih, an illiterate boy, was accused of writing blasphemous slogans on the wall of a mosque. Two of his uncles, Rehmat Masih, and Manzoor Masih, were accused with him. All spent many months in prison until released on bail. Manzoor Masih was killed on April 5, 1994 when Muslim extremists opened fire on all three as they emerged from trial at Lahore High Court. They have also been fined 25,000 rupees. The trial was accompanied by much violent protest from Islamists determined that the two Christians should be killed. The two were finally acquitted on February 23, 1995, but had to flee to Europe because of death threats. Their families are still facing the wrath of the militant Muslims.

Other Forms Of Discrimination Against Christians

The *Hudood* (restrictions) Ordinance (part of the criminal procedure) and the Law of Evidence (introduced by the British in India before partition) have been Islamized, so that a non-Muslim giving evidence in a court of law counts as only half a witness, and may only testify against a non-Muslim. Women are also

admitted as half-witnesses only, thus leaving Christian women witnesses valued at a quarter of a Muslim man. Under the *qisas* (retaliation) and *Diyat* (blood money) Ordinance, compensation is awarded on the same sliding scale; a Muslim woman or a non-Muslim man get half what a Muslim man would get, and a Christian woman gets a quarter. There is a general mistrust of Pakistani Christians, who are suspected of siding with the Christian West against their own country. They are often accused of espionage for Britain, the United States and even Israel. During the Gulf war of 1991, Christians suffered extra persecution, for example, being beaten up or killed, churches burned down and cemeteries desecrated. On October 30, 1993 the Christian village of Sikandarabad, Sindh, was bulldozed and the debris (including that of a church and a Government primary school) set on fire. The 35 Christian families who lived in the village took refuge in Karimabad, three miles away.

In a development linked to the Salamat Masih blasphemy case mentioned previously, a village called Ratta Dhotran near Lahore had an adjoining settlement known as an *Isaiyan-di-Thatti*, where until recently there lived some 32 Christian families (including Salamat Masih), comprising about 250 people who were forced under severe persecution and death threats to leave their land and houses. The young Muslim Militants said, "There is no way that we will let people from Masih faith pollute our village. We won't let them stay here and we don't care about the police or anyone else." The walls of the buildings on the road to Ratta Dhotran were painted with anti-Christian slogans. The Christians reported that they received daily death threats from the boys. Interestingly, two religious communities lived together harmoniously in Ratta Dhotran for many decades. The Roman Catholic Church helped the entire village to settle in Francisabad, a new Christian locality on the outskirts of the city of Gujranwala.

According to Pakistani Law, if either spouse of a non-Muslim marriage converts to Islam, then the marriage is automatically dissolved. In recent years there have been a number of cases of Muslim men, abducting Christian women and forcing them sometimes at gunpoint to recite the Muslim creed, which is all that is needed to become a Muslim. After that their abductor promptly marries them, on the basis that their former marriage is now dissolved. Christian women are being converted to Islam by force. The police do nothing to help the Christians, as they prefer to help the rich rather than poor people.

Recommendation

It is my humble plea before the Honorable Members of this House, a very *Icon* of freedom to remember the sufferings of the persecuted communities and never

hesitate to raise their persistent voice for justice and fairness for Christian minorities living within in Islamic countries.

The United States government should assist and grant visas and provide asylum to those whose lives are found under danger by the Islamic militants.

We recognize that there are other minorities besides Christians who are suffering within the Muslim world. Equally there are Muslim groups who are being oppressed in the West and elsewhere. We plead for compassion and action for all suffering peoples whatever their race or religion.

We affirm that all human beings have been created in the image of God and as such reflect His glory. They are to be treated with dignity and with respect.

Therefore it is the task of all of to stand on the side of those who are oppressed of whatever community, of whatever group.

Thank you for listening.

Respectfully submitted,

The Rev. Canon. Patrick P. Augustine

Testimony of**Pedro C. Moreno, International Coordinator
The Rutherford Institute****February 15, 1996****United States House of Representatives
Committee on International Relations
Subcommittee on International Operations and Human Rights**

Thank you, Mr. Chairman and distinguished members of this Committee, for providing me an opportunity to testify before you today regarding the persecution of religious peoples in Mexico. My name is Pedro Moreno, and I am the International Coordinator for The Rutherford Institute. As you may already know, The Rutherford Institute, headquartered in Charlottesville, Virginia, is an international legal and educational organization dedicated to the preservation of religious liberty, the sanctity of human life, and family autonomy.

**REPORT ON HUMAN RIGHTS VIOLATIONS OF INDIGENOUS PERSONS
IN MEXICO DUE TO RELIGIOUS BELIEFS**

As we approach the inauguration of the third millennium of the Christian era, intolerance, oppression and persecution due to religious conviction remain a sobering reality for many. Christians are by far the most persecuted of all. The plight of the Chamula Indians and other indigenous groups in Mexico's southern states exemplify this persecution.

In the last 30 years, the state of Chiapas, Mexico alone has witnessed some 30,000 Protestants forced into exile. Many of these exiles live in permanent refugee communities in and around San Cristobal de las Casas. ¹ Their only crime is adherence to a form of Christianity other than the traditional religion. People in the states of Chiapas, Oaxaca, Hidalgo, and others have been the victims of senseless violence, which has included stoning, shootings, evictions, rape, and murder.

Religious persecution in southern Mexico has many underlying factors. One of them is socio-political: the existence of an unofficial, parallel power structure in the region which is intolerant of people of different beliefs. This is coupled with the fact that the Mexican government is either unable or unwilling to control these intolerant elites. Another factor is economic. In the state of Chiapas, the economy is dependant on the sale of *poch*, a locally-made hard liquor. Since Evangelicals do not consume *poch*, merchants of this liquor, tribal leaders, and local political authorities resort to persecution.

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In Chiapas -- Mexico's poorest state -- most Chamula Indians live in a state of virtual servitude. They depend on tribal *caciques* (bosses) for economic stability: to farm community lands and to commercialize their products. The *caciques* also provide social acceptance into the community: participation in traditional religious ceremonies marked by extreme drunkenness. These traditional religious ceremonies, often a syncretic mix of Catholicism and animistic rites, are at the center of social life in Chiapas' rural areas.² Because Protestants refuse to take part in these ceremonies -- challenging existing religious, political and economic power structures -- persecution is accentuated.

Article 24 of the Mexican Constitution reads: "Every person is free to profess the religious beliefs that please him/her and to practice the respective ceremonies, devotions or acts of worship in the temples or in his/her particular home, whenever they do not constitute a crime or fault punished by law."³ Despite this constitutional provision which establishes freedom of religion, religious oppression continues unchallenged in Mexico. Furthermore, despite legal complaints filed before Mexican courts, those responsible for these crimes continue to enjoy impunity. The indifference and apathy of the Mexican government toward this problem is appalling.

In addition to that, and going into the religious realm, we would like to mention that the Catholic Church's resolute commitment to religious freedom in Europe and Africa is not always present in Latin America, particularly in Mexico.

Recent Cases of Religious Persecution in Chiapas

Although religious persecution against minorities is commonplace in several Mexican States, the violence against Evangelical Chamulas and sympathetic Catholics (people of the Catholic faith either closely related to Evangelicals or who refuse to participate in festivities where heavy drinking and immorality takes place) in the state of Chiapas is an inhumane display of brutality:

-- A Protestant pastor and his assistant were murdered on October 5, 1995 in Chiapas. According to church officials, Pastor Aurelio Gómez Ramos of the Interdenominational Christian Church of Ejidal Sinai in the Chiapas municipality of Huitiupan was shot to death during an attack by five masked assailants. Pastoral assistant Gustavo Hernández Pérez was also killed during the attack, and a 14-year-old boy was shot in the arm. A spokesperson of the Chiapas presbytery of the Interdenominational Christian Church, declared to the press that on October 9 local Catholics had threatened to kill the evangelicals because of their refusal to join the Zapatista Liberation Army.

-- On September 29, 1994, three evangelicals were murdered by *caciques* and one

evangelical girl was hospitalized in critical condition, after being raped and shot in the small village of Icalumtic, Chiapas. Those evangelicals were part of a group of 584 evicted Christians from San Juan Chamula who decided to return to their homes in August 1994, after living a year in exile in San Cristobal de las Casas.⁴ One of the victims was identified as the leader of the exiled Christians. These Christians had decided to get back to their homelands after nearly a year of petitioning state and federal authorities for intervention in their case. Their efforts were largely unsuccessful.⁵ A well-organized group of some 300 local tribal leaders and their cronies were responsible for the attack. According to representatives of the Evangelicals, the attackers were led by a tribal leader who said he was acting on orders of Domingo López Ruiz, president of the municipality of San Juan Chamula.

-- On April 12, 1994, the Evangelical layman Domingo López Santos, his wife María Pérez Méndez, and their daughter, from community Banoló, state of Chiapas, were attacked by strangers while going to San Juan Chamula. López Santos was beaten and stabbed several times. His wife and daughter were brutally beaten and raped by several men.⁶

-- In November 1993, several evangelical human rights organizations reported that Municipal leaders in Mexico's Chiapas State were carrying out what had been considered one of the most violent and massive forced evictions of Protestants and sympathetic Catholics in recent history. Since June 1993, over 450 individuals from 20 communities in the municipality of San Juan Chamula have been violently evicted from their homes. Most were Presbyterians, but others include Seventh Day Adventists, Pentecostals, and some sympathetic Catholics. State and federal authorities have been unresponsive to pleas by the persecuted Christians for assistance. The main instigator in the expulsions is believed to be San Juan Chamula municipal president, Domingo López Ruiz, who had threatened anyone caught reading the Bible in Chamula territory with expulsion.⁷

-- On May 25, 1993, the body of missing evangelical Vicente Méndez Velásquez was found, after Evangelicals in the state of Chiapas publicly demanded an official inquiry into the disappearance of two Protestant men. The self-confessed murderers led the police to the body, and admitted that they had shot him four times and then hacked his body with machetes before disposing of it in a nearby cave. Méndez, together with some 600 other Protestants, was evicted from his homeland in 1989 by municipal officials intent on ridding their Catholic community of a Protestant presence. Méndez was returning from his village, where he has gone to sell his land, when he was attacked and killed on April 2.⁸

-- In May 1993, members of a Protestant church in Chiapas agreed not to hold worship services in the evenings, after 17 male members were beaten, stoned, and jailed for four days. The agreement, signed in March by authorities in Nuevo Leon, and members of the Church of Christ Fraternity, came after a February 26 attack on a

house meeting. As part of the agreement, the congregation promised to cooperate in social or community projects--including Catholic ventures--and they were warned that anyone visiting their church would be in danger of "something happening on the way." None of the municipal officials involved had been charged in connection with the attack.⁹

-- On June 3, 1992, a Presbyterian lay preacher, Melecio Gómez Vásquez, 32, was brutally murdered in an ambush. His death was believed to be related to efforts by community leaders in Saltillo, Chiapas State, to eradicate Protestants from their community. Gómez was shot over 30 times and his body hacked with machetes.¹⁰

-- On September 8, 1990, forty four Evangelical families were evicted from their communities in Tzequentic and Granadilla, two towns of Zinacatán, in the state of Chiapas. Several members of those families were also put in prison and their heads shaved.¹¹

-- On July 13, 1989 an agreement was signed between the representatives of a large number of Evangelical families and tribal leaders in San Miguel Mitontic, Judicial District of San Cristobal de las Casas, Chiapas. The agreement established the conditions for the return of the Evangelical families to their homelands, and was also signed by representatives of the Legislative, Executive, and Judicial branches in the region. Some of the conditions of the agreement are as following:

- Evangelicals would not build any chapel in their communities
- Evangelicals would not proselytize
- Evangelicals would not practice their religion in other communities
- Evangelicals would not use any particular home as a chapel
- Evangelicals would not listen to religious music in their own homes.¹²

Recent Cases of Religious Persecution in Other Mexican States

Religious persecution in Mexico is not only confined to the state of Chiapas. Protestants in various parts of Mexico continue to face religious discrimination and harassment at the hands of local community leaders.

-- According to Enoc Hernández, an evangelical leader in the state of Oaxaca, five Mexican families who converted to Protestantism were shut out of their homes and told to leave the town of Monte Verde.¹³

-- On May 28, 1995 two recently converted Evangelicals were jailed overnight in the town of Pueblo in central Mexico. They were denied food and water throughout their detention. Enrique Hernández, a local resident who tried to defend the two men, was detained with them. A fourth man, Vitorino Hernández, was tied to a tree all night for

attempting to defend the Protestants. On May 2, the Protestants were ordered to begin four days of forced labor without pay, hauling rock and breaking it up for 12 hours a day under strict supervision of local authorities. The men were then ordered to sign a statement stating that they would not worship with Evangelicals.¹⁴

-- On October 9, 1994 a Protestant Evangelical church and its parsonage were destroyed in the Mexican resort city of Acapulco, by a mob of some 30 neighbors wielding sticks, stones, pickaxes and clubs. The attackers claimed the land was needed for the expansion of a kindergarten adjacent to the church property. The church was established some 12 years ago and has a congregation comprised of some 40 families.

-- On Sunday April 3, 1994, two Protestants were killed and five others wounded, when gunmen assaulted a bus carrying some 40 members of the Interdenominational Christian Church of Oaxaca, in central Mexico. According to reports, Maximino Vargas Reyes and Abel Martinez Galván were killed in resisting the assault. Evangelical spokespersons refuted allegations that the attack was an act of random violence, saying it was the result of "severe religious intolerance in the area."¹⁵

-- In August 1993, Protestants in the central Mexican state of Oaxaca reported continuing harassment and direct persecution, in ongoing conflicts resulting from clashes with hostile municipal authorities. On August 18, 1993, a delegation of six Methodists traveled to Mexico City in an effort to seek federal assistance in regaining control of their illegally confiscated lands. In a related case, five families were evicted from another Oaxaca village on May 23, 1993, by local authorities intent on ridding the village of a Protestant presence.¹⁶

-- In December 1990, five Presbyterians that had been evicted from their homeland were detained in Chib'Uc'Um town by rural policemen while returning to their own community. They were beaten and their heads shaved. The women in the group were disrobed and whipped.¹⁷

The uprising of the Zapatista National Liberation Army on January 1, 1994, has added new and unpredictable elements to the ongoing conflict. The Zapatistas included the issue of the peasant evictions in their demands before the government. In February 1994, Evangelical leaders in Chiapas said they were hopeful that the new interim government of the State would take up their concerns as part of an overall effort to resolve problems that instigated the armed uprising in January of 1994. Evangelicals also stated that if their concerns, including 54 complaints filed with the prosecutor's office in 1993, were not addressed, they would not be able to control thousands of exiled believers who are frustrated with a disinterested state bureaucracy. Christians reported that they did not participate in the January Zapatista rebellion.¹⁸

However, two years have lapsed and these problems have not been resolved. Evangelicals are still at risk in many areas of Mexico. Every time an individual or a family converts to a

religious belief other than the traditional, they become the target of persecution. The traditional tribal power is not willing to allow anyone to be placed outside of its control.

The attacks against protestants in Chiapas, Oaxaca, and central Mexico require a strong international effort to help restore justice and freedom for believers of minority religions in Mexico.

The Rutherford Institute's Legal Representation of the Chamula Indians

In the last few years The Rutherford Institute has received a number of complaints and requests for intervention concerning religious persecution in Mexico. In August 1993, the International Coordinator of The Rutherford Institute, Pedro C. Moreno visited these Mexican regions in conflict to gather first-hand information on the human rights violations of the Evangelical Chamulas and other Christians. Moreno also met with several state and national authorities in Oaxaca and Mexico City requesting their immediate intervention in order to halt religious intolerance.

In October 1993, The Rutherford Institute filed a legal complaint before the Inter-American Commission on Human Rights, which is an organ of the Organization of American States. The Rutherford Institute asked the Commission to intervene in order to obtain an official explanation from the Mexican government concerning the lack of attention to the problem of religious persecution and the apparent indifference of Mexican authorities.

In a 10-page communication dated October 19, 1995, the Mexican Government responded to our complaint. The document stated that all possible efforts at state and federal governmental levels have been made to solve the conflicts. It recognizes the existence of a religious conflict in the region, and even identifies by name some of the perpetrators, among them local authorities. However, the Mexican government does not establish any clear parameters toward a solution of the ongoing persecution and does not commit itself to the prosecution of the perpetrators. In fact, it concludes by asking the Commission to declare our complaint "non-admissible", considering that in its opinion there are still internal remedies that have not been exhausted by the victims. The latter clearly contradicts earlier statements made by the Mexican government that "all possible efforts at state and federal governmental levels" had been made to resolve the conflict.

The Rutherford Institute finds the response of the Mexican government to the severe human rights abuses suffered by the Chamula Indians grossly inadequate. The Evangelical Chamulas are unable to resort to "internal remedies" in a region where rape, evictions, intimidation and murder occur with the indifference if not complicity of local and regional authorities. Furthermore, The Rutherford Institute has asked the Inter-American Commission on Human Rights to continue the investigation by sending a fact-finding team to the region. The Rutherford Institute has also asked that the Mexican government prosecute the perpetrators of these crimes.

Recently, the United Nations Special Rapporteur on Religious Intolerance has also reported on the case of religious persecution in Mexico at the request of The Rutherford Institute.

Mr. Chairman, we know that similar religious conflicts have been resolved in other states of Mexico where the law has been enforced, and perpetrators were sanctioned. We sincerely hope that the efforts of this Committee, under your leadership, will bring about a renewed focus and commitment on the part of the Mexican authorities and the international community to find a lasting solution to the long-suffering of the Chamula Indians.

ENDNOTES

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Letter to the Editor:

MUSLIMS NEED LIBERTY OF CONSCIENCE IN MUSLIM COUNTRIES

I appreciate your recent coverage of religious liberty issues in the United States and other countries. I hope the following comments help to shed some light on this discussion.

All too frequently we hear people in the West complaining about the lack of religious freedom for Christians and Jews in Muslim countries. However, how can we expect people of other religions to have religious freedom in Muslim countries, if even Muslims do not have it for themselves?

We must ask ourselves: if a person is forced to follow a certain religion, and no other, from birth -- if you never really chose your own religion -- if even in the event that you wanted to choose a different religion you are not allowed to, and, if you end up choosing a different religion anyway you lose your family, your job, and most likely even your life, do you really have freedom of religion? Do you even have freedom of conscience? Or if those concepts are somehow alien to the Muslim (ruling) mind, do you have the basic human rights to think for yourself and act accordingly? For that matter, are you a free citizen?

Muslim countries such as Saudi Arabia, Iran, and Sudan are known for their policies against religious freedom. Consider Saudi Arabia, for example. The U.S. State Department states flatly that "Freedom of religion does not exist. Islam is the official religion, and all Saudi citizens must be Muslims." (Country Reports on Human Rights Practices for 1994, issued in February 1995). This Report also mentions that conversion to a religion other than Islam in Saudi Arabia is considered apostasy under Shari'a (Islamic) law and is punishable by death. Most other Muslim countries have similar legislation, but even if they purport to defend religious liberty, in practice Islamic law takes precedence.

Thus, if a religion is imposed by law and economic, social, and family pressure, is it really a sincerely held belief? Can it really be considered a *religion*, something pertaining to the human soul, to the most intimate facet of a human being?

As an example of what happens when a Muslim decides to choose his religion, let us take the case of Mr. Hussein Qambar Ali. Mr. Qambar Ali, a Muslim citizen of Kuwait, recently decided to adopt the Christian religion. However, he found out that he did not really have the freedom to choose his own religion. His wife deserted him, forbidding their children to see him. His family kept him from the family business, while he was threatened and harassed, and his house broken into. The police would not even register his complaints. Though a civil court has upheld his right to visit his children (a controversial legal decision that is being challenged under Islamic law), he is under constant pressure and intimidation, and his very life is at risk.

I think it is time to challenge the authorities in Muslim countries to provide for liberty of conscience and religious freedom for all, and especially for Muslims themselves.

Pedro C. Moreno, Esq., International Coordinator, The Rutherford Institute.

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Abe Ghaffari

Executive Director

Iranian Christians International, Inc. (I.C.I.)

February 15, 1996

House Committee on International Relations

Subcommittee on International Operations

and Human Rights

Religious Liberty for Iranian Evangelical Christians

The persecution of Christian minorities in the Islamic Republic of Iran first gained attention from the public and some human rights organizations in the early 1990's. However, the killings of three Evangelical Protestant pastors in Iran during the first half of 1994 gained worldwide attention and brought more focus on the worsening plight of persecuted Christians, particularly that of Muslim converts to Christianity and other Evangelical Protestant Christians.

Brief History

The recent history of religious liberty for Christians in Iran can be divided into three periods: 1) the late 1970's and early 1980's, 2) the mid and late 1980's and 3) the 1990's.

Late 1970's and Early 1980's:

During and immediately following the Islamic Revolution in 1979, the Islamic government was preoccupied with political opposition, consolidation of its power, and the ongoing Iran-Iraq war, which resulted in relative freedom for and few incidences of persecution against Iranian Evangelical Christians. The publication and sale of Christian books were allowed. Churches evangelized Muslims with little opposition. Nevertheless, the Christian community, especially the Anglican church in Iran, suffered greatly. In February 1979, Rev. Arastoo Sayyah was martyred in the city of Shiraz. A short time later there was an attempt on the life of Bishop Dehqani-Tafti, followed by the confiscation of most of the Anglican church property. In May 1980 Bishop Dehqani's son was martyred in Tehran (a detailed account of which can be found in the book titled The Hard Awakening). In 1983 Rev. Mehdi Dibaj, a Muslim convert evangelist, was arrested and imprisoned on charges of apostasy.

Mid to Late 1980's:

During the mid and late 1980's, governmental interference with the Evangelical Christian Church increased and there was marked persecution of Muslim converts to Christianity. The authorities began demanding lists of Muslim converts from church pastors. There were attempts to limit and/or deny access to the church and evangelistic events for Muslims and Muslim converts. The Garden of Evangelism, a

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Christian training center, was declared off-limits to Muslims in 1988. Rev. Dibaj continued to be incarcerated without a trial and routinely tortured. Another Muslim convert, Manuchehr Afghani, disappeared in 1988. (The report of his murder was released in 1995.) The government curtailed publication of Christian materials and limited the supply of printing paper to Evangelical churches.

1990's:

Persecution drastically increased in the 1990's with seven notable occurrences:

- 1) The Iran Bible Society was closed in February 1990.
- 2) Rev. Hossein Soodmand, a Muslim convert pastor, was condemned to death by the Islamic court in the city of Mashad in December 1990 and the sentence was carried out shortly thereafter. The charges against him were conversion from Islam, evangelizing Muslims, and pastoring a Muslim convert church.
- 3) Rev. Dibaj was condemned to death by the Islamic court in the city of Sari in December 1993. The court verdict labeled his charges as apostasy from Islam.
- 4) Bishop Haik Hovsepian-Mehr led an international campaign which culminated in the release of Rev. Dibaj in January 1995. An Islamic government official denied that there was a death sentence against Dibaj even as copies of the court order for death sentence were being distributed worldwide. The official stated the death penalty was "too severe," however he did not say what would constitute just penalty for conversion from Islam in the Islamic Republic.
- 5) Bishop Hovsepian-Mehr disappeared in mid-January 1994 from Tehran. His body was found in late January buried in a Muslim cemetery under suspicious circumstances.
- 6) Rev. Tateos Michaelian, another Iranian Evangelical Christian pastor, and Rev. Dibaj disappeared in late June 1994 from Tehran. Their bodies were found in early July 1994.
- 7) In July 1994, Mr. Hassan Shahjamali, an Iranian Evangelical Christian from Idaho, was arrested at the Shiraz Airport on a trip to Iran to visit his family. He was detained, interrogated and intimidated for approximately two weeks. He was freed from prison and eventually allowed to leave Iran due to international pressure.

In January 1994 Bishop Hovsepian-Mehr released a list of human rights violations against members of his church that included the beating of Muslim converts, closing of Persian-speaking churches and arrest, detention, interrogation and torture of Christian pastors and Evangelical Christians, acts that only escalated during 1994 and 1995. Because of the church closings, the number of Persian speaking churches (Persian being the language of 99% of Iranian Muslims) was reduced from over twenty (20) in 1990 to three (3) in 1995.

The negative publicity following the court sentences of Rev. Soodmand and Rev. Dibaj in Iran led the authorities to abandon the use of such formal channels of persecution. As a result, Muslim converts to Christianity, other Evangelical Protestant Christians, pastors and church leaders continue to be arrested, imprisoned, and tortured, simply because of their religion. Some are kept under heavy surveillance, with their phones tapped and letters routinely opened, while others receive written and oral death threats. Some have also escaped assassination attempts. Others have lost their jobs or have been refused gainful employment, housing and education. Since Bishop Hovsepian-Mehr's death in January 1994, government agents are concentrating their persecution more on individuals who are Muslim converts and/or those who encourage Muslims to convert to Christianity. Ethnic Christians such as Armenians and Assyrians also continue to face officially sanctioned discrimination, particularly in the areas of employment, education, housing, the court system and public accommodations.

For example, last spring an Evangelical Christian pastor was arrested, interrogated and tortured for almost two months. In November 1995, in separate cities, a Muslim convert and an Evangelical pastor were arrested. No other information about their situation or any extra-judicial measures has been released.

Armenians have also been threatened with death if they do not convert to Islam. Muslim converts have sometimes been imprisoned for periods exceeding one year or have been put through mock execution. They are pressured to return to Islam and are warned not to evangelize Muslims. One Muslim convert received 70 lashes for wearing a Christian cross.

Because of the structure of the underground church, only the most severe incidents of persecution are reported to Iranian pastors and church leaders or the outside world, and some are reported months or years after the incidents occurred, often by refugees after they flee Iran. For example, the killing of Mr. Manuchehr Afghani, an Iranian Muslim convert to Christianity in Tehran in 1988, was not reported until 1995.

The fact that Iranians "disappear" for days, weeks, months or years also makes it more difficult to track persecution of Christian minorities in Iran. Amnesty International, in its May 1995 Iran: Official Secrecy Hides Continuing Repression, reports that "... detainees can spend up to 10 years behind bars before their relatives know where they are."

Consequences of Persecution of Christians in Iran

While some Iranian Christians have lost their lives, others have found no choice but to worship in small underground house churches. A small percentage (about 1% per year) find ways to flee Iran.

Persecution of Iranian Christians Fleeing to Foreign Countries:

The persecution of Evangelical Christians does not end, however, with their flight from Iran. The persecution continues in their country of first asylum as they await immigration to a country where they can freely practice their faith. In both Turkey and India Iranian Evangelical Christians are persecuted by Iranian Muslim fanatics. And, strangely enough, much of the refugee's persecution is related to the UNHCR (United Nations High Commission for Refugees) and U.S. INS (Immigration and Naturalization Service) procedures and the treatment refugees receive at the hands of these officials.

Persecution in Turkey:

Iranian Evangelical Christians who have fled to Turkey have faced persecution by their host government and fanatic Iranian Muslims. Converts have been threatened. The only two Iranian Christian churches in Ankara and Istanbul are now closed. The Ankara Iranian church disbanded after the Turkish police raided a worship meeting and arrested two Muslim converts for not having residence permits. Both Iranian Christians were deported to Iran in June 1994 where they reportedly were questioned at the border and received 110 lashes each. There are reports that one or both were executed in Iran.

The Iranian Church in Istanbul was pastored by an American citizen. He was informed by the U.S. Consulate of an Iranian plot to harm him and was advised to leave Turkey. He left in November, 1995. Yet another sign of the growing anti-Iranian Christian sentiment festering in Turkey, a leader in the Iranian mosque in Istanbul recently protested the existence of an Iranian Christian church in Istanbul.

Persecution in India:

In India Iranian Christians, particularly Muslim converts to Christianity, are also persecuted. Iranian Christians have been verbally insulted and threatened with death. Assassination attempts have been made on one Iranian Muslim convert's life. Another has had to remove his children from school because fanatics questioned school officials about his children. Others have had to move to unknown locations.

Persecution by the UNHCR and U.S. INS:**Turkey:**

In Turkey the UNHCR has denied upwards of a dozen Iranian Christian refugee family cases and has refused to reopen other cases even when new and pertinent information has been submitted. Because most refugees do not have form completion or interview skills, and adequate counsel and do not know how to present their cases, their cases are denied.

In July 1994, the U.S. INS adopted a policy requiring all refugee applicants be recognized as refugees by the UNHCR before being interviewed by the U.S. INS. Prior to that time, applicants were allowed to apply directly to the U.S. Consulate.

At the same time, the UNHCR turned over all of its refugee processing and decision making authority to the Turkish government. Therefore, as of July 1994 an Iranian Christian refugee in Turkey, who is often a Muslim convert, must be interviewed by the Turkish security police, who are most often fanatic Muslims. The resulting attitude and behavior of the Turkish police toward the Muslim converts or apostates is often hostile and abusive. The net effect of the above changes in procedure is that not a single Iranian Christian has immigrated to the U.S. from Turkey in the last 18 months.

India, Germany and Austria:

In India the U.S. INS requires that all refugee applicants be first recognized as UNHCR refugees before they can be interviewed. Most Iranian Christian refugee applicants to the UNHCR have been accepted after their first interview. Others have been accepted with the provision of additional information and a second interview. One applicant, however, has been denied even after a second interview and overwhelming documentation of his persecution in Iran because of his Christian faith.

Written and oral reports of persecution by Muslim fanatics have gone unheeded by UNHCR officials in India. The U.S. INS in New Delhi has also failed to accept as fact the persecution of Iranian Christians in India.

U.S. INS offices have been very slow to accept Iranian Christian refugees, even when they are already officially recognized by the UNHCR as refugees. In Frankfurt one Iranian Christian was not given an interview until eight months after his application was filed. Some refugees in New Delhi have still not been interviewed six months after submitting their applications. The second ranking U.S. INS officer in New Delhi has shown abusive behavior towards the refugees, making statements such as "don't waste my time with your story," as well as screaming and telling them they have no chance of being accepted into the U.S.

In Vienna, after ICI reviewed approximately 30 Armenian/Assyrian Iranian applications and appeals, we found that most were inadequately prepared by the Joint Voluntary Agency (JVA). It appears that the U.S. INS indiscriminately deny Iranian Christians having no standard by which to make a refugee determination. In some cases when a Motion to Reopen was filed, of which 90% of the supporting

material was new, pertinent information, the U.S. INS officer refused to reopen the case stating that "no new information was submitted." Yet U.S. INS policy states that a "refugee may file a Motion to Reopen his case if he presents new, and pertinent information." When the new and pertinent information was presented, the officer denied the case because "the applicant did not mention the above facts in his application nor were the facts mentioned in his initial interview or appeal which were prepared by the JVA ...these important facts now brought to our attention for the first time cannot be considered credible."

The report to Congress on Proposed Refugee Admissions for Fiscal Year 1996 (p. 20) states that the (U.S. INS) interview (with the refugee applicant) is "non-adversarial." This has not always been the case with U.S. INS offices in places such as New Delhi, Frankfurt or Vienna. An American immigration attorney in Washington D.C., Ms. Jan Pederson, states in a December 1995 letter regarding one refugee applicant, "I would forewarn you ...that some examiners in Frankfurt exhibited a hostility toward Islamic converts to Christianity."

As a case in point, our ICI staff documented a very strong case for one Muslim convert who requested a Motion to Reopen at the Frankfurt U.S. INS. His original application was prepared by a JVA. They offered to "produce" a baptism certificate from Iran if they were paid, because the applicant was baptized after leaving Iran. When the applicant declined, they told him not to discuss his conversion from Islam to Christianity or present his genuine baptism certificate at his U.S. INS interview. The interview only lasted a few minutes and the applicant was not given an opportunity to submit any supporting documents.

When the Motion to Reopen was prepared by ICI and filed by the applicant's attorney, it was denied because "he presented information in his Motion to Reopen, supporting documents and interview that was inconsistent with his initial interview."

There is also marked inconsistency between U.S. INS processing posts in decisions to accept or deny applicants. For example, an officer in Madrid accepted one particularly weak case while officers in Vienna and Frankfurt denied very strong cases.

In all fairness, U.S. INS has given due consideration to Iranian Christians applicants who have applied for asylum in the U.S. Ninety-five percent of the cases prepared by ICI have been accepted. However this is not the case with the U.S. INS officers placed in refugee processing posts outside the U.S.

The adversarial attitude of the U.S. INS officials and inconsistent refugee processing has led to refugees finding themselves between a rock and a hard place. They cannot go back to Iran, yet the governments of the countries in which they have found temporary residence threaten them with deportation and in some cases deport them back to Iran. Many of the refugees are also financially destitute and cannot survive unnecessarily drawn-out appeals.

Tangible Recommendations for Assisting Persecuted Iranian Evangelical Christians

The Subcommittee on International Operations and Human Rights of the House Committee on International Relations, must continue to pressure the Iranian government to discontinue its persecution, arrest, imprisonment, torture and killing of Iranian Christians; to re-open churches and the Iran Bible Society, and allow Muslim converts to attend church and pastors to preach in Persian; and to allow Iranian Christians to leave Iran. The Subcommittee must take the lead in applying international pressure.

In reality, change in Iran may not take place in the near future. But much can be done to help the fleeing Iranian Christians. They have clear needs which can and must be met.

- 1) Independently investigate the refugee processing procedures in Turkey, India, Austria and Germany.
- 2) For the purpose of refugee admissions, designate all persecuted Iranian Christians and Christian minorities in Muslim countries and enclaves as Priority One.
- 3) Bring about changes in the U.S. Department of State policies and U.S. INS procedures so that:
 - a) all U.S. INS officers at U.S. INS refugee processing posts receive the same training as U.S. INS asylum officers.
 - b) the same standards for acceptance are used by U.S. INS officers at refugee processing posts as are used by U.S. INS asylum officers.
 - c) an appeal process outside the U.S. INS refugee processing post is established for bonafide refugees; currently there is no recourse for appeal for bonafide cases which are denied.
 - d) personnel at the Voluntary Agencies and Joint Voluntary Agencies (NGO's) receive training in case preparation and presentation.
 - e) monitoring is established for the refugee application process (including decision making) of the Joint Voluntary Agencies, Voluntary Agencies (NGO's), U.S. INS refugee processing posts abroad, and the U.S. INS and U.S. Department of State offices dealing with refugees.
 - f) Iranian Christian refugees, and Christian refugees from other Muslim countries and Muslim enclaves are able to apply directly to the U.S. INS in those countries rather than going through the UNHCR, Voluntary or Joint Voluntary Agencies (NGO's).
 - g) US. INS officers and Personnel at the Voluntary Agencies and Joint Voluntary Agencies (NGO's) receive education about the persecution of Christians in Muslim countries and enclaves, and current reports in a timely manner; they are instructed to reflect the U.S. government's acknowledgement of the rise of Islamic Fundamentalism and the increasing application of dhimmi doctrine and apostasy laws in Muslim countries; they are instructed to recognize the serious problems of persecution that Muslim converts to Christianity, Evangelical Protestants and Christian activists face in Muslim countries and Muslim enclaves. While each case should continue to be determined on the basis of its own facts, the officers must be aware of the basic context which exists, and therefore the seriousness of claims of persecution made by these individuals.
 - h) U.S. INS refugee processing posts are established in all countries neighboring Muslim countries where Muslim converts and other Christian minorities are persecuted.
 - i) the U.S. INS and the U.S. DOS compile accurate reports of persecution of Christian minorities, particularly Muslim converts to Christianity, Evangelical Protestants and Christian activists in predominantly Muslim countries. The investigators should examine and document particular findings of the existence and degree of this persecution. Special

care must be exercised to insure that the investigators have adequate training in, and exposure to, Islamic dogma and practice as well as the cultural, social and political factors governing a given Muslim country. Likewise, U.S. DOS's annual Country Reports on Human Rights Practices and the U.S. INS country reports should explicitly include findings regarding persecution of Christians in Muslim countries and enclaves. They should also have a systematic and periodic review of these reports and quickly distribute up-to-date information regarding the status of Christian minorities, including Muslim converts to Christianity, in Muslim countries to all U.S. INS offices worldwide;

- 4) Apply international pressure to influence Iran and Turkey to stop returning one another's refugees and asylum seekers.
- 5) Pressure Turkey to discontinue raiding hotels, intimidating (including black mailing), arresting, detaining and deporting Iranian refugees.
- 6) Obtain assurances from the UNHCR in Turkey, and the Turkish government that the present refugee processing procedures for Iranians will change and they will guarantee the safety of Iranian refugees in Turkey.
- 7) Pressure the U.S. Congressional Committees, the Pentagon and the Clinton Administration to continue to freeze military aid and refuse further aid to Turkey and Iran and their assets until they cease returning one another's refugees and asylum seekers and improve their human rights records.
- 8) Call on foreign governments such as those in Sweden, Norway, Belgium, Germany, England, and the European Community members to condemn Iran and Turkey for returning one another's refugees and asylum seekers, and to refuse Turkey's admittance into the Community or any other dialogue until Iran and Turkey ceased returning one another's refugees and asylum seekers.
- 9) Request the United Nations to pass a resolution condemning Iran and Turkey for returning one another's refugees and asylum seekers.

A Concluding Proposal

We at ICI believe no more than 1% of the Iranian Evangelical Christians are able to flee Iran annually. This is due not only to the foreign travel restrictions in Iran, but also to the terrible price associated with abandoning one's homeland and the uncertainty and suffering that await them when they reach another country. If these problems are resolved, then the persecution of a much larger number of Evangelical Christians can be avoided.

If the Islamic Republic of Iran would provide a window of opportunity, say two years, for any Evangelical Christian to leave Iran without harm or retaliation against them or their family, we believe 50% of these Christians, or 10,000, would leave. However, for this to take place there must be new policies and procedures instated for direct processing of refugees (bypassing UNHCR and Joint Voluntary Agencies) by interested democratic governments in countries bordering Iran, such as Turkey. If there is such a guarantee of efficient and fair processing then the suffering of many Iranian Christians can be relieved.

Brief Background - Iranian Christians International, Inc.

Iranian Christians International, Inc. (ICI) is a non-profit charitable organization registered under the U.S. International Revenue Code 501(c)(3). It was established in 1980. One of its program-services is to assist Iranian/Afghan Christian refugees. ICI does this by providing documentation which supports their applications, finding sponsors in the U.S., Canada, Australia and some European countries, and assisting in their resettlement.

Although ICI is not registered UN observers for obvious security reasons, Iranian Christians International, Inc., has monitored the human rights situation of Christians in the Islamic Republic of Iran and other countries since 1980 and the human rights situation of Iranian Christians in Turkey for the past two years. (Please refer to the Human Rights Watch World Report 1993.)

During the past 15 years, ICI has assisted more than 450 Iranian Christian refugees/asylees, of whom most were Muslim converts from Islam to Christianity, (many of them converted after leaving Iran), by preparing documentation to support their refugee/asylum applications, appeals, and motions to re-open. ICI has also worked with more than one hundred attorneys in the U.S. and other countries. More than 95% of the cases for which ICI prepared documentation were accepted. Most of the 5% which were rejected had extenuating circumstances. ICI has also prepared documentation for Christian minorities from other Muslim countries, the majority being Muslim converts to Christianity, of whom all were accepted.

ICI provide reports of human rights violations of Christian minorities in the Islamic Republic of Iran and other Muslim countries to human rights organizations including, but not limited to: UNHCR, Geneva; U.N. Human Rights Center Branch Office in New York; Amnesty International, London; Human Rights Watch, New York; Christian Solidarity, Geneva; OMCT/SOS Torture, Geneva; U.S. Committee for Refugees, Washington, D.C.; The Coalition for the Defense of Human Rights in Islamic Countries, Illinois; International Red Cross, Geneva; Open Doors, Holland; Jubilee Campaign, London; Zwerner Institute of Muslim Studies, Pasadena, CA, USA; Lawyers Committee for Human Rights, New York, USA; and WEF Religious Liberty Commission, Illinois, USA.

UN Special Rapporteurs have quoted ICI's documentation in their reports. Mr. Bacre Waly Ndiaye, Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions used ICI's special report to him in his report which was presented at the February/March 1995 Commission at its fifty-first session.

Ms. Martha Percival, Associate Information Officer, Center for Documentation on Refugees, UNHCR, Geneva, Switzerland, provides ICI's documentation to people who request information on the conditions of Christian minorities in Iran and some other Muslim countries, as well as referring them to us.

ICI also provide reports of human rights violations of Christian minorities in the Islamic Republic of Iran and other Muslim countries to the U.S. Department of State, the U.S. Immigration and Naturalization Service Resource Information Center, and to a number of U.S. Congressional Committees and individual congressmen who are human rights activists. ICI also provide reports to governments of other countries such as Australia, Austria, Canada, Denmark, England, Germany, Norway and Sweden. ICI has also provided its documentation to the UNHCR branch offices in a number of countries over the past 15 years.

ICI's contact persons are: Mr. Abe Ghaffari, Executive Director or Ms. Marie Ghaffari, Associate Director, Iranian Christians International, Inc., P.O. Box 25607, Colorado Springs, CO 80936; Phone: (719) 596-0010; Fax: (719) 574-1141.

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STATEMENT

**Richard D. Land, President-Treasurer
Christian Life Commission of the Southern Baptist Convention
February 15, 1996
House Committee on International Relations
Subcommittee on International Operations and Human Rights**

I want to begin by expressing my appreciation to Congressman Chris Smith for his unflagging devotion to keeping the issue of human rights abuses alive when so many in our society have seemed intent on remaining unaware or even willfully ignorant of the extent to which basic human rights have been denied around the world, specifically often in the form of religious persecution of Christians. All of us owe a great debt of gratitude to all of those in our society who have struggled valiantly to keep the flickering flame of concern for victims of religious persecution alive in our midst.

The persecution of Christians in various parts of the world has not been a high profile item on America's agenda. There are several possible reasons for this oversight. First, too often people in the West, peering through the selective prism of Christian history in the West reflexively think of Christians as persecutors, rather than the persecuted. Second, an increasingly secularized West and its leadership elites tend to be indifferent, and often uncomprehending, of a spiritual world view which endures persecution and death for the sake of "belief." Third, the silence of the various Christian communities in the West, which could influence this situation in a significant way, has also contributed to the tragic silence and neglect of this issue.

I am both delighted and grateful to say that this tragic neglect is ending with startling rapidity. The conference on "Global Persecution of Christians" sponsored by the Puebla Program on Religious Freedom, and held on January 23, 1996 here in Washington, was a long needed "wake-up" call for many in the American faith community. Many of us had our eyes opened in a new and life-changing way to both the savagery and the extent of the persecution of fellow Christian believers in various parts of the world, most significantly in Islamic countries such as the Sudan, Saudi Arabia and Communist regimes such as Cuba, China and Vietnam.

There was virtual unanimity of support from the conference participants for the "Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution" (attached to statement). The NAE, which represents tens of millions of evangelical Christians in America, has produced a statement of conscience which

outlines the facts of such persecution, states the principles of opposition against such persecution, and issues a call for actions which would directly address such persecution.

I want to compliment Stephen Rosenfeld of the Washington Post ("Human Rights for Christians Too," Washington Post, Feb. 9, 1996) for lending his influential forum and powerful voice to this issue. Mr. Rosenfeld is absolutely right when he writes that "Politically as citizens and objectively in terms of the pain of foreign brothers, the Christian community has right and reason to be heard. The effort will save lives. It will also complicate the conduct of foreign policy...."

On the same day that Mr. Rosenfeld's eloquent analysis was printed in the Washington Post, the Executive Council of the General Convention of the Episcopal Church joined the group chorus of resolve on this issue by expressing "its support in principle of the Statement of Conscience concerning worldwide religious persecution in support of religious liberty as authored by the National Association of Evangelicals." (See attached statement.)

The 15.6 million member Southern Baptist Convention, reflecting a growing concern on this issue, had already passed overwhelmingly a resolution "On Religious Liberty and World Evangelization" at its Convention in Atlanta in June, 1995. The resolution expresses "support for all peoples suffering denial of religious liberty, but especially for those who are of the household of faith, and even more particularly for those who share Baptist convictions and commitments." The resolution further calls upon my agency as well as others to seek ways to represent even more effectively the concerns of this Convention to various government, diplomatic, and religious leaders at home and abroad...." (See attached resolution.) This testimony is at least partly an attempt to respond to that challenge issued by the Southern Baptist Convention.

In addition, Pope John Paul II has spoken out yet again recently against the persecution of Christians in his address to the Vatican diplomatic corps on January 13, 1996. In that speech, the Pope raised the issue of religious persecution in some Islamic countries as well as China and Vietnam, as places where persecution of Christians is presently being perpetrated. He decried such abuses as "an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living."

When Episcopalians, Evangelicals, Southern Baptists and Roman Catholics are all voicing grave concerns over the persecution of Christians in other countries, "critical mass" has been reached. I believe we are witnessing the mere beginnings of a broad-based movement which will insist with increasing intensity that the government of the United States of

America take serious and important steps to use its influence to insist that the offending foreign governments stop these atrocities.

Let me be clear that we are not insisting that the U. S. Government seek to hold the entire world to the pristine standard of the U. S. Constitution's First Amendment's religious liberty rights and guarantees, as desirable and as beneficial to humankind as we believe that would be. We are insisting that basic human rights be recognized. These persecutions of Christians are clear and unacceptable violations of the United Nations' 1948 Universal Declaration of Human Rights (cf. particularly, but not exclusively, Articles 2 and 18). The international family of nations has agreed that all human beings have the inherent "right to freedom of thought, conscience and religion."

The persecutions are real, and they are widespread. As our Southern Baptist Convention resolution notes, countries as diverse and far-flung as Bulgaria, Russia, Mexico, Saudi Arabia, Pakistan, Iran, Sudan, Yemen, Cuba, Romania, India and China have well-documented and systemic patterns of persecuting Christians.

A focused campaign against these persecutions supported by a committed domestic constituency (such as sensitized and informed American Christians) can and we believe will, have tremendous and far-reaching results. The inspiring paradigm of the plight of Soviet Jewry and the tremendous impact that the American Jewish community was able to achieve by galvanizing the will and determination of the American people is the best argument both for the ability to make a life-changing difference and for the fact that the efforts achieved can be far-reaching.

The American campaign on behalf of Soviet Jews helped to seal the fate of Soviet repression in its far flung empire. We believe a campaign to use American governmental influence to stop the persecution of Christians may well have similarly dramatic results. Evangelicals and Catholics are being persecuted in many of these countries by those who are seeking to hold back the 21st century by using the repressive methods which have made the 20th century's history the bloodiest in terms of human beings slaughtered. Christians are threats to the anti-democratic forces which oppose modernity and if the Western secular elites do not understand this, make no mistake, the Chinese, Vietnamese and Cuban commissars and the Islamic ayatollahs do.

Further, if the U. S. government makes the price for persecuting Christians (usually the most vulnerable people in these societies) unacceptable, it strengthens the moderate Islamic elements in these societies in their attempts to resist the thuggery and persecution perpetrated by Islamic radicals in their midst.

Clearly, the United States government has been woefully negligent in dealing with the issue of the persecution of Christians around the world.

This issue has not occupied a significant plane in American foreign policy. It has not even been on the State Department's radar screen. That must change.

There are several steps the Clinton administration can and should take to rectify this situation. First, the President should deliver a strong, hard-hitting major policy address making it clear that governments seeking to be on favorable and friendly terms with the United States must not persecute Christian minorities. Second, the President should appoint a high-level "Special Advisor to the President for Religious Liberty" who would have broad-based authority to investigate, monitor, and report to the President the persecutions which occur and what the various agencies of the U. S. government such as the State Department and the Justice Department are, or are not, doing about it. Such an advisor should be someone who has the full confidence of, and rapport with, the American religious community.

In addition, we would fully commend to your committee and the Congress, as well as to the President, the entirety of the "Call to Action" on pp. 3-5 of the National Association of Evangelicals' Statement of Conscience. I would urge the Congress to take a hard look at the NAE's call to action and to see what parts (such as immigration service indifference, special trade status, foreign aid, state department reporting on religious persecution, etc.) could be embodied in legislation.

There are some examples of the State Department's woeful and callous indifference to the plight of persecuted Christians which I believe need to be mentioned specifically. They are illustrative and not exhaustive, in terms of the State Department's failures.

1. The current U. S. ambassador to China, Jim Sasser, at a meeting with NGO's in Washington, D.C., on January 24, 1996 indicated that he was not aware of the Protestant Evangelical house-church movement in China--perhaps the largest evangelical movement in the world--much less of the torture and imprisonment of its members. It is right and helpful for the ambassador to be briefed on the persecution of Buddhists in Tibet and the massive violations of women's rights in the People's Republic of China, but it is unforgivable that in the many months of briefings given him by the State Department that they did not brief him on the persecutions of a movement that may number 80 million people in China. We believe Ambassador Sasser should be recalled until such time as he can be fully briefed on the extent of the persecution of Christians in China. Also there should be an investigation as to who was responsible for the

Ambassador's background preparation and why they could be so shockingly insensitive to the persecution of millions of people.

2. The Vietnamese government continues to this present moment to persecute Christians. And yet, when our government was negotiating with Vietnam over our government's recognition of that country, this issue was not even "on the table." In fact, at the very moment the U. S. granted much-coveted full diplomatic recognition to Vietnam, that country embarked on a campaign to intimidate and suppress Christian worship. Further, during the first week in February of this year, three American young people were arrested and detained in Ho Chi Minh City, Vietnam. Chris Ann Riordan (Arizona), Mary Ann Koch (Colorado), and Leo Tomko (Michigan) were traveling in Vietnam as part of a larger group connected with Youth With a Mission when they were arrested for meeting with a group of eight Vietnamese young people from a Christian church. The Vietnamese government has confiscated these American citizens' passports and placed them under house arrest in a hotel. A full-fledged investigation should be launched as to why the State Department did not make the cessation of religious persecution a prerequisite for recognition and also into the case of these three American young people.
3. The U. S. Attorney General should issue immediately a Bulletin to INS hearing officers acknowledging mounting anti-Christian persecution in many parts of the world and direct such officers to process the claims of escapees from such persecutions with priority and diligence. What amounts to an anti-Christian bias in U. S. government circles in this area prevents Christians from escaping torture by fleeing to the United States. An Ethiopian pastor arrested and tortured 25 times was told by his lawyer that he had little chance of gaining asylum in the U. S. because Christian claims of persecution were not taken seriously.
4. The head of the U. S. Delegation to the Human Rights Commission of the United Nations should give a major address at the Commission's annual meeting in March on Christian persecution and other examples of religious

intolerance under the agenda item "Religious Intolerance." The U. S. head of delegation has failed to address religious intolerance at the Commission for the past two years of her tenure.

5. There should be a full investigation and report to determine who at the State Department was responsible for advising participants not to carry Bibles or religious literature with them to the U. N. Fourth World Conference for Women in Beijing last fall. It was widely reported in the press that Georgia A. Rogers, the State Department's director of consular affairs advised conference attendees "You may be thinking of taking a lot of Bibles. That is not a good idea. They don't like that." It is shameful that the U. S. capitulated to China's demand that participants limit their own religious freedoms. This should never occur again at any future international conference--especially one on human rights--that the U. S. helps fund and attends. The U. S. should have insisted that another forum site be found if China could not tolerate the religious rights of the UN participants.
6. There should be a full report and investigation into reports that the U. S. Consulate in Jeddah has bowed to Saudi government demands to end Christian worship services for U. S. personnel and their dependents on Consulate grounds. It had long been the practice that such services were held and they ceased sometime after March, 1994. Here we seem to have a case of American citizens' First Amendment rights being abrogated on American property in acquiescence to the demands of a repressive Saudi regime.

Traditionally, the role of our embassies in foreign lands has been not only to represent the American government, but to symbolize American values. It seems that at least in regard to persecution of Christians, often the State Department has been in the posture of abject surrender to the most repressive of regimes which have denied fundamental American values of freedom from religious persecution.

The question of whether to grant Most Favored Nation trade privileges for Vietnam will be certain to come up later this year for the first time and Most Favored Nation status for China will be up for renewal in May. We urge the U. S. government to take a hard look at U. S. policy with regard to these and other nations in the context of these countries'

persecution of Christians. Also of extreme relevance in this regard will be China's efforts to gain entry into the World Trade Organization.

We are told that the 21st century will be the "Pacific Century." What kind of century will it be? America has great power and influence. Such power contains responsibilities as well as privilege. We must do all we can to influence the Asian powers of the future to recognize the basic human rights of their citizens, including Christians.

Experience tells us that governments, like children, often do not what you expect, but what you are prepared to inspect. We expect our government to insist that nations who want to be in good relation with us cease and desist from persecuting Christians. We will be inspecting whether they do so. A foreign policy that denies our basic values and seeks only to meet the requirements of commerce and business is, and will always remain, totally unacceptable.

STATEMENT OF CONSCIENCE
OF THE
NATIONAL ASSOCIATION OF EVANGELICALS
CONCERNING
WORLDWIDE RELIGIOUS PERSECUTION

January 23, 1996

FOREWORD

This Statement of Conscience of the National Association of Evangelicals reflects our deep concern for the religious freedom of fellow believers, as well as people of every faith. We invite others to join us to work tirelessly to bring about action by our government to curb worldwide religious persecution.

FACTS

The persecution of religious believers has become an increasingly tragic fact in today's world. In many countries, moreover, Evangelical Protestants and Catholics have become special targets of reigns of terror initiated by authorities who feel threatened by Christian faith and worship. Such authorities, often motivated by anti-Western, anti-democratic ideologies, also persecute Christians as a means of threatening the freedom of all persons subject to their authority.

Incidents of religious persecution are legion:

- In many Islamic countries, where militant and xenophobic Islamist movements seek to capture the soul of a historically tolerant Islamic faith, and where the demonization of Christians also serves to intimidate Muslims seeking freedom from repressive regimes.
- In China, Cuba, Laos, North Korea and Vietnam, where remnant Communist regimes feel threatened by persons whose Christian faith places them under an authority transcending governments, and where the persecution of Christians also serves to intimidate non-Christian dissenters.
- In other parts of the world, where persons of evil intent rightly understand that the survival of churches undermines their aims, because these churches affirm the human dignity of all persons created in God's image and acknowledge their ultimate accountability to a transcendent God.
- In countries and regions where the demonization of powerless Christian scapegoats often serves to vent, foment, and popularize hatred of the West and the United States.
- Imprisonment and torture of persons for simply attending Christian worship services or Bible studies.
- Establishment of government-controlled "religious associations" and criminal prosecution and torture of members of "unlicensed" Christian churches.
- Refusal to permit Vatican appointments of Catholic bishops and refusal to allow nonapproved bishops to appoint local priests.

- Encouragement and appeasement of unpunished mob violence against Christians conducting burial and other religious services.
- Encouragement and appeasement of unpunished looting and burning of businesses and homes of practicing Christians.
- Church burnings and systematic official refusals to allow the building of new churches or church repairs.
- Encouragement and appeasement of systematic beatings of children who attend Christian schools.
- Literal sale into slavery of Christian children abducted by government forces.
- Refusal to distribute food to Christians in famine-stricken areas unless they agree to renounce their faith.
- Wide dissemination, often with government support, of scurrilously hateful, deliberately provocative, anti-Christian tapes, books and tracts.
- Imprisonment of Christians for the mere possession of Bibles.
- Prosecution, torture and even murder of practicing Christians under infamous and broadly construed "blasphemy" laws.
- Prosecution, torture and even murder of Christian converts and the children and grandchildren of such converts, under equally infamous and broadly construed "apostasy" laws.

PRINCIPLES

If people are to fulfill the obligations of conscience, history teaches the urgent need to foster respect and protection for the right of all persons to practice their faith.

If people are to fulfill the obligations of conscience, history cries out for an end to today's wrongful silence, by Christians as well as others, in the face of mounting persecution of Christian believers.

If governments are to be worthy of the name, or responsive to their national interests and the interest of their people, lessons of history mandate uncompromising hostility to religious persecution.

If, though it is true, the United States government cannot end all evil throughout the world, it can nonetheless adopt policies that would limit religious persecution and ensure greater fulfillment of inalienable and internationally recognized rights to freedom of religious

belief and practice.

CALL TO ACTION

It is lamentable that persecution of religious believers is pervasive around the world.

We are dismayed that the United States government has been indifferent to its obligation to speak out against reigns of terror now being plotted and waged against Christians. At the same time, we confess our own culpability in failing to do all within our power to alleviate the suffering of those persecuted for their religious beliefs.

We know that the United States government has within its power and discretion the capacity to adopt policies that would be dramatically effective in curbing such reigns of terror and protecting the rights of all religious dissidents.

As a matter of conscience, therefore, we respectfully call for the following actions to be taken by the government of the United States:

I. Public acknowledgment of today's widespread and mounting anti-Christian persecution and the adoption of policies condemning religious persecution whether it results from official policy or from unchecked terrorist activity.

To that end, we respectfully recommend that the following steps be taken:

- A major policy address by the President initiating a new *public* diplomacy commitment to openly condemn anti-Christian persecution wherever it occurs and further announcing a lesser reliance on today's private diplomacy and case-by-case appeals to curb such persecution.
- Issuance of instructions to all Ambassadors or surrogates to meet regularly with willing church leaders and dissidents in countries where religious persecution occurs.
- Appointment of a knowledgeable, experienced, and compassionate Special Advisor to the President for Religious Liberty charged with preparing a report indicating needed changes in policies dealing with religious persecution, and recommending remedial action.
- Issuance of instructions to the United States delegate to the United Nations Commission on Human Rights to regularly and forcefully raise the issue of anti-Christian and other religious persecution at all appropriate Commission sessions.
- Issuance of instructions to consular officials acknowledging the mounting evidence of religious persecution and instructing them to provide diligent

assistance when the victims of religious persecution seek refugee status.

- Issuance of instructions to senior officials engaged in trade or other international negotiations, when dealing with officials of countries that engage in religious persecution, to vigorously object to such religious persecution and to link negotiations with the need for constructive change.

II. Issuance by the State Department's Human Rights Bureau and related government agencies of more carefully researched, more fully documented and less politically edited reports of the facts and circumstances of anti-Christian and other religious persecution.

To that end, we respectfully recommend that the following steps be taken:

- Issuance of instructions to human rights officers to distinguish between the treatment of different Christian groups within countries and no longer to assume that all such groups are similarly dealt with.
- Issuance of instructions that Human Rights Bureau annual reports are to make explicit findings of whether anti-Christian or other religious persecutions occur, thereby eliminating from such reports any "option of silence" regarding such persecutions.
- Clarifying and upgrading the role of embassy human rights officers in countries where anti-Christian or other religious persecution is ongoing and pervasive, and ensuring that such officers carefully monitor religious liberty violations on an ongoing and prioritized basis.

III. Cessation of the indifferent and occasionally hostile manner in which the Immigration and Naturalization Service often treats the petitions of escapees from anti-Christian persecution.

To that end, we respectfully recommend that the following steps be taken:

- Issuance of an Attorney General's Bulletin to INS hearing officers acknowledging mounting anti-Christian persecutions in many parts of the world, and directing such officers to process the claims of escapees from such persecution with priority and diligence.
- Issuance of instructions by the Attorney General directing preparation of annual INS reports describing its processing of religious refugee and asylum claims:
- Issuance of regulations requiring written opinions from INS hearing officers clearly stating the grounds for any denial of religious refugee and asylum claims.

- Establishment of INS listening posts in countries to which refugees from anti-Christian persecution frequently flee.
- Cessation of INS delegation of refugee processing functions to foreign and United Nations agencies.

IV. Termination of foreign assistance to countries that fail to take vigorous action to end anti-Christian or other religious persecution, with resumption of assistance to be permitted only after a written finding is made by the President that the countries have taken all reasonable steps to end such persecution, and arrangements are made to ensure that religious persecution is not resumed.

CONCLUSION

Religious liberty is not a privilege to be granted or denied by an all-powerful State, but a God-given human right. Indeed, religious liberty is the bedrock principle that animates our republic and defines us as a people. We must share our love of religious liberty with other peoples, who in the eyes of God are our neighbors. Hence, it is our responsibility, and that of the government that represents us, to do everything we can to secure the blessings of religious liberty to all those suffering from religious persecution.

We appeal not only to our own government, but to the governments of every nation that would be free, to treasure religious freedom. A people cannot be truly free where the elemental justice of religious freedom is abridged or denied. If justice is to "roll on like a river," religious persecution around the world must cease.

Therefore, before God, and because we *are* our brother's keeper, we solemnly pledge:

To end our own silence in the face of the suffering of all those persecuted for their religious faith.

To do what is within our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths.

TO: The Executive Council
FROM: The Standing Committee on Program
DATE: February 9, 1996
SUBJECT: STATEMENT OF CONSCIENCE

Resolved, That the Executive Council of the General Convention of the Episcopal Church expresses its support in principle of the Statement of Conscience concerning worldwide religious persecution in support of religious liberty as authored by the National Association of Evangelicals; and be it further

Resolved, That certified copies of the resolution be forwarded to the NAE, NCCC, Anglican Observer to the United Nations, President of the United States and Episcopal members of Congress.

EXPLANATION

The Executive Council has been asked to join its voice with Evangelical and Catholic organizations in support of the cause of persecuted Christians around the world. The statement is similar in content tone and intent to the Human Rights and Religious Liberty Statement adopted by the National Council of the Churches of Christ at its governing board meeting in November 1995.

The statement calls on the U.S. Government to use its influence abroad. Specifically, the statement calls for:

- a) a policy statement by President Clinton;
- b) the appointment of a special advisor to the President on religious liberty;
- c) improvements in State Department research and documentation of religious liberty violations;
- d) change in the Immigration and Naturalization Services classification to recognize religious asylum;
- e) termination of foreign aid to countries that allow religious persecution.

RESOLUTION NO. 2.

ON RELIGIOUS LIBERTY AND WORLD EVANGELIZATION

WHEREAS, The Lord Jesus Christ has commanded His church to go into all of the world and preach the gospel, and to make disciples of all peoples; and

WHEREAS, The early disciples were obedient to this command through the enabling encouragement of the Holy Spirit; and

WHEREAS, The first church was threatened when they were obedient to the Lord Jesus Christ, and the religious and political leaders of their time sought to deny them this essential expression of their faith in Christ; and

WHEREAS, The freedom to evangelize was the first liberty which was attempted to be denied the church in Acts; and

WHEREAS, When arrested, persecuted and charged as criminals for being faithful to Christ, the church banded together to pray for liberty, to encourage and support one another; and

WHEREAS, Holy Scripture encourages the church to pray for those in authority, to take up the self-denying cross of Jesus Christ, and to remember those who are in prison as if in prison with them; and

WHEREAS, The Southern Baptist Convention, its Foreign Mission Board and national Baptist unions are bearing witness to the gospel in restrictive and politically troubled areas of the world; and

WHEREAS, There are increasing opportunities for evangelism in unreached areas of the globe but areas where religion liberty is not guaranteed; and

WHEREAS, There are occurrences of the oppression, arrest, persecution and harassment of Christians and Baptists in nations where the presence of a state church or state religion has sought to limit religious freedoms; and

WHEREAS, Notable occurrences of oppression have occurred in Bulgaria, Russia, Mexico, Saudi Arabia, Pakistan, Iran, Sudan, Yemen, Cuba, Romania, India, China and other nations; and

WHEREAS, Most nations are members of the United Nations and are signatories of its charter guaranteeing religious liberty, as well as many nations being endorser of other international protocols for liberty such as the Helsinki Accord in Human Rights; and

WHEREAS, Some of these nations have active Baptist churches within their territories and whereas God desires all people living in these nations to know His love and to be reconciled to Himself through His gracious offer of salvation.

Therefore, be it RESOLVED, by the messengers to the Southern Baptist Convention meeting in Atlanta, Georgia, June 20-22, 1995, that the Southern Baptist Convention express its support for all peoples suffering denial of religious liberty, but especially for those who are of the household of faith, and even more particularly for those who share Baptist convictions and commitments; and

Be it further RESOLVED that the messengers reaffirm their Baptist heritage in supporting the right of freedom of conscience in religious concerns and the right to convert or change one's religion not due to coercion but due to attraction of conscience and conviction; and

Be it further RESOLVED, that the Southern Baptist Convention call upon its members to pray for those persecuted for their faith, to support them by alerting governments, political leaders and others in charge over us in the realm of secular governments of the concerns of the people of faith when such rights are denied; and

Be it finally RESOLVED, that the Christian Life Commission in concert with the Foreign Mission Board, Interfaith Witness Department of the Home Mission Board, and the Baptist World Alliance, be encouraged to continue to investigate such abuses and their causes as well as to inform our people and churches of such abuses and concerns, as well as to seek ways to represent even more effectively the concerns of this Convention to various government, diplomatic, and religious leaders at home and abroad to the greater end that the gospel may have freer course at home and abroad and that the people of the earth may know the goodness and love of God through the saving and atoning life and death and glorious resurrection of the Lord Jesus Christ.

Resolution adopted by the Southern Baptist Convention, Meeting in Atlanta, GA, June 20-22, 1995. Printed in Southern Baptist Convention 1995 Annual, pp. 89-90.

Amnesty International Testimony

RELIGIOUS INTOLERANCE

**Before the House Committee on International Relations
Subcommittee on International Organizations and Human
Rights**



Presented by
Morton E. Winston
Chair, Board of Directors,
Amnesty International USA

February 15, 1996

Introduction

Amnesty International USA welcomes the opportunity to submit testimony on specific instances of intolerance and persecution on grounds of religion or belief in recent years where these issues fall within the mandate of the organization.

In a number of countries, Amnesty International has worked for the release of persons who have been imprisoned because of the peaceful exercise of their religious beliefs in accordance with Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights.

The provisions in these instruments have been further elaborated in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious Belief which was proclaimed by the UN General Assembly on November 25, 1981. In spite of all these efforts, however, Amnesty International documentation attests to the fact that religious intolerance continues against peoples of faith in countries around the world.

Religious Intolerance

The causes for religious intolerance are complex and very often have a political dimension. It is, therefore, not always possible to make a sharp distinction between intolerance based strictly on religious grounds and intolerance based on political grounds as the following testimony will indicate.

Governments seek to curtail or ban the practice of religious groups for a variety of reasons. Some countries seek to reduce the influence of one or more religious groups because of their perceived links with opposition groups or with separatist movements. Other governments suppress religious communities because they disapprove of their connections with branches or headquarters abroad. A third category of governments have clamped down on religious freedom following a reform of the national legal system in accordance with their own religious convictions.

State control of religious activity may take different forms. A few countries allow only the practice of a single state-recognized religion. A larger group of countries has followed a policy of giving official recognition to only a limited number of religions and of putting their institutions under close supervision. This supervision may entail various restrictions on religious activities.

Officially prohibited activities may include preaching and evangelizing, teaching religion to children, distributing or copying religious materials, and attending religious services. People have been imprisoned for converting from one religion to another, and for displaying religious symbols such as verses or crucifixes.

Sanctions inflicted on religious believers for the infringement of these prohibitions range from various forms of harassment, to imprisonment, torture and even to the imposition of the death penalty. In some instances, religious believers have been subjected to confinement in labor camps for decades for exercising their right to freedom of religion.

The following testimony does not constitute an exhaustive survey of instances of religious intolerance under Amnesty International's mandate. Rather it is intended to illustrate Amnesty International's concerns in this area, and to lay out steps that governments can take to end the human rights violations that accompany systematic religious intolerance. At the request of the Subcommittee, the testimony focuses primarily on the persecution of Christians.

AFRICA

Africa continues to suffer from several violent conflicts that have caused massive displacement, loss of life and costly refugee flows. As with the so called "ethnically based" tragedies that occurred in Rwanda, Liberia, Sierra Leone and Burundi between 1993 and the present, violence and human rights violations have often been unleashed by groups wishing to retain their hold on power. However, the use of religion as the pivotal issue was nowhere as pervasive as the factor of ethnicity.

Last year did not see a repeat of the unprecedented loss of life that marked 1994, where in Central Africa alone more than 1 million people were killed as a result of violence in Rwanda and Burundi. However, little has been done to defuse tensions in several African countries where human rights violations caused by religious beliefs have occurred. Those countries remain at risk and in need of monitoring.

Sudan

Sudan remains the principal African country that has experienced the flagrant manipulation of religious issues, and has deliberately fostered a climate of intolerance where widespread human rights violations based on religious affiliation have been perpetrated.

The country has been mired in a civil war between the government in Khartoum and the armed opposition Sudan People's Liberation Army (SPLA) since 1983 when the government sought to impose its interpretation of the Shari'a, the Islamic law, on the whole country. The current military government, led by President Omar al-Bashir--backed primarily by the National Islamic Front--and the main armed opposition factions, the Sudan People's Liberation Army (SPLA) led by John Garang de Mabior, and the South Sudan Independence Army (SSIA) led by Dr Riek Machar Teny-Dhurgon, are responsible of committing human rights abuses.

Upon independence Sudan was, for all practical purposes, two countries: a Northern region, predominantly Arab, Muslim, well-educated and in control of the government apparatus, and a much poorer South with an African population divided into Christians and worshipers of traditional religions. In September 1983 the Khartoum government tried to consolidate its power and "arabize" the country through the enforcement of a radical version of the Shari'a law. In the North this included the imposition of severe restrictions on the rights of women, a dress code, the prohibition to women of travel unless accompanied by males, and a steady retrenchment on educational opportunities for women. In the South, this has resulted in a scorched-earth, campaign-style war that has created millions of refugees and taken the lives of thousands of innocent Sudanese.

The government has sought to suppress all forms of independent political activity, and to destroy the institutions of an independent civil society throughout the country. After legal changes in mid-1993, the media are technically no longer the monopoly of the state but they remain entirely controlled by government loyalists. The judiciary, the prison system, the police force and the army have been purged of anyone suspected of opposition to the official state ideology. In May 1993 the government even expropriated the holy centers of the three main Sudanese traditional Islamic groups: the Ansar, the Khatmiya and the Ansar Sunna.

As a standard practice, the Khartoum government detains and tortures suspected opponents in so-called "ghost houses," the security forces' secret detention centers. Targets have been non-Muslim and moderate Muslim critics of official policies, and of the radical Islamic agenda. Political activity remains forbidden; any form of opposition leads to detention without charge or trial, and often to torture. Hundreds of people convicted for criminal offenses have been flogged. An unknown number has suffered judicial amputations of hands and feet since the authorities

introduced a Shari'a based Penal Code that allows cruel, inhuman and degrading punishment such as flogging and amputation. The military government has sought to deflect human rights criticism by accusing its opponents of being motivated by a desire to oppose or insult Islam.

Massive human rights violations have also been committed by the various SPLA factions, claiming to be building a "New Sudan" against the Khartoum government and each other. There has been a lack of accountability and a complete disregard for humanitarian principles in the conduct of war. Prominent internal dissidents have been detained and some have been killed. Ethnic violence against civilians has been mirrored by killings within the ranks of each warring faction. Captured government soldiers of rival factions are usually extrajudicially executed on the battlefield or after interrogation and torture. Male villagers caught during an offensive are forced into becoming porters and are killed after being deemed no longer useful.

In January 1992 an intensive campaign against the SPLA was unleashed by the Sudanese government. This included aerial bombardment of civilian villages and refugee camps; and burning down of villages and crops resulting in large-scale death, famine and environmental destruction and other war crimes committed by the army and the "People's Defense Forces," the government's militia. In Western Sudan the campaign involved ethnic cleansing, torture and mass killings. Whole communities have been forced to resettle away from their traditional homelands.

Recommendation: The tragedy of Sudan should not be allowed to continue. The Sudanese authorities and the SPLA factions must end human rights violations. The International Community and the United States have a critical role to play and must if Sudan is ever to know peace. Amnesty International calls for the creation by an appropriate intergovernmental organization of a team of international civilian human rights monitors to work with the authorities and the Sudanese public in all parts of Sudan to build respect for human rights.

Amnesty International also calls on the Sudanese government and each faction of the SPLA to demonstrate their commitment to human rights by inviting and extending full cooperation to a monitoring team to be established in the areas under the control of the belligerent parties.

Nigeria

In Nigeria the human rights situation continues to deteriorate under the regime of General Sani Abacha. Religious tensions between the Northern Muslim-dominated part of the country and members of the Christian minority in the North have ignited several riots and attacks on Christians, resulting in scores of deaths and hundreds of injuries. The most notable incident occurred in 1992 in the Zango-Kataf area. The imposition of martial law in the region resulted in widespread arrests and the use of military tribunals. These institutions, which fail to meet international standards of due process, came back to haunt the country in 1995 when they were used to sentence and hang members of the Ogoni ethnic minority in the Southern Delta region.

Recommendation: The tensions between members of different religious groups can only be mediated and defused if the rule of law is reinstated and the Nigerian people are confident of receiving justice.

Amnesty International urges the Nigerian government to repeal the military decrees that restrict the judicial system from performing its duties, in particular, Decree Nos. 12, 1994, the Government (Supremacy and Enforcement of Powers) Decree.

ASIA-PACIFIC

Persecution against religious minorities is common in various Asian countries. Since Christians are minorities in many countries they, too, face persecution. But Christians are not singled out from other minority religions for persecution. Laws that were originally passed to target other religious minorities were later used to persecute Christians. In Pakistan, for example, Blasphemy Laws were passed to target Ahmadis and later used against Christians. Communist countries like China, Vietnam and North Korea target all religions, except state-sanctioned churches. We have very little information about Vietnam and North Korea.

Persecution of Christians in China

In 1994 in China new regulations and official directives were implemented at the national and local level that might result in the restriction of the religious freedoms of Chinese citizens. Although the past decade has witnessed a substantial religious revival in China, many members of religious groups—other than those officially recognized by the government the Catholic Patriotic Association (CPA), and the Three-Self Patriotic Association—have experienced harassment, persecution and arbitrary arrest in recent years. The new regulations include new guarantees for officially registered religious groups but may perpetuate the harassment and repression suffered by those who are unable to obtain official sanction.

Arrest of Roman Catholics and Protestants during peaceful religious celebrations is widespread. Amnesty International is particularly concerned about the arrest and detention of 30 to 40 Christian worshipers in the Jiangxi province that occurred during Easter celebrations in April 1995. Many of the worshipers were released shortly after the arrests, but 17 people are believed to remain in detention. According to reports many of the detainees were badly beaten and two female detainees, Gao Shuyun and Huang Guanghua, were so badly beaten during their incarceration that they now need help to eat.

Bishops, priests and other leaders of the Chinese Christian community are often targets for harassment and arrest by the government. Amnesty International remains concerned about 76-year-old Bishop Zeng Jingmu, who was detained on or around November 22, 1995, and is reported to be suffering from a serious case of pneumonia, which he contracted while being previously detained in October 1995. Reports that Bishop Zeng did not receive medical attention during his first detention heighten Amnesty International's concern that he may not be receiving proper medical attention now.

The arbitrary detention of Christians is facilitated by the government's use of laws and regulations that allow detainees to be held under "administrative detention" without charges being brought against them. Police often detain Christian worshipers for long periods of time merely on suspicion of criminal activity under a form of administrative detention called "shelter and investigation." Another form of detention, the so-called "re-education through labor" allows someone suspected of criminal activities to be held and made to labor for up to four years without charge or trial.

Amnesty International is also concerned about reports of extreme violence that have been common during government raids on unregistered religious groups. On March 27, 1993, in Taoyuan Village, Shaanxi Province, Xu Fang was one of 30 Protestants whose meeting was forcibly broken up by public security officials. She and four other participants were humiliated, beaten, and tortured before being arrested and held for eight days. An official response denied that Christians had been brutalized but the speed and substance of the report raised doubts as to whether a genuine investigation was ever carried out.

Human rights violations in the course of enforcement of the birth control policy were also reported. For example, villagers in the Fengjiazhuang and Longtangou in Lingzhou county alleged they were targeted in a birth control campaign initiated in early 1994 under the slogan of 'better to have more graves than one more child.' Ninety percent of the villagers are Catholic and claim that they have been fined in the past for having more than one child because they reject the practices of abortion and sterilization on religious grounds.

Recommendation: Amnesty International remains concerned that some of the administrative laws in China permit the detention of those who do no more than exercise their fundamental rights of freedom of belief or opinion. Amnesty International appeals to the Chinese authorities to release all those prisoners of conscience held under those provisions. Amnesty International urges the Chinese government to halt the systematic persecution and arbitrary arrest of its Christian minority.

Persecution of Religious Minorities in Pakistan

One of the major concerns of Amnesty International has been the abuse of Pakistan's blasphemy laws. In 1986, the blasphemy law was added to the Pakistan Penal Code to provide the death penalty or life imprisonment for the criminal offense of defiling the name of the Prophet Mohammad. Many people have been charged with blasphemy over the years since the law has been introduced. According to AI, the charges appear to have been arbitrarily made, based on the individuals' minority religious beliefs. AI believes that many of the individuals currently facing blasphemy charges are members of minority religious groups such as Christians and Ahmedis and are prisoners of conscience, detained solely for their religious beliefs.

Persecution of Christians in Pakistan

Christians are one of the minority religious groups most commonly accused of blasphemy. Salamat Masih, a 14-year-old boy accused of blasphemy, as a result of a dispute with a Muslim boy over some pigeons. Charges of blasphemy were also brought against Manzoor Masih and Rehmat Masih by the prayer leader of a mosque in Kot Ladhra who claimed that they had handed out blasphemous leaflets and had written blasphemous remarks on the wall of a mosque. Since their arrest, Islamists called for the death of the accused, and during trial hearings, the defendants' families and lawyers received death threats.

In February 1994 the accused were sentenced to death. The case was appealed in April 1994, and on the way from the court the defendants were attacked. As a result, Manzoor Masih was murdered, and Salamat Masih, Rehmat Masih and John Joseph, a Christian human rights activist who escorted them, were injured. The assailants were apprehended but later released on bail in an unusually lenient decision.

Amnesty International believes that the trial of Salamat Masih and Rehmat Masih was unfair, because the original charges of blasphemy were brought against them due to hostility towards the Christian community. Furthermore, the prayer leader of the mosque who made the complaint reportedly wiped away the offending words; as a result there was no material evidence for the alleged offense. A report issued by AI even indicated that Salamat Masih never learned to read or write. In February 1995 a two-judge panel of Pakistan's High Court overturned the conviction and human rights activists helped the victims and John Joseph to flee the country. They now reside in Germany.

Despite the acquittal of Salamat Masih and Rehmat Masih, their safety is still a major concern and therefore requires government protection. Furthermore, one of the defense lawyers, Asma Jahangir, stated that this case underscored the need to change the blasphemy laws, "which have been manipulated by alleged 'orthodox' believers who are in fact terrorists." The reversal of the

decision has led to the issue of Fatwas, or legal/religious sentences, by extremist Islamic groups, calling for the death of Asma Jahangir.

The verdict prompted Christian leaders to call for the repeal of the blasphemy law. Due to the negative publicity around the world surrounding the decision, Benazir Bhutto's government began to work on ways to prevent such abuses of the blasphemy law in the future. Since the government feels that politically it cannot overturn the law itself, it has changed the filing procedures and made filing a false charge of blasphemy a crime in its own right.

Christians who are faced with blasphemy charges have been virtually stripped of their rights in society. For example, Chand Barkat, arrested in Karachi on a blasphemy charge in October 1991, was "acquitted with honor" on 24 January 1993. However he has been unable to return to a life of normalcy, for his Muslim neighbors continue to threaten him. As a result, he has been forced to leave Karachi and to go into hiding with his family.

In Pakistan the blasphemy law has created an atmosphere that allows people to believe they have the right to take the law into their own hands. For example, in January 1992 Naimat Ahmer was stabbed to death by Farooq Ahmed, a student who claimed that the Christian had been blasphemous even though he admitted he had not heard the offending utterance himself.

Eventually the government worked out a compromise with religious leaders and representatives of the minorities consisting of a changed mechanism by which a case of blasphemy is registered. Now the police no longer have the authority to register a case simply on the basis of a complaint. Instead it has to report the matter to the area magistrate who, along with the respective Deputy Superintendent of Police, has to visit the area. If there is evidence, the magistrate then will order the police to register a First Information Report (FIR) and take the accused into protective custody. If the complaint is found to be baseless, the FIR is to be lodged against the complainant, who can receive up to 10 years in prison for filing a false complaint.

Persecution of Ahmadis in Pakistan

The Ahmadis, who claim to be a sect of Muslims, have been the target of much hostility from the majority Muslim groups for their beliefs, which differ from the basic Islamic tenets. Ahmadis consider themselves Muslims but do not believe that Prophet Mohammad is the final prophet, which is the fundamental belief in Islam. As a result, they have been the target of discrimination from many Muslims. One of the most recent cases against the Ahmadiyya community is the charge against five Ahmadi journalists who were arrested for propagating the Ahmadi faith. Based on the law, Ahmadis who pose as Muslims and propagate their faith are fined and imprisoned.

The changes that have been made in the Pakistani legal system make it illegal for Ahmadis to propagate their faith. In 1974, a constitutional amendment enacted by Prime Minister Zulfikar Ali Bhutto declared the Ahmadiyya community a non-Muslim group. In 1984 under President Zia Ul-Haq, the PPC made it a criminal offense for Ahmadis to call themselves Muslims, to employ Muslim terms and appellations associated with Prophet Mohammad, to use Muslim practices of worship and to propagate their faith.

Recommendation: No effort has been made by the current government to overturn the penalty of death for blasphemy. Although the Shari'a, the Islamic law does call for such a harsh punishment, other Muslim states do not enforce it. For example, in Saudi Arabia, a fine, imprisonment, or deportation are the usual punishments.

Amnesty International urges the Pakistani government to introduce an amendment of the blasphemy laws to prevent injustices aimed at minority religious groups. Amnesty International

also calls on the government to drop charges on all Christian and Ahmadi prisoners of conscience who have been prevented from exercising their right to freedom of religion and expression.

THE MIDDLE EAST

Throughout the Middle East, there is a strong record of repression and persecution of religious minorities. The details and groups affected vary from region to region. However, the specific targeting of the Christian community is most prevalent in Saudi Arabia and Iran.

Saudi Arabia

Persecution of religious minorities, particularly that of Christians and Shi'a Muslims, has increased dramatically in Saudi Arabia during the years following the Gulf War. Hundreds of men, women and children have been summarily arrested and ill-treated by the religious police, mostly without formal charges or trials, for the nonviolent expression of their religious beliefs.

The majority of Saudi Arabian citizens are Sunni Muslims and all judicial matters in Saudi Arabia are decided not according to a written penal code, but rather according to the Shari'a (Islamic Law). Interpretation of the Shari'a is solely entrusted to the Council of Senior Ulama, the highest religious body in the country that is composed of 18 Ulama appointed by the King.

The judicial punishments embodied in the Hanbali interpretation of the Shari'a (the most conservative interpretation of the Islamic Law) are strictly adhered to in Saudi Arabia. Public and private non-Muslim worship is banned and there are no public places of worship for non-Muslims in this country. Punishments prescribed and implemented by the Saudi Arabian authorities include public flogging, amputation and beheading. These rulings are applicable to both Muslim and non-Muslim residents and also include arrest and detention without charge or trial, torture and flogging and, in case of foreign nationals, deportation.

The Christian community, predominantly expatriate workers on short-term residence permits, has been targeted by the religious police due to its activities such as the formation of clandestine worship groups. Of those Christians arrested, the majority come from developing countries. For example, in 1994 eight Filipino Christian worshippers were arrested during a religious service in Riyadh. Others have reportedly been arrested solely for the possession of religious materials such as cassette tapes or Bibles.

Recommendation: Amnesty International urges the Saudi Arabian government to enact new laws to combat religious persecution and to demonstrate a commitment to international human rights standards guaranteeing people's right to freedom of thought, conscience and religion. The government is urged to release all persons being detained for the nonviolent expression of their religious beliefs. Amnesty International also stresses the importance of safeguards to protect detainees from torture and ill-treatment, which should be prohibited explicitly by law.

Iran

Despite Iran's secrecy, reports continue to surface regarding political arrests and religious persecution in that country. Procedures governing arrest, detention and trial are rarely made public in Iran and prisoners are usually not informed of what charges are being brought against them. Prisoners have spent years in prison as a result of unfair trials, and more are being condemned to join their ranks every year.

Real or alleged political opponents are targeted in Iran, along with religious minorities such as Baha'i and Christian converts. Women have been flogged for violating Islamic dress codes and prisoners have been tortured and executed.

Religious minority leaders continue to be singled out for extrajudicial executions in Iran. The violent deaths of four prominent religious leaders in Iran in 1994 have raised fears specifically for the safety of members of the Christian community. Reverend Haik Hovsepian Mehr, Superintendent of the Church of the Assemblies of God, had been a vocal campaigner for the release of another prisoner of conscience, Reverend Mehdi Dijab, who had been detained since 1984. Reverend Mehr was found dead in January and Reverend Dijab's body was discovered in July. A Reverend from the Council of Protestant Ministers was also found dead in July as a result of gunshot wounds to the head.

The Iranian government has continually placed the blame for extrajudicial killings on the People's Mujahedin Organization of Iran (PMOI), an opposition faction, while the PMOI has denied the claims. In March 1995 the UN Commission on Human Rights urged the Iranian government to "carry out thorough, careful and impartial investigations into the assassination cases of the three Christian ministers.."

The persecution of other religious minorities is also prevalent in Iran. The constitution of Iran does not recognize the Baha'i faith. As a result, hundreds of members of the Baha'i faith have been reportedly executed in the past 15 years, and hundreds more were imprisoned or tortured because of their religious beliefs. Other minority religions have also been targeted for harassment and arrest. One member of the Jewish community was held for two years before being executed in 1994. The real reason for his arrest, detention and subsequent execution is believed to have been related to his religious activities within the Jewish community in Tehran.

Recommendation: Amnesty International calls on the government of Iran to end all religious persecution, and to condemn publicly the practice of extrajudicial killings. Amnesty International also calls on the international community to apply pressure on Iran to adhere to the standards of the International Covenant on Civil and Political Rights, the UN Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and other international human rights standards.

LATIN AMERICA AND THE CARIBBEAN

In Latin America and the Caribbean, members of the religious institutions, both clerical and lay workers, have often been targets of human rights violations. These attacks have not only included harassment such as expulsion, search and seizure without warrant, intimidation, and threats, but have also included extrajudicial killings. These attacks and incidents have usually taken place in the context of the religious workers' involvement with indigenous peoples, the poor, the dispossessed, and others who have been targets of human rights violations. In the case of Cuba, the conflict between the state and the churches appears to be one stemming from the government's desire to hold a tight control over the right to freely associate and assemble. In the case of Mexico, this conflict originates from the religious workers' direct involvement in exposing human rights violations.

Cuba

The Cuban Constitution "recognizes, respects and guarantees freedom of religion," while establishing that "religious institutions are separate from the state." (Article 8) It also "recognizes, respects and guarantees the freedom of every citizen to change religious beliefs...and, subject to respect for the law, to profess the religion of his preference." (Article 55). Despite this official recognition, Amnesty International wrote in June of 1995 that "while many religions have been able to operate in Cuba in recent years, their activities are still in practice severely restricted by law. For example, they are not permitted to proselytize or hold 'open air' meetings. All religious assemblies must be held in the confines of registered church property or in private homes. All religious denominations have to be registered with the authorities in order to carry out their work."

In May 1995, Cuban state security agents in the province of Camagüey arrested Reverend Orson Vila Santoyo of the Assembly of God Evangelical Pentecostal Church as well as the pastor of Alleluia Temple Benjamín de Quesada and clergymen Baibino Basulto. While the latter two were released on the same day of their detention without charge, Reverend Vila was sentenced on the day of his arrest to 23 months' imprisonment, later reduced on appeal to 18 months. He was charged with "disobedience" (article 147 of the Penal Code) and "illegal meeting" (article 209), stemming from his refusal to shut down his home, which is used as an evangelical center.

Reverend Vila had been ordered by the Cuban authorities to close his house-church in January 1995 but he requested that the order be put in writing. In March, he received a communication stating that only 16 house churches would be allowed in Camagüey. Reportedly, since May 24, the Cuban government ordered the closure of 85 of the existing 101 evangelical centers in Camagüey. That week, as security agents shut down dozens of evangelical centers, Reverend Vila refused to comply, stating, "The doors of my house are open. If you want them shut, do it yourselves."

Amnesty International has also received reports that members of the Jehovah's Witnesses, illegal in Cuba since 1974, are occasionally imprisoned for activities related to the exercise of their religion that conflicts with Cuban law. Charges under which they have been imprisoned include clandestine printing, conscientious objection to military service, and refusal to allow children to participate in certain state-sponsored activities.

Recommendation: Reverend Vila is currently serving his sentence and Amnesty International considers Reverend Vila to be a prisoner of conscience, incarcerated solely because of his attempts to peacefully exercise his rights to freedom of religion, expression, and association. Therefore he must be immediately and unconditionally released. The Cuban Government should reverse its actions against the religious activities of the Assembly of God and of the Jehovah's Witnesses, and should ensure that their rights to the peaceful exercise of religion, assembly, and association are respected.

Mexico

Amnesty International documented the increase in the number of threats against human rights advocates in Mexico during 1995. Prominent among those targeted for advocating human rights are those working on behalf of the rights of the indigenous populations, including members of the Catholic Church. Many of these threats and incidents of harassment have occurred in the state of Chiapas. However, they are not exclusive to Chiapas.

The Catholic Bishop Samuel Ruiz has advocated human rights on behalf of the indigenous populations for decades and has played a prominent role in the peace negotiations between the Government of Mexico and the EZLN (Ejército Zapatista de Liberación Nacional - Zapatista Army for National Liberation). He has received dozens of threats over the years. On 19 February 1995, scores of supporters of the ruling party, the PRI (Partido Revolucionario Institucional - Institutional Revolutionary Party), demonstrated outside the Cathedral where Bishop Ruiz officiates, hurling abuse, making death threats, and throwing rocks, chairs, and eggs, against the doors. Although the Cathedral is centrally located in San Cristobal de las Casas, the police did not intervene for two hours while such harassment went on. In the neighboring state of Oaxaca, another Catholic Bishop, Arturo Lona Reyes, was shot at by two masked men, as he was traveling by car on 29 June 1995. He had received death threats on at least six separate occasions before this attack.

While in the above two cases the attacks have been perpetrated by unknown private individuals, similar threats have also been made by official government agents. On 15 February 1995, members of the judicial police and the public ministry broke into the church of San Jacinto, also in

the state of Chiapas, reportedly to search for "subversive" material. This same group of government agents later raided the local convent of Dominican Brothers and sisters, also without search warrants.

The Mexican government in June took even more serious measures. On 23 June 1995, Fathers Rodolfo Izai Erioz, Loren Riebe, and Jorge Barón Gütein, all foreign nationals and Catholic priests in parishes in the state of Chiapas, were arbitrarily arrested and expelled from Mexico. All three had helped promote the welfare of local indigenous peasants in their respective parishes. According to reports, the decision to deport the priests was based solely on unfounded accusations from local landowners alleging that the priests had engaged in political activities. Due to the priests' work in human rights, Amnesty International is alarmed that the expulsions may indicate the Mexican government's intolerance against those perceived as exposing abuse.

Recommendation: The Mexican Government must ensure full respect and protection for the activities of all human rights monitors, including members of the Catholic Church engaged in such activities. Its purported commitment to protect and support all human rights defenders in the country must be made effective.

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**TESTIMONY BEFORE
THE HOUSE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS**

February 15, 1996

**Albert M. Pennybacker
Associate General Secretary
National Council of the Churches of Christ in the U.S.A.**

My name is Albert Pennybacker. I am an Associate General Secretary of the National Council of the Churches of Christ in the U.S.A. I wish to express my gratitude to you, Mr. Chairman, for the opportunity to testify before you on this important matter.

The National Council of the Churches of Christ in the U.S.A. is the principle ecumenical organization in the United States through which 33 Protestant, Orthodox and Anglican church bodies with a combined membership of 51 million Christians make a common witness to their faith and work together to serve the churches and the world. While I do not purport to speak for all members of the communions constituent to the National Council, I do speak for our policy-making body, the General Assembly, whose 260 members are selected by those communions in numbers proportionate to their size.

The National Council of the Churches of Christ in the U.S.A. once again voices its strenuous opposition to religious persecution anywhere in the world - the punitive attack on religious liberty and freedom for which we have been a long-standing, vigorous advocate. We are pleased to be in the company of other religious voices now addressing this fundamental human rights issue.

We are and have been deeply committed to the religious freedom of people of every faith, and even the freedom of conscience of people of no faith, and especially of those who share our Christian faith. During the difficult years of Soviet domination of Eastern Europe, we maintained strong, affirmative and cooperative ties with the Christian communities of long and faithful histories who maintained their faith under conditions of painful, almost unimaginable religious persecution, even martyrdom. We rejoice today in the new freedom they know to rebuild their churches and publicly affirm both their faith and their compassion and we support their new life.

In settings today where there is genuine religious persecution, often directed at the diminishing of resident Christians as well as other religious communities, we seek to maintain ties of support, encouragement, advocacy and even direct aid. This is currently the status of our ties with Christians in Cuba, China, North Korea, Vietnam, Pakistan and other nations. We have not hesitated to address governments in such settings in seeking genuine redress, typically with the counsel of the resident religious community.

Our first concern is that in addressing religious persecution, the integrity of the resident religious communities be respected and the transnational ties of all religious faiths be allowed to offer companionship, support, advocacy and aid to religious communities in difficult, even hostile, settings.

We recognize that the relationship between religious faith and the communities that live out such faith, and the cultural heritage of religions and nations are deep-seated, complex and defy easy assessment from afar. There is an interior religious and cultural reality that requires respect by governments, and especially by religionists of other cultural and religious traditions. The evangelistic zeal of outsiders, openly voiced or even subtly imposed, may encounter an authentic resistance as it moves on unfamiliar ground. What may appear as "persecution" and indeed is resistance may in fact be the wish to preserve authentic religious and cultural traditions. This has long been a reality in the missionary outreach of the churches over the centuries and a tension that continues today.

So, as a second concern, in any increased commitment to oppose all forms of religious persecution, we urge a careful assessment of the claims of religious persecution, listening not only to the voices of those who enter new settings from outside but the witness from indigenous religious voices where such religious persecution may appear to be occurring.

There is no question that religious persecution as described to this committee by others with whom we join is occurring in numerous places in the world. We would add, as uplifted in our recent policy statement on human rights (1995), that the evidence is all too clear that "group classifications" of people become the basis for prejudicial and hostile actions, violating the rights of both particular communities and the rights of individual to belong to them. Women, for instance, are the ones who often suffer the most as members of religious groups under attack. Further, religious groups may be caught in intra or intercommunal strife, as well as the dynamics of religious fanaticism and ethnic cleansing. Civil wars and genocide can threaten religious groups. Such realities insist on being confronted in the context of a commitment to a pluralistic civil society. Both the U.S. government and religious bodies here, we believe, are called to such a shared commitment.

However, there are also claims of the "persecution of Christians" in our own country sometimes along the lines that appear to us to be excessive, aligned with domestic political concerns and an inappropriate use of so strong a term as "persecutions." We urge great forbearance in linking the authentic concern for those of our religious tradition experiencing persecution for their beliefs beyond our borders and excessive and unsubstantiated claims of religious "persecution" here. We believe that our historic preservation and defense of religious freedom here and the separation of church and state have protected us from the horrors of religious persecution experienced elsewhere. We are grateful for every voice and action that defends and maintains this fruitful American commitment.

Turning now to actions that may need to be considered by the United States government regarding the real occurrence of religious persecution in our world, we are ready to join with others in calling for a genuine investigation and assessment of the persecution of any for their religious beliefs anywhere in the world. Further we believe it is an appropriate role for the United States government and true to our heritage to use its influence and power to ameliorate any such identified conditions. If it is true that the persecution of believers of all faiths is pervasive, it is rightly a cause for deep concern and lament. We urge an investigation leading to appropriate actions to address such persecution.

We have seen in actions ambassadors and foreign service representatives of a U.S.A. who seek to understand the cultural and religious life of the settings to which they are assigned.

We urge a more thorough attention to religious life where they may serve, and we are prepared to put the heritage and understanding represented by the member communions of the NCCC - 33 in number with a constituent membership exceeding 50 million - in the service of such increased understanding.

We support the appointment of a commission, knowledgeable, representative and compassionate to investigate and report to the President the conditions of religious persecution and to recommend an appropriate course of action to address such conditions. We believe the focus should be the task that a broad perception religious persecution needs to inform our actions, and that it is premature to move quickly to the appointment of a Special Advisor to the President on these matters. It is a matter of timing. We believe that the actions of the Immigration and Naturalization Service regarding any instances of religious persecution, not simply anti-Christian persecution, needs to be included within the investigation. We urge further a continuing and strong commitment to the International Covenant on Civil and Political Rights, and to the U.N. Declaration on the Elimination of all Forms of Intolerance Based on Religion or Beliefs. There is an integral relationship between religious freedom and freedoms of expression, communication and assembly.

We believe that from such a body can come appropriate guidance for our U.N. representatives, consular officials and other senior officials of government. We believe that these are matters too urgent, delicate and important to address without the best guidances that come through investigation and the experience of the whole religious community with its international ties.

We believe that the use of non-humanitarian foreign assistance in seeking relief from religious persecution is a legitimate course of action. We believe that strategic decisions of this sort must invite a thorough grasp of instances of religious persecution.

We concur with the National Association of Evangelicals with whom we share Christian faith - that religious liberty is not a privilege granted by governments but is God-given - to use a world familiar in our American vocabulary - an "inalienable", God-given human right. Our Council has a long history of standing firmly for religious liberty, dating from our first policy statement in 1955, renewed in 1963, and revised and updated as recently as 1995. I quote an early phrase that describes religious liberty as "basic both historically and philosophically to all our liberties." (October 5, 1955) Recall the conditions of our world when that statement was issued. We are pleased to voice again in concert with our vigorous opposition to all forms of religious persecution. We affirm again and urge you to affirm a commitment to religious freedom and the relieving of any religious persecution experienced not only by Christians but by those of any and even no faith. We commend the sensitivity and caring of those who have been alert to raise the issue and newly put it before us all at this time. We stand ready to cooperate with the recommended actions that may issue from these hearings.



Martin J. Dannenfels, Jr.

Assistant to the President for Government Relations

Family Research Council

February 15, 1996

House Committee on International Relations

Subcommittee on International Operations and Human Rights

Some problems are so big we completely fail to notice them. That's the message I get on the global problem of anti-Christian persecution. That persecution is growing, both in frequency and in cruelty. I am appalled at the lack of concern and public attention being paid to the hidden horror of anti-Christian persecution.

This persecution takes many forms. Under predominantly Islamic and former Communist governments, Bibles and religious services are being banned, missionaries and converts are being imprisoned, and in Ethiopia believers are actually being crucified. One of my staff members, Rosanne Dupras, was a volunteer worker overseas for seven years and has traveled extensively throughout Asia. She has witnessed the persecution of individuals because of their religious faith. For example, India is hailed as the world's largest democracy, with a population of almost 1 billion people. Eighty-five percent are Hindu, 12 percent Muslim, and 1-2 percent are Christian. Although the national government describes itself as a secular democracy with freedom of religion for all -- the government has taken a less than tangible approach to the outcries of persecution

Miss Dupras recalls how Sunil, a native of India and a Christian, was jailed, harassed, stripped naked and interrogated for an endless number of hours. The compound where he lived was vandalized. He was slandered and vilified in the local press by persecutors who included police officials, government intelligence agents, as well as radical Hindu fundamentalists. The state government participated in and initiated many of the attacks - the federal government simply turned a blind eye. Atrocities like this occur frequently in nation-states that give lip-service to freedom of religion while persecuting any deviance from their own ideology of religion.

Allow me to clarify that this persecution extends beyond Christianity to include other faiths, although persecution of Christians seems to be the most widespread. In

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Ayodhya, Miss Dupras reports that Hindu groups slaughtered Muslims as the police watched and in Bombay the police themselves were the ones who massacred Muslims. A young Muslim Bengali woman in Bangladesh had to flee for her life after writing a book which was sympathetic to Hindus rather than to Muslims. She is still hiding somewhere in the West.

So far, the U.S. Government has turned a deaf ear to this rising tide of terrorism and these human rights violations. Saudi Arabia, our recent ally in the Gulf War, has pressured the U.S. on two fronts. The first was to close a U.S. sponsored nightclub frequented by American servicemen in Saudi Arabia. Our government said "No way!" to closing it. The Saudis also demanded that we stop Sunday worship services at our embassy. To this, we buckled under. In Turkey, the U.S. has turned a blind eye as Turkish officials forcibly returned Christian refugees to the clutches of Iran.

On January 15, 1996, The Wall Street Journal reported, "China's religious authorities ordered all places of worship to register with the government in what may be the beginning of a new crackdown on religion." The Detroit News elaborated:

... persecution is commonplace in China, where only a fraction of the estimated 30 million to 70 million Christians belong to government-approved sects. Amnesty International reports cases of Christian women hung by their thumbs from wires and beaten with heavy rods, denied food and water, and shocked with electric probes (Charen 12/14/95).

The Detroit News described the following abuses under Sudan's Islamic government:

many of the black Sudanese in the southern part of the country (the north is Arab) have resisted conversion, in many cases because of adherence to Christianity . . . As punishment, the Sudanese government has denied food and medicine to Christians in famine areas and has sold thousands of Christian children -- some as young as 6 -- into slavery (Charen 12/14/95).

Tolerating episodes such as these violates not only the inalienable rights of life, liberty, and the pursuit of happiness in our Declaration of Independence but even those basic human rights universally accepted. These rights include, under the Universal Declaration of Human Rights; the right to life, liberty and security of person (Article 3), freedom from slavery or servitude in all their forms (Article 4), freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 5), equal protection of the law without any discrimination (Article 7), the right to freedom of thought, conscience and religion; freedom to change his religion or belief and to manifest his religion or belief in teaching, practice, worship and observance (Article 18), freedom of opinion and expression (Article 19), and the freedom of peaceful assembly and association without compulsion to belong to a particular association (Article 20). Christian persecution is a gross violation of human rights.

In the United States, the historical example for our defense of religious minority rights abroad is the 1974 Jackson-Vanik amendment, which made Jewish emigration a condition for aid to the Soviet Union (Witham 1/23/96). Title 22 of the United States Code Service contains the following passage:

The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms... Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people... (22 USCS @ 2151 (1995)).

The U.S. development cooperation policy emphasizes the encouragement of development processes in which individual civil and economic rights are respected and enhanced as one of its four principal goals. It sustains that the ". . . pursuit of these goals requires that development concerns be fully reflected in United States foreign policy..." (22 USCS @ 2151 (1995)). Our policy toward humanitarian violations is quite clear and the real tragedy here is the appalling lack of concern here at home and the lack of action by the Administration.

It's time to end the silence of our President and his administration. President Clinton must waste no time in addressing the American people, issuing demarches to offending nations, initiating letters to Heads of States, and working with the State Department desk officers in the offending nations. President Clinton's focus should begin with the most egregious violators such as China, Ethiopia, and the Sudan. Hopefully, other countries will begin to change their policies when they see the tangible consequences of their inhumane actions.

As a candidate for president in 1992, Bill Clinton criticized former President George Bush for "coddling dictators" in his policy toward China. Ironically, it is the Clinton Administration that has now totally decoupled the issues of human rights and Most Favored Nation (MFN) trade status for China. This action sends a signal that the U.S. Government is prepared to do nothing more than pay lip service to China's human rights abuses which include persecution of Christians, forced abortion, and slave labor. We call on President Clinton to heed his own advice and stop coddling persecutors of Christians. The time has come for rhetoric to be joined with actions and results.

It's time to end the silence of Congress in decrying these outrageous violations of freedom of speech. This kind of brutality compels Congress to action: "Dear Colleague" letters, House Resolutions, floor speeches, and necessary adjustment in our foreign economic policy. I strongly suggest a bi-partisan coalition to establish a checklist of conditions required for economic aid with a commitment to inquire, track, reprimand, and call for sanctions against violators. Consistent action is demanded in order to stop the de facto tolerance of such grievous offenses.

It's also time to end the silence of the citizens and churches of America. The Family Research Council is committed to doing our part in educating citizens and churches, and encouraging their involvement and participation. America as a whole can no longer remain silent.

America has an obligation and responsibility to speak out against manifestations of tyranny and oppression. Indeed, it was our forefathers who fled to this country for freedom of religion, speech, and expression. These are values that unite this country and we should defend them. The Department of State Bulletin from December, 1984 put it succinctly: "the moral bases of democracy -- the principles of individual rights, freedom of thought and expression, freedom of religion -- are powerful barriers against those who seek to impose their will, their ideologies, or other religious beliefs by force." If we fail to speak out forthrightly in defense of the freedoms endowed by our Creator, we will undermine our nation and the principles it is built upon. It is a central element of our national heritage to stand up and, as documented again in a September 1989 Department of State Bulletin, "stress the protection of freedom of thought, conscience and religion, and of freedom of opinion and expression; for without these freedoms, other rights cannot be fully realized."

Some argue that they cannot speak up, because it will only tempt the tyrants to greater cruelty. But history teaches the opposite lesson. Speaking fearlessly is the only thing that deters tyrants. The time has come for Americans to demand that our government act now to stop this unconscionable persecution. Clearly, the pro-family and Christian communities need to be full partners in the quest to bring an end to the horror of religious persecution. Failure to do all within our power will sear at our collective consciences as we hear the anguished voices of our brothers and sisters overseas who cry out, "Why have you forsaken us?"

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Statement of
Congressman Tom Lantos

Hearing of the
Subcommittee on International Operations and Human Rights
February 15, 1996

PERSECUTION OF CHRISTIANS WORLDWIDE

Mr. Chairman, I welcome the holding of this hearing today and I commend you for dealing with this issue. Religious persecution around the world is one of the most pervasive and tragic examples of the abuse of human rights in many countries. It is extremely important that we in the United States make known our most serious concern with official government efforts to prevent the free exercise of religious belief.

In view of the importance of this topic, I very much regret that I could not join you today for this hearing. I have had some long-standing obligations in my congressional district in California which I am keeping today. I also regret that others of our colleagues on the International Relations Committee can not attend this hearing. Unfortunately, the Congress is in recess, and Members are attending to constituent concerns in their own congressional districts.

Mr. Chairman, there has been a disturbing upsurge in religious persecution across the globe. We here in the United States have made religious freedom a defining trait of our national character, and as a result we cannot and we will not turn a blind eye to the denial of this most basic human right. Unfortunately, in far too many countries, religious-based violence and persecution and discrimination have resulted in gross violations of individual rights and in heightened tensions that threaten the stability of a number of countries.

This religious persecution has come from incredibly diverse governments. On one hand, we have seen atheistic communist regimes -- in states such as China, Vietnam, and Cuba, to name only the most egregious violators of religious freedom -- who have persecuted Christians, Jews, Buddhists, Moslems, and others, simply because they accept religious ideals and do not accord complete and total allegiance to the communist state. We have also found that there are religious states which follow a single religious belief and seek to impose that belief on all citizens of the state. The regime of the radical ayatollahs in Iran is perhaps the

classic example of such a religious state that permits no opportunity for its citizens to follow any belief except the officially sanctioned religion.

Whatever the basis of religious persecution, we in the United States must be clear and unequivocal in our opposition. Whatever religious groups are persecuted, Mr. Chairman, we must be frank and outspoken in our criticism. I welcome the hearing today on persecution of Christians. I welcome the hearings that you are planning in the future on persecution of Jews and anti-Semitism. I join in condemning any type of religious persecution by any regime and of any religious group.

Mr. Chairman, I welcome these hearings today as a continuing investigation by the Subcommittee of this serious human rights problem. On October 28, 1993, and March 9, 1994, I held hearings on religious persecution as chairman at that time of the Subcommittee on International Security, International Organizations and Human Rights -- some of whose jurisdiction has been assumed by your subcommittee. I am pleased, Mr. Chairman, that we heard on those earlier occasions from several of the individuals and organizations who will testify here today, including Nina Shea, President of the Puebla Institute, and Joseph M.C. Kung, President of the Cardinal Kung Foundation. I also recall, Mr. Chairman, that as a member of the former subcommittee, you took an active role in those hearings that I chaired.

Mr. Chairman, again I regret that I am not able to join you for the hearing today, but I look forward to reading the testimony of our distinguished witnesses.

Written Testimony

RESPONSES TO RELIGIOUS PERSECUTION

before

Subcommittee on International Operations and Human Rights
UNITED STATES HOUSE OF REPRESENTATIVES

February 13, 1996

Most Reverend Theodore E. McCarrick
Archbishop of Newark
Chairman, Committee to Aid the Church
in Eastern Europe
National Conference of Catholic Bishops
Member, Committee on International Policy
United States Catholic Conference

RESPONSES TO RELIGIOUS PERSECUTION

Most Reverend Theodore E. McCarrick
Archbishop of Newark

Mr. Chairman, allow me to thank you for the opportunity to testify before this committee on behalf of the United States Catholic Conference. Let me also express our appreciation for your willingness to raise the consciousness of the American public and heighten the responsiveness of the United States Government to the persecution of Christians and members of other religious communities in various parts of the world.

We very much welcome the increased attention to this grave issue. We earnestly hope that the energies of many parts of the U.S. government, where appropriate, would be turned to advancing religious liberty in the many places where it is denied. For, after all, in the history of civilization, religious liberty is the first of our freedoms. As Pope John Paul II said in his address to the diplomatic corps last month, "religious persecution is an intolerable and unjustifiable violation ... of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living."

I must also confess our disappointment that both the Congress and the Executive, in both Republican and Democratic Administrations, too often in recent years have tended to place economic interests ahead of human rights and religious liberty.

I am referring especially to the policy granting Most Favored Nation status to China without linking that concession to human rights performance and respect for religious liberty. I think as well of bi-partisan support for the North American Free Trade Agreement in two Administrations and successive congresses with only minimal regard for collateral protection for human rights, labor and the environment.

We have indulged both Beijing and Mexico only to suffer the natural consequences of rewarding bad behavior. In China, religious persecution of Buddhists, Evangelicals and Catholics is the worst it has been in many years, and, as members of this Committee know, relations with China grow more difficult on every front. In Mexico, missionary priests who are above reproach, without any hint of political involvement, have been expelled, denied permission to re-enter the country, or threatened with expulsion simply because they minister to the poor and the indigenous in keeping with the Church's social teaching.

Whether it is China, Mexico, Sudan or former Yugoslavia, religious liberty should be a primary concern of United States foreign policy. Religion is the carrier of fundamental values, the source of people's most intimate identity, the atmosphere which sustains

conscience and community, a source of renewal in civilization. For all those reasons, it deserves both respect and protection. Insofar as it is a human phenomenon, of course, religion can be a source of prejudice, intolerance and sometimes violence. But, the active defense of religious liberty is the best way to insure that the religious impulse is not corrupted.

Since the Second Vatican Council's promulgation of its Declaration on Religious Liberty (*Dignitatis humanae*), religious liberty has been the cornerstone of the Church's policies in opposing religious persecution, intolerance and discrimination. The Fundamental Agreement concluded two years ago between the Holy See and the State of Israel and the accord concluded a few months later between the Holy See and the Hashemite Kingdom of Jordan were premised on a common commitment to religious liberty and freedom of conscience as stipulated in the Universal Declaration of Human Rights and the associated United Nations documents.

Because religious liberty is the first of our freedoms, when we pursue freedom for Catholics, we also defend the religious liberty of other persecuted believers. Accordingly, in the case of China, our episcopal conference has advocated on behalf of Tibetan Buddhists and Evangelical house church members as well as members of the so-called underground Catholic Church. In other cases, we have protested persecution, discrimination and prejudice against Jews in the Soviet Union, Buddhists in Vietnam, and Muslims in Tunisia, Bosnia and the United States.

In Sudan, there are numerous documented accounts of murder and intimidation directed against the majority Christian population of the south. The government continues to deny permission to build churches; in the north no new churches have been built since the early 1970s. In addition, churches have been closed and government forces have restricted the movements of Christian clergy.

But even with respect to a case like Sudan, where persecution has taken such enormous and ghastly proportions, following the lead of the Holy See, our policy is to advance the cause of religious liberty generally rather than to pursue the interests of Catholics alone. We want an end to persecution of Catholics and other Christians in southern Sudan, but the remedy we seek is religious liberty for all -- including the followers of traditional African religions there.

In these present hearings, we would make the same plea to the Congress and the Administration. Make the defense of religious liberty your first concern. In defending persecuted Catholics and Evangelicals, plead the case, as appropriate for persecuted Buddhists or repressed Muslims, Orthodox and Jews as well. In many cases, co-religionists of the persecutors are suffering as well for belonging to the wrong sect, for being too secular, or holding the

wrong political views. They will be grateful for American defense of their religious freedom.

In other cases, as in China or Vietnam, all religions suffer in similar ways because their very existence challenges the totalitarian aspirations of the state. Both give evidence not only gives evidence against the belief that free markets and free trade automatically yield free societies, it also attests once again to the fact that freedom of religion is our first freedom. Where others would temporize with tyranny, believers continue to affirm their freedom in defiance of a totalitarian state.

So, wherever appropriate and as far as possible, defend the religious liberty of all. It is needed, it is the right thing to do, and it is an act of fundamental human solidarity.

Second, I would counsel the Committee and the Congress against believing that there is just one remedy for religious persecution. The remedies are many and we ought not be misled by the apparent straight-line success of Jackson-Vanik and the campaign on behalf of Soviet Jewry.

In the case of China, we have used a variety of tools to defend the rights of believers. The Bishops Conference has tried quiet diplomacy, and letter-writing campaigns. We have also used more public challenges, and have repeatedly supported conditioning of MFN on human rights performance.

In 1996 the time has come for the Congress to return to linking MFN trading status to improvements in human rights and religious liberty. As business has flourished the repression of believers and democratic reformers has grown ever more bold, even arrogant. On nearly every front, Chinese policy has been emboldened to be more imperious and demanding, because the United States has led the Communist government to believe that all we Americans care about is profits.

The time has come for business to make a contribution by steadfast adherence to the cause of liberty. Codes of conduct should be stiffened. Business people should be encouraged to take a stand in defense of human rights and religious liberty. It may simply be a matter of individuals urging the cases of imprisoned religious believers on their Chinese counterparts, or refusing to allow in-house supervision of their personnel by government appointees, or rejecting enforcement of the one-child policy on nationals employed in their firms, or adhering to high standards of conduct in labor relations. In cooperation with others, our Bishops' Committee on International Policy is itself exploring how we might encourage business people in various ways to defend the cause of religious liberty in China.

In other cases, interreligious dialogue presents another, very important means to promote religious liberty. In our view, interreligious dialogue should not be lightly disregarded in favor of high-profile political remedies. Indeed, when interreligious remedies are available, it may be more prudent to seek to improve conditions for co-religionists through interreligious contacts. As a matter of prudent policy, legislative remedies should be used primarily when other means are unavailable or have been tried and failed.

We have regular exchanges with Jewish and Muslim colleagues over one another's concerns. These meetings are occasion for us to raise issues and work together for their correction. In Russia, an agreement between the Vatican and the Moscow Patriarchate has provided the basis for ameliorating tensions between Orthodox and Catholics in an area where the Russian Orthodox Church has a special historic place.

In many areas, moreover, the pressures on one religious group tend to come from other religious groups rather than from the government. In such cases, direct communication between representatives of the religious groups may be more effective, no matter how difficult, than the punitive intervention of a third-party government. For example, we are presently engaged in dialogue with Southern Baptists over tensions between Catholics and Evangelicals in Latin America. We dialogue with our Jewish interlocutors and with the Israeli government through ordinary channels concerning the impediments for freedom of access to Jerusalem and for the everyday operation of the local church created by the prolonged closure of the West Bank and Gaza.

Together with the Presbyterian Church USA, we have formed with Presbyterians and Catholics in Northern Ireland what we call the Inter-Church Committee on Northern Ireland. For six years, we have worked together to promote mutual respect and understanding. We have promoted several tours of leading church figures, annual ecumenical lecture tours of Catholic and Presbyterian clergy, a business education exchange program through our church-affiliated colleges and universities, and a summer institute to acquaint Americans with the realities in Northern Ireland.

For two years the churches have been working together on issues of investment and fair employment in Northern Ireland. Together, we have urged the British government to strengthen anti-discrimination laws. Just last month we conducted a workshop on the U.S. experience with employment discrimination for the Standing Advisory Commission on Human Rights, which is carrying out a statutory review of Northern Ireland's fair employment law.

My point here is that churches and other religious groups can work together to relieve social tensions which possess a religious

dimension. In our view such initiatives should have priority. Where there are interreligious tensions, religious people have a responsibility to search for their own solutions and build their own networks of cooperation whether or not governments become involved.

Thirdly, in protesting religious persecution and discrimination and in alleviating interreligious antagonism, foreign co-religionists, as well as governments, have an obligation to consult as broadly as possible with the affected local groups. Consultation, of course, does not relieve us of the responsibility to act conscientiously in defense of religious liberty. None the less, the people who are the victims of religious persecution and discrimination should be our informants and advisers. They are the experts on their own situation; they understand the cultural and social conditions in which they must struggle for their own liberty, and they will be the ones impacted, for good or ill, by the protests of outsiders.

Finally, our defense of religious liberty ought to distinguish carefully between religious persecution and government-sponsored discrimination, on the one hand, and group prejudice and interreligious tension, on the other. Persecution is the gravest of these offenses because it attempts to coerce or to abolish religious practice and profession by the use of government power. It is the most pernicious offense against religious liberty and is the violation most appropriate for outside intervention and foreign government pressure.

Discrimination, while a serious problem, takes many forms and is more enmeshed in the web of social practice. On the one hand, discrimination should not be confused with persecution, as it will be by many well-meaning people. On the other hand, government-sponsored discrimination is fair game for engagement by foreign governments because it is carried out as a matter of public policy.

Prejudice and interreligious antagonism are areas in which local initiatives and interreligious collaboration at national and international levels should most appropriately take precedence over foreign government initiatives. The good offices of government will be a welcome help in these efforts, but punitive government action may be counterproductive.

In conclusion, Mr. Chairman, let me make two points. First, we must not ignore or minimize threats to religious liberty; neither should we advance our cause by exaggeration or with claims that cannot be sustained. Our credibility and accuracy are precious tools in this cause. Second, in addition to interventions with foreign governments, U.S. officials can do much to promote freedom of religion. This is especially the case in matters of refugee status and immigration, where the Consular Service and Immigration and Naturalization Service have not always been sensitive to

religion as a source of persecution and to refugees conscientiously fleeing coercive population control policies for religious reasons. Regular attention to these issues by human rights monitors and reporters, by diplomats and commercial missions and trade negotiators will be exceedingly helpful.

Mr. Chairman, thank you again for inviting our participation in this forum. The United States Catholic Conference, its office for International Justice and Peace and its Migration and Refugee Service will be pleased to assist committee staff and others in the Congress and Administration in advancing the cause of religious liberty.

Thank you.

**Written statement of James B. Jacobson,
President of Christian Solidarity International,
Submitted to the Subcommittee on
International Relations and Human Rights,
Committee on International Relations,
Hearing on Persecution of Christians Worldwide,
February 15, 1996**

Persecuted Christians around the world need our help, support, and prayers—now, more than ever. The heartbreaking reality is that Christians face persecution in many nations on a daily basis.

Millions of Christians live in constant dread in Islamic dominated countries like Nigeria, Sudan, Turkey, Malaysia, Egypt, Libya, Lebanon, Saudi Arabia, Pakistan, Iran, and elsewhere. To be honest, many of our fellow Christians living in Islamic lands wonder if Americans even think about their suffering.

Every day more Christians are being imprisoned, tortured, maimed, and even killed for their faith than ever before in history. Islamic oppression is the leading cause.

Muslim fanaticism is stronger and more vicious now than ever:

- Islamic extremists advocate the murder of Christians and Jews. For example, the policy statement of the World Assembly of Muslim Youth says, "A Christian should be asked to repent. If he does not, he must be killed..."
- The Koran, Islam's holy book, gives the following advice to Muslims confronting Christians: "Strike off their heads, maim them in every limb...It will not be you who slays them, but Allah."
- Not only do Muslim extremists believe in "Jihad" (holy war), but they take action. The result: A new wave of vicious attacks on Christians in many nations.

Sadly, there are many nations which have officially adopted the Islamic doctrine of persecution. Others have large numbers of Muslim extremists that seem to persecute Christians at will. In Pakistan, for instance, the government has declared those who "insult Mohammed" will be put to death.

Islam's horrible oppression is reason enough for action. Yet, there are many other causes of Christian persecution in the world which also need our attention. CSI's sources tell us of brutal killings in Peru....torture and death squads in Africa.... widespread imprisonments....all poured out on our fellow Christians. The holdout Communist states of China, North Korea, Cuba and Vietnam still bear down heavily on Christians who dare to hold another master higher than the state.

In my opinion, the greatest threat to Christians today, though, does lie in the Islamic world. From Algeria to Indonesia, Christians are faced with severe tests of their faith. Let me share with you a recent incident of persecution.

Christian Solidarity International recently received reliable information that the Metowah (Saudi religious police) imprisoned seven leaders of an Indian Christian Fellowship in Saudi Arabia. The entire congregation of 70 were initially detained on December 22nd at Alkhobar, near Dahrn airport in Saudi Arabia.

In Saudi Arabia there is no religious freedom. Sunni Islam is the state religion. All Saudi citizens have to be Muslims. Apostasy is punishable by death. There are no public worship services for non-Muslims. Anyone who does mission work or converts Muslims faces expulsion, jail, or execution.

Fifteen Metowah entered the house of Mr. Philip Thavamoney and Mr. Arulanandhan during a private Christian worship service. They confiscated many photos and the work permits of all 70 Christians who were at the service in the home.

All 70 were interrogated individually and later the police released 63 of the 70 work permits. However, seven leaders of the fellowship were detained by the Metowah and held in prison. Their families were in deep shock and did not know where the seven were imprisoned.

Those imprisoned were: Mr. Jacob Jeyaseelan, Mr. Jim Selvam, Mr. Arulanandhan Davidson, Mr. Babu Thomas, Mr. Philip Thavamoney, Mr. Clifford and Mr. M. Sargunam. All seven were abused while in prison, and two were beaten so badly that they were unrecognizable by close friends.

All of the prisoners have now been released, except for Mr. Jacob Jeyaseelan. He is employed by a Saudi company (Ahmed al-Hashim Sons Co.) who owes him several months of back-pay. Although he has been released by the secret police, his company refuses to take him out of jail. He will probably be deported, without receiving any of the salary which was due him.

The leaders of thousands of Christians in the Indian state of Tamil Nadu have made requests to Western Christian organizations and governments to assist in obtaining his release.

Mr. Chairman, we at CSI could provide you and this Committee with hundreds of stories of religious persecution of Christians, but I will conclude with some final thoughts.

Why should we care? We should care because the United States has a long, proud Christian history and tradition of speaking out against religious intolerance.

While many victories have been achieved, I have major concerns. Like Congressman Frank Wolf, I am frustrated by the lack of public discourse on the subject among the Christian community, but I am equally frustrated by the lack of concern in our own government for their plight. Our government ignores mass imprisonment of Christians in China and Vietnam. We become interested in Sudan only when terrorism poses a threat to the U.S. We step lightly around persecution of Coptic Christians in Egypt. We remain silent about Christian persecution in Saudi Arabia. We ignore the pleas for help from Iranian Christian refugees who are seeking asylum in the U.S. from Turkey.

Mr. Chairman, I cannot recall the President nor his Secretary of State making a single speech on this very important subject.

We are seeing a dangerous trend in the world that the U.S. must recognize and condemn. I hope the Administration and the Congress can begin to look at new ways to address this growing problem. At the very least, I thank you for this hearing and for speaking out on this very important issue. It's an enormous step in the right direction.

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LIST OF RELIGIOUS LEADERS PRESENTLY DETAINED IN COMMUNIST "RE-EDUCATION" CAMPS or PLACED UNDER HOUSE ARREST

1. **Superior Patriarch Thich Huyen Quang:** was born Le Dinh Nhan in 1919 in Binh Dinh province; Acting Head of the Institute for the Propagation of the Dharma (IPD) of the Unified Buddhist Church of Vietnam (UBC); was arrested in 1977 and incarcerated at Hoi Phuoc Temple from 1982 to December 29, 1994, when he was transferred to a village temple, Phuoc Quang Temple, Nghia Hanh district, Quang Ngai province. The official seal and files of the UBC as well as his personal files were confiscated. In August 1995, *Nhan Dan*, the official newspaper of the Communist Party of Vietnam, announced the impending trial of Thich Huyen Quang.
2. **Most Venerable Thich Quang Do:** was born Dang Phuc Tue on November 27, 1928 in Thai Binh province; Secretary General of the IPD; was arrested in 1977 and incarcerated since 1982; around 3:15 p.m. of January 4, 1995, was arrested at Thanh Minh Meditation Temple, 90 Tran Huy Lieu St., Ward 15, Phu Nhuan precinct, Ho Chi Minh City; was detained at T82 interrogation camp, Nguyen Van Cu St., Ho Chi Minh City; has been recently transferred to Vu Ban village, Nam Dinh province, North Vietnam. In August 1995, Thich Quang Do was brought to trial and sentenced to five years of imprisonment for "disturbing the peace".
3. **Venerable Thich Khong Tanh** (born Phan Ngoc Anh): Head of Lien Tri Pagoda, Thu Duc district; Ombudsman of the UBC Central Office; was arrested in late 1976 and jailed for 10 years for writing to Premier Pham Van Dong protesting the drafting of young Buddhist monks into the army, which was aimed at disrupting UBC personnel; November 6, 1994, was transferred to interrogation center 3C (Ton Duc Thang St.), Section PA 24 of Ho Chi Minh City's Police Station;

August 1995, was convicted of "undermining the policy of religious solidarity" and sentenced to five years.

4. **Venerable Thich Nhat Ban:** was arrested together with Venerable Thich Khong Tanh; was detained at interrogation center 3C, To Duc Thanh St., Precinct 1, Ho Chi Minh City; was put to trial together with Thich Khong Tanh in August 1995 and sentenced to four years for his attempt to carry out flood relief in the name of the UBC.
5. **Venerable Thich Tri Luc:** religious son of Supreme Patriarch Thich Don Hau; was arrested for the first time on Oct. 2, 1992 and released in March 1993; Jan. 6, 1994 was arrested at Hiep Van Temple, 248 C Nguyen Van Dau St., Ward 6, Binh Thanh precinct, Ho Chi Minh City; was incarcerated for refusing to abort flood relief activities; in August 1995, was brought to trial and sentenced to two and half years.
6. **Venerable Thich Long Tri** (born Ly Truong Chau): Head of Vien Giac Pagoda, Hoi An district, Da Nang Province; Chairman of the UBC Committee for the Relief of Flood Victims; was arrested Oct. 29, 1994 in Ho Chi Minh City, and later transferred to detention at Hoi An district, Quang Nam province.
7. **Venerable Thich Hai Hung:** was arrested at Phuoc Duyen Pagoda, Hue City, Dec. 25, 1994.
8. **Venerable Thich Hanh Duc:** (same name with Reverend Thich Hanh Duc of Son Linh Temple, Thu Duc District) was arrested at Linh Quang Pagoda, Hue City, December 25, 1994.
9. **Reverend Thich Hanh Duc:** Head of Son Linh Temple, Thu Duc district; was arrested at Ba Ria and sentenced to 3 years in 1993 for "illegal activities and possession of anti-government materials; evicted from (State-sponsored) Vietnamese Buddhist Church owned temple Mar. 25, 1993 for supporting of the UBC led campaign for religious freedom.
10. **Reverend Thich Thien Tho:** Head of Son Linh Pagoda; was arrested Jul. 9, 1993; sentenced to house arrest since Jan. 1994.
11. **Thich Tri Tuu:** was born Le Quang Vinh on Oct. 10, 1953; was arrested at Linh Mu Pagoda, Hue City, in Jun. 1993 and detained at Thua Phu Prison, Hue City;

- was sentenced at Nov. 15, 1993 trial to 4 years for "disturbing public order", now incarcerated at Ba Sao "re-education" camp, Phu Ly district, Ha Nam Ninh province.
12. **Thich Hai Thinh** (born Le Phu Thinh): was arrested Jun. 5, 1993; was sentenced at Nov. 15, 1993 trial to 3 years; now detained with common prisoners at Camp Ba Sao, Phu Ly District, Ha Nam Ninh province.
 13. **Thich Hai Tang**: was born Nguyen Dinh Hoa on Mar. 14, 1958; was arrested May 6, 1993 and sentenced to four years of imprisonment; now detained with criminal prisoners at "re-education" camp Ba Sao, Phu Ly district, Ha Nam Ninh province.
 14. **Thich Hai Chanh** (born Nguyen Chan Tam): was arrested July 19, 1993; was put on trial Nov. 15 and sentenced to 3 years of imprisonment; now incarcerated at Ba Sao "re-education" camp, Phu Ly district, Ha Nam Ninh province.
 15. **Thich Nhat Lien**: Head of Long Tho Temple, Xuan Loc district, Dong Nai province; was taken into custody Dec. 2, 1993 for interrogation for 9 days; now under house arrest at Long Tho Temple, Xuan Loc district, Dong Nai province.
 16. **Most Venerable Thich Tri Luc**: was arrested Oct. 2, 1992 in Ho Chi Minh City for distributing materials protesting the SRV government's persecution of the UBC, demanding its respect for human rights as well as the release of Patriarch Thich Huyen Quang and Most Venerable Thich Quang Do; put under house arrest by administrative sanction in March 1993.
 17. **Reverend Thich Tue Sy**: was born Pham Van Thuong on Feb. 15, 1941; scholar on Vietnamese Buddhism and co-editor (with Reverend Thi Tri Sieu) of the Encyclopedia of Buddhism; was arrested Apr. 2, 1984 with other Buddhist monks and followers at Gia Lam Temple and Van Hanh Pagoda; founder of the Free Vietnam Force (FVF - Luc Luong Viet Nam Tu Do) and writer of its Manifesto; was prosecuted together with 20 other FVF members in September 1986 and sentenced to death; his sentence was subsequently commuted to 20 years by the Supreme People's Court in November 1988 in the face of mounting opposition by the international community and the Vietnamese community overseas; in April 1989, transferred to "re-education" camp Z30A, Xuan Loc district, Dong Nai province, immediately returned to "re-education" camp 20A, Xuan Phuoc district, Phu Yen province, where he was jailed for the first time from June 1978 through February 1980.
 18. **Reverend Thich Tri Sieu**: was born Le Manh That in 1943 in Trieu Phong

- village, Quang Tri province; was a U.S. educated professor and co-editor of the Encyclopedia of Buddhism; was arrested with other Buddhist monks and followers at Gia Lam Temple and Van Hanh University on April 2, 1984; brought to trial for "plotting to overthrow the People's Government" and given a death sentence which was later commuted to 20 years imprisonment by the Supreme People's Court in November 1988; transferred from Cell 20, Section F of Chi Hoa Prison in Ho Chi Minh City to "re-education" camp Z30A, in Xuan Loc district, Dong Nai province.
19. **Reverend Thich Nguyen Giac:** was born Ho Khac Dung in Thua Thien province in 1951; as a FVF member was sentenced to 15 years imprisonment in September 1988; transferred from Chi Hoa Prison to "re-education" camp Z30A; now detained in camp A20 in Xuan Phuoc village, Tuy Hoa district, Phu Yen province.
 20. **Reverend Thich Phuc Vien:** born Le Hien in 1951; was arrested in June 1980 at Chau Lam Pagoda in Hue City for "plotting to overthrow the People's Government"; sentenced to 20 years imprisonment in September 1980; now detained in camp A20.
 21. **Venerable Thich Thien Tan:** was born Thai Thanh Hung in 1945; Head of Thuyen Ton Temple in Hue City since 1972; was arrested in August 1978 for "participating in conspiratorial activities against the People's Government"; sentenced to life imprisonment by the People's Court of Hue City in March 1980; presently detained in camp A20.
 22. **Reverend Thich Minh Su:** was sentenced to 20 years' hard labor; now incarcerated in camp Z30A.
 23. **Reverend Thich Tri Giac:** was sentenced to 20 years' hard labor; now detained in camp Z30A.
 24. **Reverend Thich Tam Can:** was born Nguyen Huu Tin in 1945; sentenced to 20 years' labor; now detained in camp A20.
 25. **Reverend Thich Tam Tri:** was born Huynh Van Ba in 1945; sentenced to 20 years' labor.
 26. **Thich Nguyen The:** was sentenced to 20 years imprisonment; now detained in camp Z30A.
 27. **Thich Hai Tri:** was sentenced to 18 months' imprisonment.

28. **Reverend Thich Thong Bui:** sentence not yet confirmed.
29. **Reverend Thich Thanh Tinh** (born Hoang Van Giang). sentence not yet confirmed; now detained in camp Z30A.
30. **Reverend Thich Tri Giac** (born Nguyen Dung): was sentenced to 20 years' imprisonment; now detained in camp Z30A.
31. **Reverend Thich Hue Dang** (born Nguyen Ngoc Dat): was sentenced to 20 years' imprisonment; now detained in camp A20.
32. **Reverend Thich Hai Dan:** was arrested together with Reverend Thich Hai Chanh on July 19, 1993; now under house arrest.
33. **Reverend Thich Hai Lac:** was arrested July 19, 1993; now under house arrest.
34. **Venerable Thich Nguyen Ly:** Head of Tu Hieu Temple; taken into custody from Nov. 7, to 12, 1994 for intensive interrogation; now under house arrest.
35. **Venerable Thich Lang Quynh:** Headed a temple in Nha Be district; was coerced twice in November 1994 by Ba Luc, a high ranking police officer in charge of religious affairs for Ho Chi Minh City Police, into aborting a flood relief effort in Vinh Binh province; barred from traveling outside his district of residence.
36. **Most Venerable Thich Nhu Dat:** member of the Central Executive Committee of the (state-sponsored) VBC; author of an eight-page statement submitted to SVR Prime Minister Vo Van Kiet and the Central Committee for Religious Affairs of the CPV, protesting the politicization of Buddhist teachings at the School of Basic Buddhism in Thua Thien province, Hue City; was arrested together with 12 Buddhist monks on December 7, 1994.
37. **Monk Do Huy Cuong:** was arrested Jul. 9, 1993 at Son Linh Temple in Thu Duc district; ordered out of his temple and now under house arrest.
38. **Layman Pham Van Due:** was arrested with Reverend Thich Hanh Duc, head of Son Linh Temple.
39. **Venerable Thich Nguyen Nhu:** was prohibited by Ho Chi Minh City Police in November 4, 1994, from participating in flood relief efforts by the UBC; now under house arrest.

40. **Venerable Thich Quang Ton:** was also barred from taking part in UBC-sponsored flood relief projects; now under house arrest.
41. **Reverend Thich Tam Van:** same as No. 39.
42. **Reverend Thich Nguyen Thinh:** same as No. 39.
43. **Layman Nhat Tuong** (born Pham Van Xua): was arrested on November 4, 1994, the same time as Venerables Thich Khong Tunh and Nhat Ban, and Reverend Thich Tri Luc.
44. **Laywoman Dong Ngoc** (born Nguyen Thi Em): same as No. 43.
45. **Monk Thich Nguyen Man:** was arrested for interrogation for having visited Patriarch Huyen Quang at Hoi Phuoc Temple; coerced into signing a commitment not to contact with Patriarch Huyen Quang.
46. **Monk Thich Dong Hoa:** same as No. 45.
47. **Student Monk Thich Huyen Van:** is now held in custody at Tho Duc Temple.
48. **Thich Thien Minh** (born Huynh Van Ba) was born in 1945; was sentenced to 20 years' imprisonment.
49. **Buddhist monk Do Ngay:** under house arrest.
50. **Monk Hoang Son:** -id-
51. **Monk Ngo Van Hua** -id-
52. **Monk Nguyen Viet Hoc** -id-
53. **Monk Nguyen Van Hoa** -id-
54. **Monk Nguyen Huu Phuoc** -id-
55. **Monk Nguyen Phi Hung** -id-
56. **Monk Nguyen Minh Cuong** -id-

57. **Monk Phan Van Du** -id-
58. **Monk Phan Van Vinh** -id-
59. **Phan Van Lai** -id-
60. **Tran Dai Minh** -id-
61. **Tran Quang Minh** -id-
62. **Tran Thanh Son** -id-
63. **Vo Van Chinh:** -id-
64. **Monk Nguyen Van Tho:** now detained in "re-education" camps
65. **Monk Nguyen Van Hoang:** -id-
66. **Monk Nguyen Van Trung:** -id-
67. **Monk Tran Van Tu:** -id-
68. **Various Reverends and Buddhist monks:** were reportedly injured and arrested by Hue City Police on November 27, 1994, for presenting a petition to Most Venerable Thich Thien Sieu (also a member of the SRV Assembly) of the state-sponsored UBC. Their identities and places of detention have yet been confirmed.

APOSTASY AND BLASPHEMY IN PAKISTAN
10 Conn. J. Int'l L. 27 (1994)

by David F. Forte¹

If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what his colour, caste or creed, is first, second, and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

-- Muhammad Ali Jinnah (1947)²

Intolerance is becoming holy, a distinguishing badge of devotion to Islam.

-- Human Rights Commission
of Pakistan (1993)³

Pakistan has come a long way since its founder, Muhammad Ali Jinnah, proclaimed tolerance for all religions in 1947. Nowadays in the eyes of many, active persecution of minority religions is afoot, and previous governmental policy has let loose private acts of vengeance against Ahmadis, Christians, Hindus, pagans and minority Muslim sects. The ancient prohibition of apostasy in the Shari'a⁴ -- though never specifically included in the law of Pakistan -- is nonetheless now being effectuated by Pakistan's law against blasphemy,⁵ a more flexible and potent weapon. Iran's "sentence" against Salman Rushdie for blasphemy

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² Quoted in STANLEY WOLPERT, *JINNAH OF PAKISTAN* 339 (1984).

³ HUMAN RIGHTS COMMISSION OF PAKISTAN, *THE "BLASPHEMY" EPISODES* (hereafter *BLASPHEMY EPISODES*) 13 (n.d. [1992]).

⁴ The Shari'a (sometimes spelled Shari'ah or Shariat) is the classical law of Islam, formulated and developed over a number of centuries after Muhammad's death in 632, and crystallized within four variant schools in Sunni Islam (Maliki, Hanafi, Shafi'i, and Hanbali) by around the year 1200 A.D. The dominant Shia school is Jafari.

⁵ Pakistan Penal Code, sec. 295C.

more flexible and potent weapon. Iran's "sentence" against Salman Rushdie for blasphemy and Bangladesh's prosecution of Taslima Nasreen may have gained wider international notoriety.⁶ Nevertheless, Pakistan's application of its law against blasphemy has so outraged human rights observers and so roiled its own internal politics that the current government of Benazir Bhutto had fitfully considered measures to limit its effect, but wary of the influence of the mullahs, the government has not proposed to repeal it.

Blasphemy, of course, has long been an element in the religion, law, and politics of the West.⁷ Though mostly in desuetude, the instinct to punish blasphemy may be replicated in the West today by the orthodoxy of political correctness and by hate speech laws. In Islam, however, laws directly criminalizing apostasy and blasphemy are reaching a crescendo of support among certain Muslim segments in many countries, to the dismay of many other Muslims, and to the detriment of minority religions.

This essay analyzes how the law against blasphemy has become a weapon against religious minorities in Pakistan. It begins with a brief overview of the constitutional struggle between the forces for religious tolerance and that element of Pakistani society seeking a particularized Islamization of Pakistan's law and culture. The second section of the article explains the manner in which classical Islamic law (the Shari`a) treated apostasy and blasphemy, and how it permitted private acts of religious vengeance to be immune from legal liability. In the final section, I describe how the current law on blasphemy imposes a harsh regime on religious minorities, allows private acts of vengeance to go unpunished, and mimics the classical prohibition against apostasy to work against dissenting Muslims as well.⁸

I. PAKISTAN'S CONSTITUTION AND RELIGIOUS TOLERANCE

Over the last few years, human rights groups around the world and within Pakistan have uniformly condemned practices that are directed against minority religions within

⁶ See M. M. Slaughter, *The Salman Rushdie Affair: Apostasy, Honor, and Freedom of Speech*, 79 VA. L. REV. 153 (1993) and Tim McGirk, *Bangladesh: Extremists Want Feminist Writer to Hang*, OTTAWA CITIZEN, May 25, 1994, at A14, available on LEXIS, News Library, Curtnws File.

⁷ See LEONARD W. LEVY, *BLASPHEMY* (1993); Michael Bohland, *Public Peace, Rational Discourse and the Law of Blasphemy*, 21 ANGLO-AMER. L. REV. 162 (1992).

⁸ Necessarily, this essay does not analyze the entire range of the place of minorities in Pakistani law, including the nearly unrelenting suppression of the Ahmadi sect. Instead, I concentrate on the particular problem of the application of the law against blasphemy and its effects. For a more complete treatment of the subject of the treatment of religious minorities, the reader is referred to the forthcoming essay by my colleague, Professor Tayyab Mahmud, "Religious Minorities in Islam: The Law and Politics of Identity and Rights."

Pakistan.⁹ The irony is that during British imperial rule, Muslim intellectuals of British India, such as Sir Syed Ahmad Khan and Ameer Ali, were in the forefront of Islamic reform, tolerance, and an expected Islamic renaissance in learning, culture, and the law.¹⁰

Muhammad Iqbal, one of the greatest poets of the subcontinent, president of the Muslim League, and spiritual father of Pakistan, spawned an entire generation of Muslim scholars dedicated to freeing Islamic law from the confines of the Shari`a.¹¹ Drawing on earlier Islamic modernists such as al-Afghani and Muhammad `Abduh, Iqbal taught that the provisions of the Shari`a were limited to the time, conditions, and traditions of the Arab peoples a thousand years ago and could not legitimately bind future generations.¹² He called instead for applying the values of Islam as a religion, not a legal code, to the construction of a modern Islamic society, which would be open and tolerant to all religious traditions.¹³

⁹ See, e.g., HUMAN RIGHTS COMMISSION OF PAKISTAN, STATE OF HUMAN RIGHTS IN PAKISTAN 1992 37-52 (n.d.[1993]); HUMAN RIGHTS COMMISSION OF PAKISTAN, STATE OF HUMAN RIGHTS IN PAKISTAN 1993 39-48 (n.d.[1994]); 5 ASIA WATCH, PERSECUTED MINORITIES AND WRITERS IN PAKISTAN (September 1993); AMNESTY INTERNATIONAL, VIOLATIONS OF HUMAN RIGHTS OF AHMADIS (1991); PAKISTAN, AMNESTY INTERNATIONAL REPORT 1992 (1992); PAKISTAN, AMNESTY INTERNATIONAL REPORT 1993 (1993); HUMAN RIGHTS WATCH/ASIA, September 19, 1993; DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991 1154-60 (1992); DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992 1168 (1993); DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993 1370-86 (1994).

¹⁰ FARZANA SHAIKH, COMMUNITY AND CONSENSUS IN ISLAM, MUSLIM REPRESENTATION IN COLONIAL INDIA 1860-1947 30-34; Daniel P. Collins, *Islamization of Pakistani Law: A Historical Perspective*, 24 STAN. J. OF INT'L L. 511, 524 (1985); I.A. REHMAN, PAKISTAN UNDER SIEGE 123 (1990).

¹¹ See MUHAMMAD IQBAL, RECONSTRUCTION OF RELIGIOUS THOUGHT IN ISLAM 145 (1934).

¹² Report of the Constitutional Commission (1961), SAPDAR MAHMOOD, CONSTITUTIONAL FOUNDATIONS OF PAKISTAN 516 (rev. ed. 1990). MAHMOOD is a collection of the fundamental constitutional documents of the state of Pakistan. Iqbal was reiterating the doctrine of an earlier Islamic thinker, Shah Waliullah, who held that the criminal penalties of Islamic criminal law were specific to the Arabs "and since their observance is not an end in itself, they cannot be strictly enforced in the case of future generations." Quoted in I.A. REHMAN, PAKISTAN UNDER SIEGE 137 (1990). For a description of the thought of al-Afghani and Muhammad `Abduh, see AZIZ AL-AZMEH, ISLAM AND MODERNITIES 43-57 (1993).

¹³ See also the earlier work, AMEER ALI, THE SPIRIT OF ISLAM (1922, 1974), passionately arguing that Islam enshrines tolerance more than any other religion, and compare with SAYYID ABUL A'LA MAUDUDI, THE ISLAMIC LAW AND CONSTITUTION (Khurshid Ahmad, trans., 7th ed. 1980), who rhetorically criticized both the liberal West and the conservative ulama, but whose party, Jama`at-i-Islami, supported a radicalized form of Islamization, including a program detrimental to religious minorities. Maududi favored a one-year probationary period following the inauguration of the Islamic state during which time Muslims would be allowed to renounce their faith. Following that period, any Muslim would be subject to death if he, by word or action, apostasized from the faith. S.A. RAHMAN, THE PUNISHMENT OF APOSTASY IN ISLAM 5-6 (1972).

Despite the current intolerance displayed towards religious minorities, the anniversary of his death is still a national holiday in Pakistan.

Iqbal's views met much hostility. The tension between the Islamic purists, or more accurately, the defenders of the ancient Shari`a in all its positivistic details, and the Islamic reformers was present at the founding of Pakistan and has been a cardinal element of its politics and law ever since.¹⁴

Pakistan was formed in 1947 as a state for Muslims, but not necessarily an Islamic state, or at least one admitting of the varied and rich traditions within Islam.¹⁵ It was the religion preached by Muhammad, and not necessarily the law of the Shari`a, that was "the very raison d'être of Pakistan."¹⁶ From the beginning, constitutional drafting was bedeviled by the problem of the place of Islam in the new constitutional and legal structure and how non-Islamic elements would be accommodated.¹⁷ The "Objectives Resolution," passed in March 1949 and designed to guide the constitutional drafting process, illuminated the pluralism both within Islam and among non-Islamic religions.

Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunna¹⁸

¹⁴ See generally, ISHTIAQ AHMED, *THE CONCEPT OF AN ISLAMIC STATE: AN ANALYSIS OF THE IDEOLOGICAL CONTROVERSY IN PAKISTAN* (1987) (discussing alternative models of an Islamic state and the degree to which the divine will, enshrined in the Shari`a, should be incorporated).

¹⁵ See generally, KHALID B. SAYEED, *PAKISTAN, THE FORMATIVE PHASE, 1857-1948* (2d ed. 1968). Ninety-seven percent of Pakistan's 125 million people is Muslim.

¹⁶ NORMAN ANDERSON, *LAW REFORM IN THE MUSLIM WORLD* 174 (1976).

¹⁷ MAHMOOD, *supra* note 12, at 10.

¹⁸ According to Islam, the Qur'an (alternatively transliterated as Koran) is the collection of divinely inspired utterances proclaimed by the Prophet Muhammad to his followers. Tradition holds that parts of the Qur'an, some noted down and others committed to memory during Muhammad's life, were written down, collected and organized within thirty years of Muhammad's death, when an authoritative canon was declared and variant versions destroyed. FAZLUR RAHMAN, *ISLAM* 40 (2d. ed. 1966).

and that

adequate provision shall be made for the minorities free^{ly} to profess and practise their religion's [sic] and develop their cultures.¹⁸

Both aspirational objectives made it into the preamble of Pakistan's first constitution when promulgated in 1956 and have been maintained in the nation's subsequent constitutions.²⁰ Nonetheless, each of Pakistan's constitutions was formulated in the context of coups, martial law, executive rule, democratic reaction, and religious frictions, and they all have come to bear the marks of that political conflict. In addition to the distribution of power between parliament and the president and the division of powers between the center and the provinces, the institutional position of Islam has been in the center of the political and legal contest.²¹

Throughout Pakistan's constitutional and political history, the ulama -- composed of the learned Islamic elite and a class of less well educated mullahs or Muslim clerics -- has vigorously pressed for a mechanism by which the positive law of Pakistan would always be in

The Sunna (sometimes spelled Sunnah or Sunnat), or "pathway," is the customary way in which legal cases were decided in Arabia before Muhammad, and by rulers of the Islamic empire after Muhammad's death. Its content, however, was debated, developed, and later concretized by reference to actions attributed to Muhammad himself. The Sunna, therefore, came to be defined only by the Traditions of the Prophet (*hadith*, pl. *ahadith*). They are an assemblage of recollections put together some centuries after the death of Muhammad, purporting to describe what the Prophet said, did, or permitted to be done. The six authoritative collections of *ahadith* are al-Bukhari, Muslim, Abu Dawud, al-Nasai, al-Tirmidhi, and Ibn Maja. The Sunna is regarded, with the Qur'an, as an authoritative source of divine legislation. The historical authenticity of the Sunna, however, is debated, given the political contest surrounding its emergence and compilation. See JOSEPH SCHACHT, *THE ORIGINS OF MUHAMMADAN JURISPRUDENCE* (1953) (tracing the manner in which traditions developed early in the Islamic empire independent of Muhammad were later ascribed to the Prophet) and my evaluative essay, *Islamic Law: the Impact of Joseph Schacht*, 1 *LOYOLA INT'L & COMP. L. ANN.* 1 (1978).

Traditionally, the Qur'an and the Sunna provide two of the four sources of Islamic law, the other two being *ijma*, or consensus of the scholars, and *qiyas*, or analogical reasoning. FAZLUR RAHMAN, *ISLAM* at 68-78.

¹⁹ Objectives Resolution (1949), in MAHMOOD, *supra* note 12, at 46. The Objectives Resolution was "founded on the political equality of all religious groups," SHAIKH, *COMMUNITY AND CONSENSUS IN ISLAM*, *supra* note 10, at 47.

²⁰ Constitutional stability has not been the hallmark of the Pakistani state. Technically, Pakistan has had three constitutions -- 1956, 1962, and 1973. In addition, however, there have been periods of executive rule legitimated by organic decrees having quasi-constitutional status, an interim constitution of 1972, and extensive amendments to the 1962 and 1973 constitutions. See generally, Tayyab Mahmud, *Praetorianism and Common Law in Post-Colonial Settings: Judicial Responses to Constitutional Breakdowns in Pakistan*, 4 *UTAH L. REV.* 1225, 1273 n.28 (1993).

²¹ William L. Richter, *The Political Dynamics of Islamic Resurgence in Pakistan*, 29 *ASIAN SURVEY* 547 (1979). The contest between the more populous province of East Bengal and the more politically powerful West Pakistan was never resolved until the independence of Bangladesh in 1971.

compliance with the Shari'a.²² At the same time, however, political liberals and Islamic reformers sought a declaration of fundamental rights for all persons of whatever religion.²³

The debate focussed on the legal implications of Pakistan's Muslim identity. For Muslims to be "enabled" to live their lives "in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunna," the requirements of the Qur'an and the Sunna had to be elucidated. One option, favored by the ulama, was the recognition of the primacy of the Shari'a, as based on the Qur'an and the Sunna, to which all positive law must be aligned. The alternative, developed by such thinkers as Fazlur Rahman, recognized the diverse sects and schools of law within Islam, as well as the place of non-Islamic minorities in the society. These modernist Muslims opted to keep Pakistan's legal framework free of the (often conflicting) strictures of the developed Shari'a and to look to the Qur'an and the Sunna as the source of generic values, not specific rules, that the society as a whole could share, and which were themselves prior to and superior to the Shari'a itself.²⁴

As finally adopted, the Constitution of 1956 tried to finesse the conflict between minority rights and the Islamization of the society.²⁵ The Constitution did declare that the state would be "based on Islamic principles of social justice,"²⁶ and concentrated on educational provisions that would "enable the Muslims of Pakistan individually and collectively to order their lives in accordance with the Holy Quran and the Sunnah."²⁷ It also declared that "no law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah," but no mechanism was provided for enforcing that

²² See Report of the Basic Principles Committee adopted December 22, 1952), in which a complex procedure was required to assure that no legislation "repugnant to the Holy Quran and the Sunnah" would become law. Mahmood, *supra* note 12, at 88-90. When the Constituent Assembly adopted the Report on October 6, 1954, however, the Islamicization provisions were much diluted. *Id.* at 158.

²³ Two drafts of the Fundamental Rights of Citizens of Pakistan were formulated. In 1950, the first draft contained extensive protections for religious minorities as well as other rights. In 1954, a far more truncated Declaration was passed with far fewer protections for religious minorities. Compare Report of the Committee on the Fundamental Rights of Citizens of Pakistan and on Matters Relating to Minorities (adopted October 6, 1950), in MAHMOOD, *supra* note 12, at 239-42 and Report of the Committee on the Fundamental Rights of Citizens of Pakistan and on Matters Relating to Minorities (adopted September 7, 1954), *id.* at 243-245. But the final draft of the 1956 Constitution utilized the earlier Report with its greater protections for minorities.

²⁴ FAZLUR RAHMAN, *ISLAM & MODERNITY: TRANSFORMATION OF AN INTELLECTUAL TRADITION* 20 (1982); RICHARD S. WHEELER, *THE POLITICS OF PAKISTAN, A CONSTITUTIONAL QUEST* 93-97 (1970).

²⁵ For a thorough discussion of the early constitutional debates and religious and political jousting, see LEONARD BINDER, *RELIGION AND POLITICS IN PAKISTAN* (1963).

²⁶ THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN (1956)(hereafter PAKISTAN CONST. (1956)), preamble, in MAHMOOD, *supra* note 12, at 247.

²⁷ PAKISTAN CONST. (1956), preamble, *id.*

provision.²⁸ In fact, the Constitution of 1956 significantly reduced the initial gains of the ulama in the preparatory documents on Islamization of the law, putting off that issue pending a report by a Presidential Commission.²⁹ Equal authority for incorporating any of the findings of the commission was left to parliament.³⁰

More importantly, the Constitution of 1956 emphasized the principle that "adequate provision shall be made for the minorities freely to profess and practise their religions."³¹ An extensive listing of fundamental rights was included, protecting each citizen's right to "profess, practise and propagate his religion,"³² and affirming that "every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions,"³³ including educational institutions.³⁴ Significantly, the Constitution also prohibited discrimination in taxation against religious minorities, for under the Shari'a, non-Muslims gained protected status only by payment of a special, and usually higher, tax.³⁵

It was significant that both the preparatory documents and the Constitution of 1956 were careful to avoid references to the Shari'a as the authoritative source for Islamic law. The allusion to the "Holy Quran and Sunnah" was designed to go behind the intricate provisions of the Shari'a as formulated by the schools of law, and to seek a "new *ijtihad*," a new jurisprudence, based on original Islamic sources and adapted to modern conditions.³⁶ It was part of the legacy of Muhammad Iqbal. The authoritative source of the "new *ijtihad*" was to be, not the ulama, but the parliament and the courts.³⁷ In this way, the drafters of Pakistan's constitution hoped to avoid a contradiction between the dominant place of Islam in the culture and the protection of other religions since it was obvious to everyone that many of the

²⁸ PAKISTAN CONST. (1956), art. 198, *id.*

²⁹ WHEELER, *THE POLITICS OF PAKISTAN*, supra note 24, at 97-100; Collins, *Islamization of Pakistani Law*, supra note 10, at 554-555.

³⁰ PAKISTAN CONST. (1956), Art. 198, *id.* at 300.

³¹ PAKISTAN CONST. (1956), preamble, *id.* at 247.

³² PAKISTAN CONST. (1956), Art. 18(a), *id.* at 251.

³³ PAKISTAN CONST. (1956), Art. 18(b), *id.* at 252.

³⁴ PAKISTAN CONST. (1956), Art. 13(5), *id.* at 250.

³⁵ PAKISTAN CONST. (1956), Arts. 13(4), *id.* Protected religious communities (*dhimmis*) had to pay a special tax, the *jizya*. David F. Forte, *Religious Toleration in Classical Islam*, INTERNATIONAL PERSPECTIVES ON CHURCH AND STATE 209, 211 (Menachem Mor, ed. 1993).

³⁶ Justice Zakaullah Lodhi, *Ijtihad in the Process of Islamicization of Laws*, 32 ALL PAKISTAN LEGAL DECISIONS, 22 JOURNAL 21 (1980).

³⁷ Salah-Ud-Din Ahmad, *Ijtihad*, 32 ALL PAKISTAN LEGAL DECISIONS, 2 JOURNAL 1 (1980).

constitutional provisions protecting minority religions would have been at odds with the classical Shari'a.³⁸

The 1956 Constitution represented a substantial victory for the legal protections of religious minorities. Although that constitution was short-lived, its liberal attitude towards minorities continued under the martial rule of General Muhammad Ayub Khan who came to power in a coup in 1958.³⁹ In 1961, Khan further secularized the law by promulgating the Muslim Family Laws Ordinance which dissolved much of the traditional Muslim family law that had been left by the British.⁴⁰

A new constitution was formulated and proclaimed and civilian rule reintroduced in 1962. That document established an Advisory Council of Islamic Ideology and an Islamic Research Institute neither of which, however, were given any real power over legislation.⁴¹ In fact, the 1962 constitution had fewer references to Pakistan as an Islamic state than did the 1956 constitution. Both the repugnancy clause and the "Holy Qur'an and Sunnah" phrasing of the 1956 constitution were deleted. Soon, however, pressure from the partisans of Islamization forced major amendments to the constitution in 1964. A significant change was the reinsertion of the repugnancy clause, viz.,

No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.⁴²

More importantly, the foundations of an enforcement structure were laid, as the Advisory Council of Islamic Ideology was directed "to examine all laws in force immediately . . . with a view to bringing them into conformity" with Islamic law.⁴³ Nevertheless, Ayub Khan intentionally staffed the Advisory Council and the Islamic Research Institute with persons who shared Muhammad Iqbal's vision of a new *ijtihad*.

As the subsequent political history of Pakistan oscillated between coup and election, the influence the ulama grew and the program for the legal Islamization of the society found its way into the constitution and the laws. Nearly all of the movement towards imposition of the Shari'a occurred during martial rule. The mullahs and their political allies were always soundly defeated in every electoral contest. The religious parties never gained more than 18

³⁸ For a description of how minority religions fared under the Shari'a, see Forte, *Religious Toleration in Classical Islam*, *supra* note 35, at 209.

³⁹ See generally LAWRENCE ZIRING, *THE AYUB KHAN ERA, POLITICS IN PAKISTAN, 1958-1969* (1971), and HERBERT FELDMAN, *FROM CRISIS TO CRISIS, PAKISTAN 1962-1969* (1972).

⁴⁰ Collins, *Islamization of Pakistani Law*, *supra* note 10, at 556-57.

⁴¹ CONSTITUTION OF THE SECOND REPUBLIC (1962), PART X, in MAHMOOD, *supra* note 12, at 535, 602-04.

⁴² First Amendment (Act. no. 1, 1964), *id.* at 628, 634; WHEELER, *THE POLITICS OF PAKISTAN*, *supra* note 24, at 106-108.

⁴³ MAHMOOD, *supra* note 12, at 635.

seats in Parliament, and now hold only 9 out of 204 Muslim seats.⁴⁴ Dictatorships have been more amenable to their dictatorial aims. Nonetheless, even the democratically elected regimes of the socialist Zulfikar Ali Bhutto in the 1970's and the nationalist Mian Mohammed Nawaz Sharif in the early 1990's courted their power and even advanced their aims.

The political power of the religious radicals comes from their ability to mobilize the passions of the lower middle classes in the cities by conjoining the ideology of nationalism with the xenophobia and legalistic positivism of militant Islam.⁴⁵ Fear of violent disruption has gained the attention of those in power. As one commentator put it, "[A]ll kinds of politicians have been trying to bolster their weak regimes by giving concessions to the clerics and compromising on democratic norms and the ideals of the freedom movement. And most of this at the cost of minorities' rights and interests."⁴⁶

Marital law was reimposed in 1969, and General Muhammad Yahya Khan assumed control. Following civil war and separation of Bangladesh from Pakistan in 1971, a new constitution and civilian government was put into place in 1973.⁴⁷ The 1973 constitution reflected the growing influence of fundamentalist and legalistic form of Islam in the political structure. The constitution formally established Islam as the state religion.⁴⁸ It continued the 1962 Constitution's requirement that "all existing laws shall be brought into conformity with the Injunctions of Islam" but went further to establish a Council of Islamic Ideology to advise parliament on the compatibility of past or proposed laws with Islamic law.⁴⁹

Under the acquiescence of Zulfikar Ali Bhutto (who also banned alcohol and changed the day of rest from Sunday to Friday),⁵⁰ laws affirmatively directed against minority religions soon began in earnest. Following serious riots, the constitution was amended in 1974 to deprive the Ahmadis of the status of Muslims.⁵¹ The three million Ahmadis consider themselves Muslims and follow a prophet whom they believe to have been the Mahdi. Many Pakistanis think them heretics or unbelievers (*kaafir*), which, under the Shari'a, would not have

⁴⁴ I. A. Rehman, *Rout of the Mullahs*, NEWSLINE (Karachi), October 1993, at 44-45; Lawrence Ziring, *From Islamic Republic to Islamic State in Pakistan*, 24 ASIAN SURVEY 931, 943 (1984).

⁴⁵ See AL-AZMEH, *ISLAM AND MODERNITIES*, *supra* note 12, at 60-74.

⁴⁶ I. A. Rehman, *Silenced Minorities*, NEWSLINE (Karachi), August 1993, at 72.

⁴⁷ THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN (1973) (hereinafter PAKISTAN CONST. (1973)), in MAHMOOD, *supra* note 9, at 839. In the interim, a temporary Legal Framework Order (1970) and Interim Constitution (1972) regulated the laws of the country. *Id.* at 655, 677.

⁴⁸ PAKISTAN CONST. (1973), ART. 2, *id.* at 842.

⁴⁹ PAKISTAN CONST. (1973), ART. 227-30, *id.* at 956-58.

⁵⁰ Farnan Bokhari, *Koran-quoting Businessmen Campaign to Work on Friday*, THE FINANCIAL TIMES, February 12, 1994, at 12, available on LEXIS, News Library, Curnwys File.

⁵¹ Constitution (Second Amendment) Act (1974), Act 49 (1974), in MAHMOOD, *supra* note 12, at 1038.

a right to exist in an Islamic state.⁵² The Ahmadis had long been harassed, but this new law began a long period of direct persecution. In addition to the constraints placed on the Ahmadis, Christian schools were nationalized in the general legal disenfranchisement of private schools in 1970's, and, despite protests, have yet to be returned to the churches.⁵³

In 1977, another coup displaced the civilian government of Zulfikar Ali Bhutto⁵⁴ (who was later hanged), and Pakistan's new leader, General Zia ul-Haq, made the Islamization of the laws a primary objective.⁵⁵ The Shari'a partisans made the most of their opportunity. Zia ordered the establishment of Shariat benches within the superior courts,⁵⁶ a reform soon incorporated into the constitution by amendment.⁵⁷ In 1980, the Shariat benches within the superior courts were displaced, and a separate and stronger Federal Shariat Court was created, having jurisdiction "notwithstanding anything in the Constitution" to examine whether any law was repugnant to Islam.⁵⁸ The name of the court was significant. Its standards were not to be the "new *ijihad*" promised at the founding of the country, but the classical Shari'a. If the Shariat Court found a law to be in conflict with the injunctions of Islam, the invalid portion of the law was voided, and the President directed to take steps to assure that the law was brought into conformity with the injunctions of Islam.⁵⁹ By 1986, the Shariat Court had found portions of 55 federal laws and 212 provincial laws to be contrary to Islamic law.⁶⁰ Only the constitution itself remained outside of the jurisdiction of the Shariat Court.

The ulama now possessed constitutional legitimacy and a religious court to enforce their program, subject, of course, to the political realities of executive enforcement and parliamentary acquiescence. General Zia enfranchised the power of a class of relatively uneducated mullahs. The ulama were given enormous ideological leverage: over government television, setting requirements for university courses, gaining valuable government owned property to build mosques, and utilizing the loudspeakers on the minarets of thousands of

⁵² A 1974 amendment to the Constitution declares Ahmadis to be non-Muslims. VIOLATIONS OF HUMAN RIGHTS OF AHMADIS, *supra* note 9, at 2.

⁵³ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1168.

⁵⁴ For a history of the Bhutto era, see SHAHID JAVED BURKI, PAKISTAN UNDER BHUTTO, 1971-1977 (1980).

⁵⁵ J. Henry Korson, *Islamization and Social Policy in Pakistan*, 6 J. OF S. ASIAN AND MIDDLE EASTERN STUDIES 71, 72 (1982); Justice Gul Muhammad Khan, *Islamization of Laws in Pakistan*, 38 ALL PAKISTAN LEGAL DECISIONS, JOURNAL 249, 261 (1986).

⁵⁶ President's Order 22 (1978), Shariat Benches of Superior Courts Order, 1978, 31 ALL PAKISTAN LEGAL DECISIONS, CENTRAL STATUTES 6 (1978).

⁵⁷ MAHMOOD, *supra* note 9, at 936, n.1.

⁵⁸ Originally, such a case could be brought by motion of a citizen, the federal government, or a provincial government. In 1982, an amendment was passed allowing the court to roam freely and take up any law on its own motion. PAKISTAN CONST. (1973), ART. 203D, *id.* at 940, n.4.

⁵⁹ PAKISTAN CONST. (1973), ARTS. 203C, 203D, *id.* at 938-41.

⁶⁰ Justice Gul Muhammad Khan, *Islamization of Laws in Pakistan*, *supra* note 55, at 264-65.

mosques to incite Muslim passions. The Islamic reformers had been politically and constitutionally eclipsed, and enforced Islamization of the nation went forward.

In 1979, the Hudood Ordinances went into effect, enforcing the *hadd* penalties for the offenses of drinking intoxicants (including drugs), theft (including robbery), adultery, and false imprecation of adultery.⁶¹ The *hadd* crimes of the Shari'ah are those purportedly derived from the Qur'an, whose penalties are fixed and from which no judicial deviation is allowed. The brake on the application of the Hudood Ordinances has been that they must be tried before the ordinary courts, no qadi courts yet having been established, and the judges have the option of trying the offense under the secular penal code.⁶²

Most schools of law in Islam also regard apostasy as a *hadd* offense, but the Hudood Ordinances of 1979 omitted it.⁶³ The law against blasphemy would soon cover much of the same ground. In addition to the establishment of the *hadd* offenses, the rules regarding the imposition of the Islamic punishment of whipping were enunciated, as well as the enforcement of the fast of Ramadan and the obligation of Muslims to pay the religious tax, or *zakat*.⁶⁴ At

⁶¹ President's Order 4 (1979), Prohibition (Enforcement of Hadd) Order, 1979 (punishing drinking intoxicants), 31 ALL PAKISTAN LEGAL DECISIONS, CENTRAL STATUTES 33 (1979); Ordinance 6 (1979), Offences against Property (Enforcement of Hudood) Ordinance, 1979 (punishing theft and robbery), *id.* at 44; Ordinance 7 (1979), Offense of Zina (Enforcement of Hudood) Ordinance, 1979 (punishing adultery), *id.* at 51; Ordinance 8 (1979), Offense of Qazf (Enforcement of Hadd) Ordinance, 1979 (punishing false accusation of adultery), *id.* at 56.

The Hudood Ordinances regarding adultery and false accusation of adultery raised the ire of women's groups in Pakistan. To convict a man accused of rape, a woman must present four Muslim witnesses of good character to the act. *One Woman Raped Every Three Hours in Pakistan*, Reuters, May 20, 1994, available on LEXIS, News Library, Curnws File. If a woman accused a man of rape and the man was acquitted, the woman was automatically liable for the offense of false accusation of adultery. Such a case did occur in which a woman was sentenced to three years prison, 15 lashes in public and fine when the man she accused of rape was acquitted. In response to the uproar, the Federal Shariat Court transferred the case to itself and rescinded the sentence. MOHAMMED WASEEM, POLITICS AND THE STATE IN ISLAM 394-95 (1989); Rubya Mehdi, *The Offense of Rape in the Islamic Law of Pakistan*, 18 INT'L J. OF THE SOCIOLOGY OF LAW 24-25 (1990).

⁶² Charles H. Kennedy, *Islamization and Legal Reform in Pakistan*, 63 PACIFIC AFFAIRS 62, 65 (1990).

⁶³ As early as 1963, however, Pakistan had reinstated the prohibition against inheritance by an apostate. DAVID PEARL, A TEXTBOOK ON MUSLIM PERSONAL LAW 211 (2d. ed. 1987).

Another crime often included as *hadd* offense is rebellion, but not all jurists agree. See ABDULLAHI AHMED AN-NA`IM, TOWARD AND ISLAMIC REFORMATION: CIVIL LIBERTIES, HUMAN RIGHTS, AND INTERNATIONAL LAW (hereafter AN-NA`IM, ISLAMIC REFORMATION) 108 (1990). In any event, that crime was obviously already prohibited within the law of Pakistan. PAKISTAN CONST. (1973), art. 6, in MAHMOOD, *supra* note 12, at 842.

⁶⁴ Ordinance 9 (1979), Execution of the Punishment of Whipping Ordinance, 1979, *id.* at 60; Ordinance 29 (1979), Zakat and Ushr (Organisation) Ordinance, 1979, *id.* at 277; Ordinance 23 (1981), Ehtram-e-Ramazan Ordinance, 1981, 33 ALL PAKISTAN LEGAL DECISIONS, CENTRAL STATUTES 278 (1981).

the same time, the government announced that the rules of the Hanafi school of Sunni Islam would be enforced, raising the ire of the substantial Shi'ite minority.⁶⁵

During the 1980's, Islamization continued apace in the midst of continuing political turmoil. The Federal Shariat Court was granted additional constitutional powers to review, *sua sponte*, any decisions or procedures by any other court enforcing *hadd* crimes and, if necessary, "enhance the sentence."⁶⁶ In 1984, Pakistan passed the Qadiani ordinance, directed at the Ahmadis and forbidding them to call themselves Muslims, to use forms of Muslim worship, to call to worship, or to use prayers and salutations that are Muslim.⁶⁷ By the end of 1992, 1,790 criminal cases had been brought against Ahmadis for violating the ordinance.⁶⁸ In 1985, a constitutional definition of "Muslim" excluded the Ahmadis, and separate electoral rolls were established for non-Muslims with minority religions allocated 10 out of the 217 seats in the federal parliament.⁶⁹

The same year, the final objective of the Islamic partisans came within reach. Under the Shari'a, there is no human authority to legislate. God is the only legislator. Rulers may only administer God's law as articulated through the Shari'a. Where there are gaps, the ruler may pass ordinances (*qanun*) designed to supplement, but not contradict the Shari'a. No human law, or ruler, or assembly, or constitution, can have authority over the Shari'a.⁷⁰ That fundamental principle was placed into the constitution by two amendments. The first, inserted by presidential ordinance, declared that the Objectives Resolution was no longer merely preambular, but a substantive part of the constitution.⁷¹ This meant that the clause stating that "Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah" was now a legally obligatory part of the basic law. The second amendment, passed by parliament, declared that "the injunctions of Islam as laid down in the Holy Quran and Sunnah are the *supreme law* and source of guidance for legislation to be

⁶⁵ Afak Haydar, *The Politicization of the Shias and the Development of the Tehrik-e-Nifaz-e-Fiqh-e-Jafaria*, in CHARLES H. KENNEDY, PAKISTAN 1992 79 (1993).

⁶⁶ PAKISTAN CONST. (1973), Art. 203DD, in MAHMOOD, *supra* note 12, at 942.

⁶⁷ Pakistan Penal Code, sects. 298-B, and 298-C.

⁶⁸ THE FRIDAY TIMES (Lahore), July 15-21, 1993, at 9. According to an Ahmadi rights organization, there were at least 2,133 Ahmadis arrested on various religious charges by the end of 1992. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1377. The Ahmadi Ordinance has been condemned by a number of United Nations agencies and the United State House of Representatives. MOHAMMED WASEEM, POLITICS AND THE STATE IN ISLAM 396 (1989). Also in 1984, testimonial evidence became regulated by the Shari'a, although the requirement that the testimony of two women count only as the equivalent of one man was later restricted to financial cases because of political protest. *Id.* at 395.

⁶⁹ PAKISTAN CONST. (1973), arts. 50 and 260(3)(a) and (b)(amended 1985), in MAHMOOD, *supra* note 12, at 860.

⁷⁰ KANUN, 4 THE ENCYCLOPAEDIA OF ISLAM 556 (1978).

⁷¹ PAKISTAN CONST. (1973), art. 2A (amended 1985), in MAHMOOD, *supra* note 12, at 842.

administered through laws enacted by Parliament and provincial assemblies, and for policy making by the Government."⁷²

The amendments gave the Shariat Court constitutional warrant to examine all laws that might be contrary to the Shari`a. In a jurisprudential sense, Shari`a became supreme even over the constitution, or as later cases presumed, it made the Shari`a "the supra-national *grundnorm* of the polity," the "real and effective law," and "now the positive Law" of the Pakistani constitutional order.⁷³ Under this interpretation of the classical theory of the Shari`a, Parliament no longer "made" laws. It could only "administer" the law as already laid down in or the Shari`a, or formulate "regulations" not in conflict with the Shari`a.

The President sought to enforce the new norm by promulgating the Enforcement of Shari`ah Ordinance in 1988.⁷⁴ It is not surprising that in a country where the jurisprudential ideas of Hans Kelsen have long dominated legal thought,⁷⁵ the authority of the Shari`a should be made directly in such terms: "Shari`ah shall be the supreme source of law in Pakistan and Grund Norm for guidance for policy and law-making by the State."⁷⁶ The melding of classical Islamic law and modern western positivism had taken place, and although the Enforcement of Shari`ah Ordinance lapsed after Zia's death,⁷⁷ a far more extensive Enforcement of Shari`ah Act was passed by Parliament in 1991.⁷⁸

Meanwhile, the provision that would cause the most notoriety had been emplaced into the criminal code. Blasphemy became among the most serious of crimes. The new penal provision declared:

⁷² Emphasis added. Constitution (Ninth Amendment) Bill (1985), amending art. 2, *id.* at 1065; RASIDA PATEL, ISLAMISATION OF LAWS IN PAKISTAN? 22 (1986). The same amending act also mandated that tax, banking, and insurance law be brought into harmony with Islamic law. MAHMOOD, *supra* note 12, at 1065-66.

⁷³ Mahmud, *Praetorianism and Common Law in Post-Colonial Settings*, *supra* note 20, at 1273 n.28; Dard & others v. Pakistan & others, C.A. 149/89, slip opinion, (Supreme Court of Pakistan, July 3, 1993) at 29.

⁷⁴ Enforcement of Shari`ah (Revised) Ordinance (1988), 49 ALL-PAKISTAN LEGAL DECISIONS, CENTRAL STATUTES 18 (1989).

⁷⁵ See Tayyab Mahmud, *Jurisprudence of Successful Treason: Coup D'Etat & Common Law*, 27 CORNELL INT'L L. J. 49 (1994).

⁷⁶ *Id.* at 19.

⁷⁷ Kamal Azfar, *Constitutional Dilemmas in Pakistan*, SHAHID JAVED BURKI & CRAIG BAXTER, PAKISTAN UNDER THE MILITARY: ELEVEN YEARS OF ZIA UL-HAQ 79 (1991). Presidential ordinances lapse after 120 days unless enacted into law by Parliament. Pakistan Constitution (1973) art. 89, in MAHMOOD, *supra* note 12, at 882.

⁷⁸ 49 PAKISTAN LEGAL DECISIONS, CENTRAL STATUTES 373 (1991). The year before, Pakistan reintroduced the Shari`a law of retaliation and blood money for murder and intentional bodily harm.

Whoever by words, either spoken, or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punished with death, or imprisonment, and shall also be liable to fine.⁷⁹

Unlike the Hudood Ordinances, however, there was no option given the judge to try the offense under an alternative provision in the law. The prohibition against blasphemy had been written directly into the penal code.⁸⁰

As broad as the statute was, as severe as the penalty prescribed, the Federal Shariat Court still found it too mild. The Shariat Court held that Islamic law required the death penalty for any act of blasphemy. The penalty of life imprisonment was voided.⁸¹ The decision was curious, in that under the Hanafi school, punishment for blasphemy could vary from flogging, imprisonment, or death according to the severity of the offense and the discretion of the judge.⁸²

The blasphemy ordinance was but one more criminal provision designed to protect and advance Islam. Older provisions dating from British rule protected places of worship and prohibited words or actions that with "deliberate and malicious intention" outrage "the religious feelings of any class of the citizens of Pakistan."⁸³ During the Islamization program of General Zia, however, five additional provisions were added: the law against blasphemy; a law punishing the defiling of the Qur'an;⁸⁴ a prohibition against insulting the wives, family, or companions of the Prophet;⁸⁵ and two laws directed against the Ahmadis.⁸⁶ The political and legal structure of the state was now in place for an offensive against dissenters.

The two religious groups the Pakistani government focussed on for suppression were and are the Ahmadis and the Christians, although there are threats against the Shi'ites, the

⁷⁹ Pakistan Penal Code, Sec. 295-C.

⁸⁰ In 1993, in a move designed to attack the Shi'ites, a bill was introduced to extend severe penalties to insults to the Prophet's family and companions. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1377. The bill was rejected by parliament in July 1994. *Pakistani Parliament Rejects Religion Bill*, United Press International, July 24, 1994, available on LEXIS, News Library, Curnws File.

⁸¹ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991, *supra* note 9, at 1154; COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1167.

⁸² Bernard Lewis, *Behind the Rushdie Affair*, 60 THE AMERICAN SCHOLAR 185, 188 (1991).

⁸³ Pakistan Penal Code, secs. 195 and 295A

⁸⁴ Pakistan Penal Code, sec. 295B.

⁸⁵ Pakistan Penal Code, sec. 293A.

⁸⁶ Pakistan Penal Code, secs. 298B and 298C.

Zikris, the Isma'ilis, and Hindus as well.⁸⁷ The U.S. State Department reported that in May 1991, the advocate general of Punjab asserted that "parents who raise their children as Ahmadis are inciting their children to apostasy" and have committed a capital crime.⁸⁸ In July, 1993, the Pakistani Supreme Court upheld the Qadiani ordinance against constitutional challenge, with one judge suggesting that if any Ahmadi proclaims that Muhammad is not the last prophet, they defame the Prophet contrary to the law against blasphemy and subject themselves to the death penalty.⁸⁹ In other words, the affirmation of the central tenet of the Ahmadis would become a capital offense.

Political frictions in Pakistan only increased the pressure for Islamization. General Zia perished in a plane crash in August, 1988, and in the following elections, the Pakistan People's Party, led by Benazir Bhutto, daughter of the former prime minister, won a plurality of seats. Bhutto became prime minister, but was unable or unwilling to turn back the Islamic momentum. She was dismissed by the President in 1990. The army-backed conservative Islamic Democratic Alliance, led by Mian Mohammed Nawaz Sharif, decisively won new elections.

Bhutto was charged with corruption, while Sharif pressed on with further Islamization. The government increased the penalty to ten years for anyone outraging "the religious feelings of any citizens of Pakistan."⁹⁰ Under that law an Ahmadi was sentenced to eight years in prison for building a place of worship on his own land, and injuring the religious feelings of his neighbors.⁹¹ The government also sought to require identity cards of differing colors according to the religion of the bearer.⁹²

At present, proselytization by non-Muslims is forbidden.⁹³ Religious minorities are discriminated against in employment and education.⁹⁴ Church permits for Christians are withheld by the government, and there are reports of riots against Christians and Ahmadis, and

⁸⁷ Country Reports on Human Rights Practices for 1992, *supra* note 9, at 1168. Steven Barzamel, *Pakistan Shows Zero Tolerance for Blasphemy*, OTTAWA CITIZEN, February 6, 1993, at G5, available on LEXIS, News Library, Curnws File. Fundamentalists Muslims are also pressuring that the Zikri sect of one million be declared non-Muslim. *Human Rights Group Highlights Minority Difficulties*, Agence France Presse, January 20, 1994, available on LEXIS, News Library, Curnws File.

⁸⁸ COUNTRY REPORTS OF HUMAN RIGHTS PRACTICES FOR 1991, *supra* note 9, at 1559-60.

⁸⁹ THE FRIDAY TIMES (Lahore) July 15-21, 1993, at 9.

⁹⁰ Ordinance XXI of 1991, in VIOLATIONS OF HUMAN RIGHTS OF AHMADIS, *supra* note 9, at 5.

⁹¹ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1168. Six other Ahmadis were arrested in 1991 for painting Muslim expressions on their mosque wall. PAKISTAN, AMNESTY INTERNATIONAL REPORT 1992 *supra* note 9, at 207.

⁹² COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1168.

⁹³ *Id.* at 1167.

⁹⁴ *Id.* at 1171.

kidnappings, beatings, torture, and forced conversions of Ahmadis, Hindus, and pagans.⁹⁵ Amnesty International reports that "[S]cores of prisoners of conscience were held for their political activities or religious beliefs."⁹⁶ The Human Rights Commission of Pakistan declared that 1992 was "a traumatic year for non-Moslems in Pakistan."⁹⁷ The Islamization program also increased tensions between the Shi'ites and Sunnis. Reportedly, scores of persons have been assassinated in conflicts between the two main wings of Islam.⁹⁸

The re-election of Benazir Bhutto as prime minister in 1993 gave some hope for relief from the harsher elements of Islamization, but reforms are tentative, and in view of Pakistan's history of military coups, dangerous. Some constriction of the sweep of the blasphemy law has been suggested by her government. In the meantime, the law against blasphemy, passed by Parliament, stiffened by the Shariat Court, remains one of the most potent weapons of the Shari'a partisans and is used as a surrogate for the classical prohibition against apostasy.

II. APOSTASY AND BLASPHEMY IN ISLAM

Under the dominant strain of classical Islamic law, or Shari'a, apostasy (*ridda*) is a *hadd* crime, that is, a crime for which the punishment is fixed and no deviation allowed.⁹⁹ Most other offenses are enforced by discretionary (*ta'zir*) punishments, or in the case of homicide or battery, by retaliation (*qisas*) after adjudication of the accused's guilt. Apostasy is a capital offense and is particularly heinous under the Shari'a. In an era when the state and the religion were interwoven -- a principle that remains fundamental to Islamic law -- to change one's religion was tantamount to committing treason, and it was punished as such.¹⁰⁰

⁹⁵ *Id.* at 1167-68. The Human Rights Commission of Pakistan has indicated that Muslim clerics are engaged in forced conversions of the Kalash tribe. *One Woman Raped Every Three Hours in Pakistan*, *supra* note 61.

⁹⁶ PAKISTAN, AMNESTY INTERNATIONAL REPORT 1993, *supra* note 9, at 229.

⁹⁷ *Pakistan Rights Group Says 1992 Bad Year for Non-Moslems*, The Reuter Library Report, January 13, 1992, available on LEXIS, News Library, Curnws File.

⁹⁸ Anwar Iqbal, *Pakistani Gunmen Kill Accused Blasphemer*, United Press International, April 5, 1994, available on LEXIS, News Library, Curnws File.

⁹⁹ An apostate is known as *murtadd*. N.J. COULSON, A HISTORY OF ISLAMIC LAW 124 (1964); MOHAMED S. EL-AWA, PUNISHMENT IN ISLAMIC LAW: A COMPARATIVE STUDY 1-2, 49-50 (1982). The other *hadd* offenses are adultery, false imprecation of adultery, theft, drinking wine, and highway robbery.

¹⁰⁰ MATTHEW LIPPMAN, SEAN McCONVILLE, & MORDECAI YERUSHALMI, ISLAMIC CRIMINAL LAW AND PROCEDURE (hereafter LIPPMAN et al, ISLAMIC CRIMINAL LAW AND PROCEDURE) 49 (1988).

The Qur'an condemns the apostate to eternal damnation but imposes no earthly penalty.¹⁰¹ The death penalty apparently arose later in the law. It was the Traditions of the Prophet in the Sunna, developed and codified later during a drive for the Islamization of the early Islamic empire, that required putting the apostate to death.¹⁰² A primary Tradition relied upon for this view attributes to Muhammad the statement, "Whoever changes his religion, kill him."¹⁰³

Most Traditions, however, including the one just cited, inflict a death sentence because the apostate waged war on Islam.¹⁰⁴ Indeed, the primary justification for the execution of the apostate is that in the early days of Islam apostasy and treason were, in fact, synonymous.¹⁰⁵ It is reported, for example, that immediately after the death of Muhammad, many tribes apostatized, returned to paganism, and rebelled against Muslim rule. The first Caliph, Abu Bakr, ordered all such apostates to be killed.¹⁰⁶ Majid Khadduri argues that the Tradition that all apostates be killed had its origins during these wars of rebellion, and not during Muhammad's time.¹⁰⁷ In one of the most exhaustive studies of the classical sources of Islamic law, S. A. Rahman, a Pakistani jurist of renown, argued that all references in the Qur'an and the Sunna to apostasy tied retaliation to rebellion, not merely a falling from faith. Further, Rahman argued, most other verses and traditions indicate an undeviating view that changes in belief were left to God to punish and that it was forbidden to compel any person to join or rejoin any religion, including Islam.¹⁰⁸

The paradigm of apostasy as rebellion¹⁰⁹ gains credence in the Hanafi school (the dominant Islamic school of law in the subcontinent), which declares that women may not be

¹⁰¹ MURTAADD, *THE ENCYCLOPAEDIA OF ISLAM* 635 (1992). In the thirteen verses of the Qur'an mentioning apostasy, no punishment in this life is prescribed. EL-AWA, *PUNISHMENT IN ISLAMIC LAW*, *supra* note 99, at 50-51.

¹⁰² Murtadd, *THE ENCYCLOPAEDIA OF ISLAM* 635 (1992).

¹⁰³ 9 *TRANSLATION OF THE MEANINGS OF SAHIH AL-BUKHARI* (hereafter *AL-BUKHARI*) 45 (3d rev. ed. 1979).

¹⁰⁴ 8 *AL-BUKHARI*, *supra* note 103, at 519-22 (those who apostatized, rebelled, and committed murder were put to death); 9 *AL-BUKHARI*, *supra* note 103, at 155 ("Do not revert to disbelief after me by striking (cutting) the necks of one another"); 1 *SAHIH MUSLIM* 43 (1976, reprint 1978); Slaughter, *The Salman Rushdie Affair*, *supra* note 6, at 180.

¹⁰⁵ ASAF A. A. FYZEE, *OUTLINES OF MUHAMMADAN LAW* 169-70 (3d. ed. 1964).

¹⁰⁶ SAMUEL M. ZWEMER, *THE LAW OF APOSTASY IN ISLAM* 35 (1924).

¹⁰⁷ MAJID KHADDURI, *THE ISLAMIC CONCEPTION OF JUSTICE* 238 (1978).

¹⁰⁸ See S. A. RAHMAN, *THE PUNISHMENT OF APOSTASY IN ISLAM* 9-86 (1972)

¹⁰⁹ According to some jurists, rebellion is itself a separate *hadd* offense requiring death. See, e.g., HENRI LAOUST, *LE PRÉCIS DE DROIT D'IBN QUDAMA* 269 (1950).

executed for apostasy since infidel women were not to be killed in war.¹¹⁰ Instead, apostate women are to be imprisoned until convinced to recant.¹¹¹ Some jurists in the Hanafi school prescribe beating apostate women while they are in prison.¹¹²

Parallel to seeing apostates as insurrectionists, most jurists also define apostasy as reversion into unbelief (*kufur*). Unlike Jews, Christians, Zoroastrians, and other "people of the book" who were granted protection though subservient status in the Islamic empire, the Shari'a gives unbelievers only the choice of Islam or death.¹¹³ An apostate, therefore, would deserve death either because of his act of rebellion or because he had become an unbeliever.

Whatever the paradigmatic source of the sentence for apostasy, most jurists of the Shari'a came to regard the crime neither as one of rebellion or unbelief, but merely a falling away from Islam. No distinction was made regarding the apostate who converts to one the protected religions from one who falls into polytheism or unbelief. All apostates were denominated as "unbelievers." No connection with rebellion was required. All that was needed was some evidence of disbelief, and unless recantation occurred relatively quickly, death was imposed.¹¹⁴ For the Maliki school, it was the act of falling away from the religion of Islam that mattered. The law had no regard for conversion from one non-Islamic faith to another.¹¹⁵ For the more casuistical Shafi'i school, any act of apostasy was fatal, even from, say, Judaism to Christianity.¹¹⁶

Under the Shari'a, the evidence for apostasy need only be circumstantial. Impious behavior, such as failing to pray or offending Islamic morals, can be taken as evidence of

¹¹⁰ 2 THE HEDAYA 228 (Charles Hamilton, trans. 1791. reprint 1985). The Hedaya, a translation of a Hanafite commentary of the Shari'a, was used by the British in their administration over Muslims throughout the Indian Empire. It has, therefore, been of primary influence in the kind of Islamic law seen as authoritative in that area of the world.

¹¹¹ *Id.* at 227. See also ANN E. MAYER, ISLAM AND HUMAN RIGHTS, TRADITION AND POLITICS 163 (1991); EL-AWA, PUNISHMENT IN ISLAMIC LAW: A COMPARATIVE STUDY, *supra* note 91, at 53.

¹¹² 2 THE HEDAYA, *supra* note 110, at 228; JOSEPH SCHACHT, AN INTRODUCTION TO ISLAMIC LAW 187 (1964). Some Islamic casuists opine that the apostate women should be beaten at the hours of prayer. ZWEMER, LAW OF APOSTASY IN ISLAM, *supra* note 106, at 50-51.

¹¹³ Such protected persons were denominated *dhimmis*. See Forte, *Religious Toleration in Classical Islam*, *supra* note 35, at 210.

¹¹⁴ See SIDI KHALIL, MALIKI LAW (hereafter KHALIL, MALIKI LAW) 325-27 (M. Ruxton, trans. 1916, reprint 1980).

¹¹⁵ KHALIL, MALIKI LAW, *supra* note 113, at 327.

¹¹⁶ SEPPO SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY: CONVERSION TO CHRISTIANITY IN PAKISTANI MUSLIM CULTURE (hereafter SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY) 165-66 (1987).

apostasy.¹¹⁷ Statements "in contradiction of the principles of Islam, or by giving forth opinions implying renunciation of those principles" also suffice.¹¹⁸ Conversion to another faith, through baptism for example, is dispositive.¹¹⁹ The only excuse a Muslim would have for accepting Christianity would be extreme duress. The degree of duress must be compulsion "under the threat of certain death."¹²⁰

As in other areas of Islamic law, probative evidence relies upon the bona fides of the witnesses, more than upon the substance of the acts that constitute apostasy. According to Nawawi, of the Shafi'i school,

Witnesses need not recount in all their details the facts that constitute apostasy; they may confine themselves to affirming that the guilty person is an apostate. Other authorities are of the contrary opinion; but the majority go so far as to make no account of the mere denial of the accused, even where the assertions of the witnesses are made in general terms.¹²¹

The punishment for apostasy is death, traditionally by beheading, although crucifixion and immolation have also been employed.¹²² For some jurists, the apostate must be given a period of time in which to recant and return to Islam. Most schools require that the apostate be "exhorted" to repent, but the Shi'ites will not accept the recantation of an apostate who was born a Muslim.¹²³ The Hedaya, an authoritative translation of Hanafi law in the Indian subcontinent, recommends three days of imprisonment before execution, although neither the delay nor the requirement to try to dissuade the apostate before killing him is mandatory.¹²⁴ The Maliki school, normally stricter on this issue than the Hanafi, will in this case allow up to

¹¹⁷ 9 AL-BUHKARI, *supra* note 103, at 46-47; 1 SAHIH MUSLIM 48-49 (1976, reprint 1978); IBN TAYMIYYA ON PUBLIC AND PRIVATE LAW IN ISLAM 145-48 (Omar A. Farrukh, trans., n.d.).

¹¹⁸ KHALIL, MALIKI LAW, *supra* note 113, at 325; NAGATY SANAD, THE THEORY OF CRIME AND CRIMINAL RESPONSIBILITY IN ISLAMIC LAW: SHARI'A 56 (1991); 1 SAHIH MUSLIM 45 (1976, reprint 1978) (unbelief shown by stating that the movement of stars created rainfall).

¹¹⁹ KHALIL, MALIKI LAW, *supra* note 113, at 325; Slaughter, *The Salman Rushdie Affair*, *supra* note 6, at 178.

¹²⁰ KHALIL, MALIKI LAW, *supra* note 113, at 325.

¹²¹ NAWAWI, MINHAI ET TALIBIN: A MANUAL OF MUHAMMADAN LAW; ACCORDING TO THE SCHOOL OF SHAFI 436 (E.C. Howard, trans. from French trans. of L.W.C. Van Den Berg 1914).

¹²² LIPPMAN et al, ISLAMIC CRIMINAL LAW AND PROCEDURE, *supra* note 100, at 42; Lewis, *Behind the Rushdie Affair*, *supra* note 82, at 188. According to a Tradition related by Malik, Muhammad once said, "If someone changes his religion, - then strike off his head!" IBN MALIK IBN ANAS, AL-MUWATTA 303 (Aisha Andurrahman Bewley trans. 1989).

¹²³ Slaughter, *The Salman Rushdie Affair*, *supra* note 6, at 181.

¹²⁴ 2 THE HEDAYA, *supra* note 109, at 225-26.

ten days for recantation.¹²⁵ Although the Hanafi school does not condemn the female apostate to death, jurists in the Maliki and Shafi'i schools do.¹²⁶

Under most schools of Islamic law, the apostate is an outlaw.

[S]ince by the very act of apostacy a man loses the protection of the law, if even before the chance of re-embracing the Faith has been given to him, a Muslim kills an apostate, it will be considered as an improper act, but he would incur no penalty of the law.¹²⁷

The Hedaya is explicit. Any person killing an apostate is himself immune to prosecution or retaliation.¹²⁸ In addition, the apostate loses all civil entitlements. His marriage becomes a nullity and he has no right to inherit.¹²⁹

Blasphemy, on the other hand, is a *ta'zir* offense and the degree of punishment is discretionary with the judge.¹³⁰ When uttered by a Muslim, blasphemy can be evidence of apostasy and hence subject to the *hadd* penalty,¹³¹ but when spoken by a non-Muslim, blasphemy is obviously separate from the *hadd* crime of apostasy.

In the commentaries on the Shari'a, far less effort is spent on glossing *ta'zir* offences since their definition and enforcement was left up to the individual Islamic judge and the state. When discussing blasphemy, however, most Islamic jurists outside of the Hanafi school generally recommend execution for blasphemers.¹³² For them, the discretionary punishment (*ta'zir*) for blasphemers turns out to be no different from the legally obligatory (*hadd*) penalty for apostates. Both are regarded as public dangers to Islam. Ibn Taymiyya, one of the greatest jurists of Islam and the Hanbali school, insisted, upon sufficient proof, on immediate

¹²⁵ *Speech, Religious Discrimination, and Blasphemy*, 83 AM. SOC'Y INT'L PROC. 427 (1989), available on WESTLAW.

¹²⁶ See 9 AL-BUKHARI, *supra* note 103, at 42; KHALIL, MALIKI LAW, *supra* note 113, at 326 n. 3; 2 THE HEDAYA, *supra* note 109, at 227.

¹²⁷ ABDUR RAHIM, THE PRINCIPLES OF MUHAMMADAN JURISPRUDENCE ACCORDING TO THE HANAFI, MALIKI, SHAFI'I AND HANBALI SCHOOLS 153 (1911).

¹²⁸ 2 THE HEDAYA, *supra* note 109, at 227; ABDUR RAHIM, MUHAMMADAN JURISPRUDENCE 253 (1911, reprint 1981). The Islamic abhorrence of apostasy is so strong that even during the period of Turkish reform in the 19th century (the Tanzimat), the Ottomans translated and adopted the French penal code as their own, repealing all *hadd* offenses, but retaining apostasy as a capital offense. COULSON, HISTORY OF ISLAMIC LAW, *supra* note 91, at 151.

¹²⁹ D.F.MULLA, PRINCIPLES OF MAHOMEDAN LAW 340 (M. HIDAYATULLAH, ed., 18th ed, 1977); KHALIL, MALIKI LAW, *supra* note 113, at 395; MAYER, ISLAM AND HUMAN RIGHTS, *supra* note 110, at 163; SCHACHT, INTRODUCTION TO ISLAMIC LAW, *supra* note 103, at 138, 165; PEARL, TEXTBOOK ON MUSLIM PERSONAL LAW, *supra* note 63, at 209.

¹³⁰ KHALIL, MALIKI LAW, *supra* note 113, at 328.

¹³¹ HENRI LAOUST, LE PRÉCIS DE DROIT D'IBN QUDAMA 269 (1950).

¹³² MURTADD, THE ENCYCLOPAEDIA OF ISLAM 636 (1992).

execution for a Christian who insulted the Prophet as necessary to the good order of the state.¹³³

In the Maliki school, the law in regard to blasphemy became more severe than even for apostasy, for "recantation will not save the blasphemer from death" and the execution must proceed immediately.¹³⁴ The Shi'ites and Ibn Taymiyya agree.¹³⁵ An act of blasphemy objectively harmed the good order of society. Apostasy, on the other hand, was based upon personal belief, and recantation wiped away the basis for the *hadd* punishment. The Shafi'i school's penalties are also stringent. For example, when the Sudan (an area traditionally under the Shafi'i school) was conquered by the Mahdi in 1885, he imposed Islamic laws and punished blasphemy with death or amputation. Those penalties, though severe, "were understood and accepted as the correct application of the Shari'a law by his own people."¹³⁶

As noted above, the Hanafi school has a more flexible scale of punishment for blasphemy, a concept in keeping with the notion of *ta'zir* as discretionary punishment. Depending on the severity of the offense, a blasphemer can be flogged or imprisoned or executed.¹³⁷ Despite that tradition, however, both the Shariat court and many ordinary Muslims in Pakistan regard blasphemy as a capital crime.

Overt heresy, for many jurists, is another *ta'zir* offense, and it is not surprising that it is also punishable by death.¹³⁸ Heresy is related to the political wars of early Islam and associated with the offense of rebellion, a *hadd* offense in some schools.¹³⁹ Islamic law has never clearly glossed the differences between a dissenter, a heretic, and an apostate. Since heresy can be difficult to distinguish from a difference of opinion, blasphemy can provide a suitable cover. Thus, the very ambiguity of the definition of blasphemy serves as a useful device for the state to punish apostates, heretics, non-Muslims who criticize Islam, and political dissenters. Indeed, with the law of blasphemy in the hands of an Islamic state, the need to enact the *hadd* punishment for apostasy would be superfluous.

¹³³ MAJID KHADDURI, *THE ISLAMIC CONCEPTION OF JUSTICE* 180-181 (1978). Ibn Taymiyya (1263-1328) was a famous expositor of the Hanbali school of law.

¹³⁴ KHALIL, *MALIKI LAW*, *supra* note 113, at 328.

¹³⁵ Slaughter, *The Salman Rushdie Affair*, *supra* note 6, at 199.

¹³⁶ Safiya Safwat, *Islamic Laws in the Sudan*, in AZIZ AL-AZMEH, *ISLAMIC LAWS, SOCIAL AND HISTORICAL CONTEXTS* 235 (1988)(quoting A.B. THEOBALD, *THE MAHDIYA: A HISTORY OF THE SUDAN 1881-1899* 43 (1967)).

¹³⁷ Lewis, *Behind the Rushdie Affair*, *supra* note 82, at 188.

¹³⁸ IBN TAYMIYYA ON PUBLIC AND PRIVATE LAW IN ISLAM 143-44 (Omar A. Farrukh, trans., n.d.).

¹³⁹ ABDUR RAHIM, *THE PRINCIPLES OF MUHAMMADAN JURISPRUDENCE ACCORDING TO THE HANAFI, MALIKI, SHAFI'I AND HANBALI SCHOOLS* 153 (1911).

III. BLASPHEMY IN PAKISTAN

With the dominance of Great Britain over the Indian subcontinent and the development of Anglo-Muhammadan law, Islamic law was replaced for the most part by British forms.¹⁴⁰ The law of apostasy was not enforced.¹⁴¹ Conversions to Christianity were numerous, especially among the poorer Muslims and Hindus. As early as 1790, the British East India Company had already dispensed with the application of many parts of Islamic penal law in areas under its jurisdiction, and in 1860, the Indian Penal Code did away with Islamic criminal law altogether.¹⁴² The British did retain Muslim family law. Even there, however, many of the civil penalties for apostasy under personal Muslim law were voided.¹⁴³ In 1850, loss of inheritance through apostasy was done away with, and, under the dissolution of Muslim Marriages Act of 1939, the renunciation of Islam by a married woman no longer automatically dissolved her marriage.¹⁴⁴

Today, however, the legal situation has been transformed. Pakistan still has no formal law prohibiting apostasy, but blasphemy serves as a surrogate in suppressing those who dissent from Islam by word or deed.¹⁴⁵ As one observer has noted, "Not to accept Islam is to deny that Mohammed is God's final prophet. And to deny that prophethood is blasphemy."¹⁴⁶ A recent decision by the Lahore High Court declared that if one insults any one of the prophets of God, he ceases to be a Muslim, i.e., he is an apostate.¹⁴⁷ Ever since

¹⁴⁰ John L. Esposito, *Perspectives on Islamic Law Reform: the Case of Pakistan*, 13 J. OF INT'L LAW AND POLITICS 217, 221 (1980).

¹⁴¹ SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY, *supra* note 115, at 167.

¹⁴² Collins, *Islamization of Pakistani Law*, *supra* note 10, at 537-38, 544.

¹⁴³ The capital penalty for apostasy had apparently fallen into desuetude when the British arrived, and, in any event, would not have been allowed by the British Courts as being contrary to "justice, equity, and good conscience." See generally PEARL, TEXTBOOK ON MUSLIM PERSONAL LAW, *supra* note 63, at 20-33.

¹⁴⁴ MULLA, PRINCIPLES OF MOHAMEDAN LAW 63, 338-39 (18th ed. 1977); PEARL, TEXTBOOK ON MUSLIM PERSONAL LAW, *supra* note 63, at 169, 210. Apostasy by the husband, however, voided the marriage, ipso facto. ASAF A. A. FYZEE, OUTLINES OF MUHAMMADAN LAW 170-71 (3d. ed. 1964). Pakistan reinstated the prohibition against inheritance by an apostate in 1963. PEARL, TEXTBOOK ON MUSLIM PERSONAL LAW, *supra* note 63, at 211.

¹⁴⁵ In March, 1992, 20 Ahmadis were arrested for blasphemy during their Friday prayers. PAKISTAN, AMNESTY INTERNATIONAL REPORT 1993, *supra* note 9, at 229.

¹⁴⁶ Steven Barmazel, *Persecution in Pakistan*, JERUSALEM POST, March 1, 1993, Opinion, available on LEXIS, News Library, Curnws File.

¹⁴⁷ *Editorial: Blasphemy Law*, SAUDI GAZETTE, April 18, 1994, available on LEXIS, News Library, Curnws File.

its founding, the ulama have insisted that the death penalty for apostasy be reintroduced.¹⁴⁸ The law against blasphemy seems to have satisfied their demands.

As early as 1968, a respected Pakistani jurist, S.A. Rahman, saw the emerging program of the ulama and penned his thorough study declaring that the death penalty for apostasy was contrary to the tenets of Islam.¹⁴⁹ In response, M.S.H. Masumi, director of the Islamic Research Institute, raised the fear of mass conversions of the "poor masses" from Islam to Christianity if the ancient law were not used as a deterrent. Evincing the nationalist/fundamentalist embarrassment that Pakistan had seen more converts to Christianity than in most of the Islamic world, Masumi wrote, "If the unanimous decision of the Ummah [the Muslim community] on the punishment of apostasy were followed in Pakistan, the easy conversion of Muslims in the Punjab and Sind to Christianity for small worldly gains, would have been stopped long ago."¹⁵⁰

Pakistan, of course, has not been alone in reimposing parts of the Shari`a including the crimes of apostasy or blasphemy. In 1992, the United Arab Emirates sentenced 12 Indians for blasphemy for producing a play critical of Islam and Christianity.¹⁵¹ In Saudi Arabia and in Qatar, criticism of Islam is forbidden, apostasy a capital crime, and all other religions but Islam are forbidden.¹⁵² In Saudi Arabia, a Shi`ite youth was reportedly beheaded for apostasy and blasphemy in 1991, while Christians are persecuted and tortured for their religious beliefs and practices, according to Amnesty International.¹⁵³ In 1992, a Coptic man was charged with blasphemy, tried and sentenced to seven years' imprisonment and 1000 lashes.¹⁵⁴ In fact, government sponsored religious intolerance in Saudi Arabia has increased dramatically since the Gulf war, although recently Saudi Arabia has made overtures of rapprochement towards its Shi`ite minority.¹⁵⁵

148 ANDERSON, LAW REFORM, *supra* note 16, at 181.

149 S.A. RAHMAN, THE PUNISHMENT OF APOSTASY IN ISLAM (1972).

150 SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY, *supra* note 115, at 166 n. 333.

151 On appeal, six of the defendants were acquitted, but two had their sentences increased from 6 to 10 years. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1303.

152 *Id.* at 1279, 1271. In Qatar, private non-Islamic religious practices seem to be more tolerated. *Id.*

153 AMNESTY INTERNATIONAL, SAUDI ARABIA -- RELIGIOUS INTOLERANCE: THE ARREST, DETENTION AND TORTURE OF CHRISTIAN WORSHIPPERS AND SHI`A MUSLIMS 8-21 (1993).

154 He served four months of his sentence and received 500 lashes. *Id.* at 12.

155 Caryle Murphy, *Saudi King Reconciles with Shi`ite Opposition*, WASHINGTON POST, October 16, 1993, at A15, available on LEXIS, News Library, Curnws File.

In Sudan, with an abysmal human rights record, apostasy is a capital offense.¹⁵⁶ In 1985, an influential Islamic reformer, Mahmoud Muhammad Taha, was executed for apostasy. Four convicted co-defendants were given three days to recant. They did and had their sentences commuted.¹⁵⁷ Yemen has imprisoned a writer for apostasy,¹⁵⁸ while a province in Malaysia has sought federal permission to outlaw apostasy.¹⁵⁹ In Iran, a Christian pastor was executed for apostasy in 1990, and more recently, a 59 year old man was sentenced to death for having converted to Christianity when he was 19.¹⁶⁰ After a number of international protests, the sentence was commuted to ten years, but a few months after his release, he was found murdered.¹⁶¹ The Protestant bishop in Iran who raised international awareness of the case was also murdered.¹⁶² Male prisoners who fail to perform their prayers are reportedly executed in Iran, while female prisoners are beaten at the time of prayer.¹⁶³ Salman Rushdie, of course, remains under a "sentence" of death for blasphemy.

¹⁵⁶ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 281. According to the State Department, no convert from Islam has been executed but two Christians have been threatened with death if they do not reconvert. *Id.* Other reports indicate that at least one person was crucified for apostasy. Christopher Walker and Ruth Gledhill, *Militant Zeal Compels States to Apply Strict Islamic Law*, THE TIMES (London), available on LEXIS, News Library, Curnws File. There are persistent reports of mass crucifixions of Christian males in the south of the country. Con Coughlin, *Sudan Trains Terrorism's New Generation*, SUNDAY TELEGRAPH, May 15, 1994, at 24; Elwood McQuaid, *Blueprint for Brutality*, JERUSALEM POST, March 31, 1994, at 6, available on LEXIS, News Library, Curnws File.

¹⁵⁷ Abdullahi Ahmed An-Na'im, *The Islamic Law of Apostasy and Its Modern Applicability*, 16 RELIGION 197, 205-06 (1986).

¹⁵⁸ COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1310.

¹⁵⁹ *Kelantan Plans Private Bill to Push Hudud Law*, THE STRAITS TIMES, May 20, 1994, available on LEXIS, News Library, Curnws File. A writer in Malaysia critical of the Traditions attributed to Muhammad was branded an apostate, presumably not by the state but by the religious mullahs. See *Letter to editor by Paigham Mustafa*, THE HERALD (Glasgow), February 21, 1994, available on LEXIS, News Library, Curnws File.

¹⁶⁰ Testimony, October 29, 1993, Amnesty International U.S.A., House Foreign Affairs Committee, Subcommittee on International Security, International Organizations and Human Rights (hereinafter Amnesty Testimony), Federal Document Clearing House, available on LEXIS, News Library, Curnws File. Michael Binyon, *Iranian to be Executed for Giving Up Islam*, THE TIMES (London), January 14, 1994, available on LEXIS, News Library, Curnws File.

¹⁶¹ *Iran Accused of Executing Christian Leader*, CHICAGO TRIBUNE, July 5, 1994, at 7, available on LEXIS, News Library, Curnws File.

¹⁶² *Bishop's Killing Puts Focus on Persecution in Iran*, NEW YORK TIMES, February 6, 1994, Sect. 1, at 20. In July, 1994, another leading Protestant bishop was also murdered. *Group Says Iran Protestant Leader Killed*, REUTERS, July 4, 1994, available on LEXIS, News Library, Curnws File.

¹⁶³ Amnesty Testimony, *supra* note 158.

In 1991, Indonesia punished a magazine editor with five years' imprisonment for blasphemy.¹⁶⁴ In Bangladesh, two editors of the country's second largest newspaper have been arrested in charges of blasphemy, while thousands have demonstrated calling for the hanging of feminist writer Taslima Nasreen. Mullahs have issued fatwas (legal opinions based on the application of Islamic law) declaring her an apostate and "sentencing" her to death for her novels and opinions critical of Islam and the Qur'an. The fact that throughout the Islamic world, mullahs without secular warrant believe themselves possessed of the authority to "sentence" malefactors speaks to their view that the Shari'a is the only true source of law. A hundred prominent lawyers have petitioned the government of Bangladesh to enact a law against blasphemy. The government finally bowed to pressure and issued a warrant for Nasreen's arrest for outraging the religious feelings of her fellow citizens. Nasreen was able to find sanctuary in Sweden.¹⁶⁵

In Egypt, the murder in 1992 of Farag Foda, an anti-fundamentalist writer, was justified by Islamic scholars on the basis of the Shari'a. Sheikh Mohamed el-Ghazali testified at the trial of Farag Foda's accused assassins that the writer "deserved to die" and that there was no punishment for the killers of apostates in Islamic law.¹⁶⁶ Recently, fundamentalists brought suit to declare the marriage of Abu Zeid, a renowned Qur'anic scholar, null because

¹⁶⁴ *Indonesian Moslems Join Protest of Bangladesh Writer*, Agence France Presse, June 8, 1994, available on LEXIS, News Library, Curnws File.

¹⁶⁵ Violation of the law protecting the religious feelings of believers carries a sentence of two years at hard labor. Arshad Mahmud, *Muslim Hardliners Threaten Bangladesh Press Freedom*, THE GUARDIAN, June 27, 1994, at 10; *Warrant Issued for Bangladesh Author*, United Press International, June 4, 1994; *Female Salman Rushdie Stirs Controversy with Novels*, All Things Considered, NPR, June 4, 1994; *Lawyers Demand Law to Deal with Blasphemy*, April 28, 1994, Reuters; Tim McGirk, *Bangladesh, Extremists Want Feminist Writer to Hang*, OTTAWA CITIZEN, May 25, 1994, at A14; Deborah Baker, *They Try to Kill Me But I Will Never Stop Writing*, DALLAS MORNING NEWS, September 4, 1994, at 43A, available on LEXIS, News Library, Curnws File. See also Taslima Nasrim, *Sentenced to Death*, NEW YORK TIMES, November 30, 1993, at A15.

¹⁶⁶ Nabil Megalli, *Egyptian Leader Backs "Death Edict" for Opponents of Islamic Law*, OTTAWA CITIZEN, July 31, 1993, at C5. El-Ghazali, pre-eminent member of the faculty of Al Azhar University, had been known as a moderate. Caryle Murphy, *Killing Apostates Condoned*, WASHINGTON POST, July 22, 1993, at A27. A university teacher, supported or Foda, recently stated, "[A]ccording to the customs of this nation, secularism means atheism and apostasy." Samia Nakhoul, *Egyptian Activists Fight Battle of Backwardness*, REUTERS, September 11, 1994. The approval of private capital punishment for apostasy exacerbates the reported problem of thousands of Coptic girls, kidnapped and forced to convert to Islam many of whom seek to escape back to Christianity when given a chance. Shyam Bhatia, *Raped Behind a Veil of Tears*, OBSERVER, June 5, 1994, at 19, available on LEXIS, News Library, Curnws File. Even blasphemy is enforced in Egypt. Reportedly a Copt was given 1000 lashes and seven years in jail for blasphemy. *Fundamentally Wrong to Tolerate the Intolerable*, THE SCOTSMAN, February 21, 1995, available on LEXIS, News Library, CURNWS File.

he was a heretic and apostate. The petitioners were non-suited for lack of standing.¹⁶⁷ Had they succeeded, and Zeid's wife continued to live with him, she would have guilty of adultery. In Jordan as well, fundamentalists asked a court to annul the marriage of an outspoken woman recently elected to parliament. The militants also petitioned the court to charge her with apostasy and to declare that any person who killed her would be immune from prosecution. The suit was dismissed.¹⁶⁸

The mechanism for suppression is self-enforcing in the law of apostasy or blasphemy. He who opposes imposition of the Shari'a has himself confessed apostasy. The Grand Mufti of Egypt, thought to be a moderate, supported issuing a fatwa that would condemn to death Egyptian "apostates who oppose the application of Islamic law."¹⁶⁹ In Pakistan, when Benazir Bhutto was in the opposition and criticized the Shariat Court for stiffening the punishment for blasphemy, the religious affairs minister of the sitting government declared her a "kafir (unbeliever) and liable for the death penalty."¹⁷⁰ Not surprisingly, Bhutto feared for her life following that accusation.¹⁷¹ More recently, a personal charge of blasphemy has even been lodged against her as Prime Minister on basis that she has publicly criticized the blasphemy law.¹⁷²

Governmental suppression of minorities through the law of apostasy or blasphemy, however, does not equal the wave of private violence that such laws engender. One of the great legal reforms of Muhammad was to remove the adjudication of murder and serious bodily harm from tribal determination. Blood money and retaliation were retained as the appropriate remedy for such serious crimes, but after Muhammad, no man, no tribe or clan could unilaterally undertake such vengeance without first obtaining a conviction against the accused before a neutral judge under the procedural protections of the law.¹⁷³ Although adjudication of apostasy should also precede a declaration of outlawry, many Islamic scholars

¹⁶⁷ Alan Sipress, *Egyptian Court Saves Marriage of Professor*, HOUSTON CHRONICLE, January 29, 1994, Sect. A, at 22, available on LEXIS, News Library, Curnws File. There are reports of increased government harassment of Christian converts in Egypt. Testimony on October 28, 1993 of Reverend Keith R. Roderick, Secretary General, Coalition for the Defense of Human Rights, House Foreign Affairs Committee, Subcommittee on International Security, International Organizations and Human Rights, Federal Document Clearing House, available on LEXIS, News Library, Curnws File.

¹⁶⁸ Eve-Ann Prentice, *Ashtrays Fly as Jordan's Woman MP Storms Male Bastion*, THE TIMES (London), June 15, 1994, n.p.

¹⁶⁹ Sipress, *Egyptian Court Saves Marriage of Professor*, *supra* note 164, at 22.

¹⁷⁰ *Nearer, my God, to Theocracy*, THE ECONOMIST, September 5, 1992, at 38.

¹⁷¹ *Bhutto Accused of Blasphemy; She Says Her Life's in Danger*, CHICAGO TRIBUNE, August 12, 1992, at 4, available on LEXIS, News Library, Curnws File.

¹⁷² STATE OF HUMAN RIGHTS IN PAKISTAN 1993, *supra* note 9, at 27; *Persecuted*, NEWSLINE (Karachi), November-December 1993, at 26.

¹⁷³ SCHACHT, INTRODUCTION TO ISLAMIC LAW, *supra* note 128, at 187.

hold that the failure of the state to act permits ordinary Muslims to enforce the penalty for apostasy on their own without legal liability.¹⁷⁴

Whether or not there has to be a preliminary finding of apostasy by the qadi before the accused can be treated as an outlaw, the fact is that the notion of the apostate as outside the protection of the law percolates into public attitudes.¹⁷⁵ One Islamic scholar notes the influence of

the tradition of direct violent action and self-help which goes back to the earliest times of Islam. Examples can be cited of the Prophet instructing Muslims to kill someone on sight or to correct an injustice by direct action.¹⁷⁶

The man who kills an apostate commits no offense and is not liable by blood or money to the tribe of the one slain. Thus, the enforcement of the law of apostasy in Islam winds up relying upon self-help as a remedy and undoes one of the most salutary legal benefits Muhammad gave the Arab tribes.

During the 1920's, a Protestant missionary chronicled many of the acts of retaliation in numerous Islamic societies inflicted upon those Muslims who converted to Christianity. Of the dozens of incidents reported, virtually all acts of violence were private, many from the convert's own family.¹⁷⁷ One contemporary English observer noted, "It is a well-known fact that converts to Christianity from Islam are liable to be killed, not by judicial condemnation and execution, but by secret assassination or by mob violence."¹⁷⁸ Or as the Egyptian scholar Abu Zeid recently commented on the suit by fundamentalists to have his marriage declared null, "If you call a person an apostate, . . . you are legalizing his murder."¹⁷⁹ The mechanism of the law of blasphemy works in precisely the same fashion in Pakistan today. In 1993, in

¹⁷⁴ Lewis, *Behind the Rushdie Affair*, *supra* note 82, at 195; Alan Sipress, *Egyptian Court Saves Marriage of Professor*, HOUSTON CHRONICLE, January 29, 1994, Sect. A, at 22, available on LEXIS, News Library, Curnws File.

¹⁷⁵ In May 1994, Paul Williams Roberts, a British novelist living in Canada was stabbed by an assailant at his home following death threats claiming that his novel, *The Palace of Fears*, was blasphemous. Ben Macintyre, "Blasphemy Novelist" *Stabbed*, THE TIMES (London), May 27, 1994, available on LEXIS, News Library, Curnws File.

¹⁷⁶ AN-NA`IM, ISLAMIC REFORMATION, *supra* note 63, at 184. See also Lewis, *Behind the Rushdie Affair*, *supra* note 82, at 195 (giving examples attributed to Muhammad).

¹⁷⁷ ZWEMER, THE LAW OF APOSTASY IN ISLAM, *supra* note 106, at 54-74.

¹⁷⁸ Statement by President C.F. Gates of Robert College, *id.* at 62-63. There has been a report that recently in England, a Muslim killed his daughter when she continued to attend Jehovah's Witnesses' meetings against his will. Paul Stenhouse, *Blasphemy/Freedom of Speech in Islamic Law*, AUSTRALIAN J. OF FORENSIC SCIENCES, September-December 1989, at 4, 5.

¹⁷⁹ Caryle Murphy, *Egypt's "Intellectual Civil War;" Divorce Becomes Weapon for Islamic Militants*, WASHINGTON POST, July 22, 1993, at A1. Even in the West, self-help by fundamentalists has effect. The city of Geneva, Switzerland recently cancelled support for a restaging of Voltaire's play, "Mahomet, ou le Fantisme," because Muslims in the city protested that it was blasphemous and threats were made to directors and actors. *A Play by Voltaire; Ecrasez l'infame*, THE ECONOMIST, July 2, 1994, at 82, available on LEXIS, News Library, Curnws File.

the case upholding the vindictive Qadiani ordinance against the Ahmadis, the Pakistani Supreme Court stated that if an Ahmadi were allowed to worship in public as a Muslim, "it is like creating a Rushdi' out of him. Can the administration in that case guarantee his life, liberty and property and if so at what cost?"¹⁸⁰

Even in the earlier days in British India when there were numerous converts from Islam to Christianity (particularly among the poorer classes in Punjab and Sind), fear of private retaliation restrained others from converting.¹⁸¹ One elderly convert explained in 1974 (a decade before the law against blasphemy was enacted),

[A]lthough Pakistan is an Islamic state, putting to death or stoning of converts is not legal. But in the mind of a Muslim this thing has certainly its influence. When a Muslim sees some other Muslim leaving Islam, he wants to cause that Muslim harm as much as he can, and if possible, even kill him. On the level of thought this jaw of Islam works, although not in matters of the constitution of the country.¹⁸²

Whenever any Islamic state has sought to enforce the law of apostasy, it has inevitably set loose private acts of terror and execution against the one who forsook Islam. It re-establishes tribal and clan vengeance within Islam. If an Islamic state, such as Pakistan, is created over tribal cultures, the result is predictable. For example, the tribal culture of the Pathan people in the northwest area of the country make it unlikely that attacks against apostates will go unpunished, for the Pathan code, Pukhtunwai, "demands that every insult be avenged."¹⁸³ The Times of London reported in 1993 that "Pathans have a ruthless code of honour which requires revenge to be exacted even if it takes several generations."¹⁸⁴ The Pathans are a cross border tribe and militant Muslims who fought resolutely against the Soviet invasion in Afghanistan. Even the reformist Benazir Bhutto has had to bend to their demands. Facing secessionist pressures, her government capitulated to the leaders of a fundamentalist

¹⁸⁰ Dard & others v. Pakistan & others, C.A. 149/89, slip opinion, (Supreme Court of Pakistan, July 3, 1993) at 29.

¹⁸¹ SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY, *supra* note 115, at 8, 165-70.

¹⁸² *Id.* at 167.

¹⁸³ Louis Nicholson, *Pakistani Tea Query: One Salvo or Two?* THE PLAIN DEALER, December 20, 1992, Travel Section, at 11.

¹⁸⁴ Christopher Thomas, *CIA Tracks Suspect in Desert*, THE TIMES (London), February 15, 1993, available on LEXIS, News Library, Curnws File. In addition, because of the tradition of Sufism and folk religions among the Pakistanis, many of them venerate the name of the Prophet to a more emotional level than do other Muslims. Slaughter, *The Salman Rushdie Affair*, *supra* note 6, at 199.

Islamic revolt in the Pathan tribal Malakand area and actually ordered the implementation of the Shari`a, replacing the Pakistan constitution.¹⁸⁵

In addition to the tribal ethic, and the self-help provisions of the Shari`a, retaliation against apostates is also legitimized by the caste-like culture that centuries of Hinduism has left on Pakistan's Muslim society. The honor of one's community group (*biradari*) is of primary concern to many ordinary Pakistanis.¹⁸⁶ The palpable dishonor brought upon one's *biradari* by conversion to another faith can only be rectified by reconversion to Islam, by ostracisation, or by vengeance inflicted on the convert by a member of his own *biradari*.¹⁸⁷

In Pakistan, most of the persecution under the law of blasphemy has been directed at the Ahmadis and at Pakistan's other large minority, the Christians, but all groups including Muslims, Hindus, and Zikris have been affected.¹⁸⁸ For example, a fired employee accused Dr. Akhtar Hameed Khan, a Muslim and renowned director of a welfare project, of writing a blasphemous poem that he published in a nursery rhyme. In response, his publisher, Oxford University Press, removed the offending passages.¹⁸⁹ Thousands of posters in Karachi declaring him fit for execution were taken down only after a court order. When one suit against Khan was dropped, another was instituted. Because Khan is an active reformist

¹⁸⁵ Ahmad Rasid, *In God's Name*, FAR EASTERN ECONOMIC REVIEW, May 26, 1994, at 20; Rahul Bedi, *Pakistan: Religious Right Puts Bhutto on Spot*, Inter Press Service, May 27, 1994, available on LEXIS, News Library, Curnws File. The agitating group -- Tabrik-e-Nifaz Sharia (Movement for the Enforcement of the Shari`a) decreed that Islamic law required driving of the right side of the road, resulting in a series of head-on collisions in Malakand with those who continued to follow the secular rule of driving on the left. *Id.* The same group also called for all acts of blasphemy to be punished by immediate execution. Rahul Bedi, *Bhutto Gives in to Militants; Approval of Islamic Law in Tribal Area Criticized*, SAN FRANCISCO CHRONICLE, June 9, 1994, at A14, available on LEXIS, News Library, Curnws File.

¹⁸⁶ SYRJÄNEN, IN SEARCH OF MEANING AND IDENTITY, *supra* note 115, at 21.

¹⁸⁷ *Id.* at 19-20, 177.

¹⁸⁸ One report states that 107 Ahmadis and 8 Christians have been charged with blasphemy, but the informal persecution let loose by the law had been much greater. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1377-78. Another indicates that 24 Christians and over 2,000 Ahmadis charged under any of the multiple offense in Sect. 295 of the penal code. Nafisa Shah, *Victims of Zealotry*, NEWSLINE (Karachi), November/December at 33, 36, 36b.

The technique is spreading. In March 1994, a group of Sikhs in India posted a reward of 5 million rupees for the death of a Pakistani whom they claimed had blasphemed to Sikh gurus. Rahul Bedi, *India: Sikhs Put Bounty on Author's Head*, SOUTH CHINA MORNING POST, March 7, 1994, at 12, available on LEXIS, News Library, Curnws File.

¹⁸⁹ *Id.* at 34-35.

Muslim, the militant Muslims are utilizing the blasphemy law to delegitimize him and enforce their own notion of orthodoxy. The case against Khan is still pending.¹⁹⁰

Hundreds of others, including Muslims, are incarcerated on charges of blasphemy, while private acts of terrorism continue to be let loose by the law. In late Spring of 1994, a Muslim who had accidentally dropped a copy of the Qur'an into a fire was stoned and then doused him with kerosene and burned to death by a mob after mullahs had shouted oaths of loudspeakers from the minarets of mosques that "a Christian had burned the Koran."¹⁹¹ Another woman found herself charged with blasphemy when her personal copy of the Qur'an fell out of her shopping bag to the ground.¹⁹²

The mere public expression of Ahmadi or Christian religious belief is seen by many militants as blasphemous. By 1992, 106 Ahmadis had been accused of blasphemy simply by their assertion that they were Muslim.¹⁹³ Unknowingly, the Christians have made the situation worse. In a suit brought by a bishop to declare that blasphemy against Jesus was just as punishable as blasphemy against Muhammad, the Lahore High Court agreed. It declared that blasphemy against any of the prophets (including Jesus) incurs the death penalty. Claiming that Jesus is the Son of God would be, to a Muslim, a blasphemy.¹⁹⁴ Thus, the law against blasphemy also undermines the traditional, albeit limited, guarantee that Islamic law is supposed to provide to *dhimmis*, that is, to Jews, Christians, and other religions living in protected status under a Muslim state.¹⁹⁵

Enforcement is left mainly to private complaint leading to a suppression that the government could never do on its own. Under Pakistani criminal procedure, a mere complaint (a FIR, or first investigation report), results in an arrest without a warrant and indeterminate detention, for bail is often hard to obtain or not granted at all.¹⁹⁶ Technically, blasphemy is a

¹⁹⁰ STATE OF HUMAN RIGHTS IN PAKISTAN 1993, *supra* note 9, at 26; Eqbal Ahmad, *Law against Justice*, DAWN (Karachi), October 4, 1992, n.p.; Abbas Rashid, *Dr. Akhtar Hameed Khan: the Dream We Trampled Underfoot*, THE FRIDAY POST (Lahore), March 19, 1993, n.p.; *Anti-Blasphemy Law Tough*, ROCKY MOUNTAIN NEWS, March 20, 1994, Sect. F, at 49A, available on LEXIS, News Library, Curnws File.

¹⁹¹ *Man Accused of Burning Koran is Stoned to Death*, Agence France Presse, April 25, 1994, available on LEXIS, News Library, Curnws File. He had apparently dropped the Qur'an into a furnace during an argument with his wife. *Id.* See also *Briefs*, CALGARY HERALD, April 23, 1994, at 12, available on LEXIS, News Library, Curnws File.

¹⁹² Rasid, *In God's Name*, *supra* note 185, at 20.

¹⁹³ *Pakistan; Prophet and Loss*, THE ECONOMIST (U.K. ed.), May 7, 1994, at 38, available on LEXIS, News Library, Curnws File.

¹⁹⁴ *Id.*

¹⁹⁵ See Forte, *Religious Toleration in Classical Islam*, *supra* note 35, at 211.

¹⁹⁶ Testimony, October 29, 1993, Amnesty International U.S.A., House Foreign Affairs Committee, Subcommittee on International Security, International Organizations and Human Rights, Federal Document Clearing House, available on LEXIS, News Library, Curnws File.

non-bailable offense. Trial is presided over by a Muslim judge.¹⁹⁷ As the Pakistan Human Rights Commission has stated, the blasphemy law gives "a killing edge to Muslim fanaticism and to orthodox Muslims' contempt for local minorities, especially the Christians."¹⁹⁸

A number of recent cases illustrate the terror and abuse that the blasphemy law has begotten.

In December 1990, Tahir Iqbal, a convert from Islam to Christianity, was arrested because of his apostasy and held in prison in Lahore on the charge of blasphemy.¹⁹⁹ After a year and a half awaiting trial, Iqbal, a paraplegic, died in mysterious circumstances. Two weeks before his death, Iqbal had written to members of the Pakistani government, including the prime minister, expressing fear for his life.²⁰⁰ He believed there was a conspiracy to poison him. No police action was taken to investigate his death, despite petitions to conduct a postmortem.²⁰¹ One of his Muslim neighbors said, "Tahir was an intelligent and good person. His only offence was his conversion to Christianity."²⁰²

In late 1991, a Christian, Gul Masih (Masih is a generically common name to Christians in Pakistan), argued with a neighbor over how many wives Muhammad had.²⁰³ The neighbor reported him to a local Muslim activist, who with the urging of the Deputy Superintendent of Police, registered the charge of blasphemy.²⁰⁴ Gul Masih's brother, Bashir Masih who was not involved in the altercation, was also arrested and held for over a month

For example, In October 1991 Chand Barkat, a Christian, was charged under Section 198 of the penal code of wounding the religious feelings of another. By the time he was tried and acquitted he had spent 15 months in prison, three more than the maximum sentence he would have received if he had been convicted. I.A. Rehman, *The Fires of Bigotry*, NEWSLINE (Karachi), November/December 1993, at 30.

¹⁹⁷ Human Rights Commission of Pakistan, *Newsletter*, July 1993, at 22.

¹⁹⁸ Bob Harvey, *Free Speech, Islamic Faith Meet head-on in Pakistan* (hereafter, Harvey, *Free Speech*), OTTAWA CITIZEN, January 9, 1993, Religion Section, at 9, available on LEXIS, News Library, Curnws File.

¹⁹⁹ PAKISTAN, AMNESTY INTERNATIONAL REPORT 1992, *supra* note 9, at 207; STATE OF HUMAN RIGHTS IN PAKISTAN 1992, *supra* note 9, at 40.

²⁰⁰ Beena Sarwar, *Pakistan: Islamic Laws are Manipulated to Settle Political Scores* (hereafter Sarwar, *Political Scores*), Inter Press Service, September 29, 1992, available on LEXIS, News Library, Curnws File.

²⁰¹ PAKISTAN, AMNESTY INTERNATIONAL REPORT 1993, *supra* note 9, at 229; COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1161; STATE OF HUMAN RIGHTS IN PAKISTAN 1992, *supra* note 9, at 40-41.

²⁰² Human Rights Commission of Pakistan, *Newsletter*, October 1992, at 9.

²⁰³ Masih claimed Muhammad had eleven wives including one teenager. Harvey, *Free Speech, Islamic Faith*, *supra* note 195, at 9.

²⁰⁴ BLASPHEMY EPISODES, *supra* note 3, at 6-7.

before being released. When Bashir Masih was freed, the local mullahs organized a march "demanding that he be retaken and both the brothers hanged."²⁰⁵

In November 1992, Gul Masih was tried and sentenced to death, solely on the testimony of the neighbor. The two witnesses called on behalf of the prosecution denied that the defendant had said anything blasphemous.²⁰⁶ It is reported that the trial judge revealed to another judge that he awarded the death penalty "only out of fear of the mullahs."²⁰⁷ Gul Masih had spent a year in jail before his trial and remained in prison until November 1994, when his death sentence was overturned by the Lahore High Court.²⁰⁸

In January, 1993, a complaint lodged against Anwar Masih resulted in his arrest for blasphemy. Masih was a Christian who had converted to Islam and then reconverted to Christianity. He lives in an area populated by 180,000 Christians. The facts of the charge are vague. Anwar Masih argued with a shopkeeper and allegedly uttered a blasphemy. He was arrested a week later on a complaint not by the shopkeeper, but by a local political leader who proclaimed Anwar Masih's guilt in the streets.²⁰⁹ The accused took refuge in a church to avoid being lynched by a fundamentalist mob. Later, the police entered and arrested him. Masih is a former heroin addict and is mentally unstable.²¹⁰ Subjected to police brutality while in custody, he is, at this writing, still awaiting trial.

As can be seen, not only are charges of blasphemy often lodged for personal and political motives, but once brought, they subject the accused to acts of private violence. Although Pakistani law does not formally recognize self-help in these matters, the influence of the Shari'a allowing individuals to execute apostates with impunity may influence the behavior of individuals and the police.²¹¹ Gul Masih, for example, was beaten in jail by a Pathan

²⁰⁵ *Id.* at 6.

²⁰⁶ STATE OF HUMAN RIGHTS IN PAKISTAN 1992, *supra* note 9, at 41. Tim McGirk, *Muslim Fanatics Feeding Intolerance in Pakistan*, THE INDEPENDENT, November 25, 1992, at 15; *Pakistani Court Hands Death Penalty for Blaspheming Prophet*, Agence France Presse, November 3, 1992, available on LEXIS, News Library, Curnws File.

²⁰⁷ STATE OF HUMAN RIGHTS IN PAKISTAN 1993, *supra* note 9, at 41.

²⁰⁸ PAKISTAN, AMNESTY INTERNATIONAL REPORT 1993, *supra* note 9, at 229. Alistair Lyon, *Plaintiff Steps Back into Pakistan Blasphemy Case*, REUTERS, February 22, 1995, available on LEXIS, News Library, CURNWS File.

²⁰⁹ STATE OF HUMAN RIGHTS IN PAKISTAN 1993, *supra* note 9, at 41.

²¹⁰ Human Rights Commission of Pakistan, *Newsletter*, April 1993, at 14. Khan Mohammed, *The Blasphemy Trap*, THE HERALD (Karachi), March 1993, at 72-73. In a different cause of action under the blasphemy law, another unbalanced man, who is Muslim, claimed to be Jesus and praised Salman Rushdie. He was condemned to death despite testimony that he was insane. His case is on appeal. STATE OF HUMAN RIGHTS IN PAKISTAN 1993, *supra* note 9, at 26. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1378.

²¹¹ The self-help tradition affects other religiously intolerant actions. In 1993, a landowner bulldozed an entire Christian village, including a church, without waiting for a civil court decision in a land dispute case. COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993, *supra* note 9, at 1377.

prisoner incensed at what he had allegedly done.²¹² There is evidence of official tolerance for private attacks on Christians. According to the State Department's Human Rights Report, "Christian groups rarely press charges against the perpetrators of such incidents and believe the authorities are unlikely to pursue such cases."²¹³ Two examples follow.

Naemat Ahmar, a Christian and teacher in the state school in the village of Dasuha, was shocked one day in December 1991 to find anonymous posters around the village accusing him of blaspheming the Prophet of God. A later investigation by the Human Rights Commission of Pakistan found no witness among his students, colleagues, or even Muslims in the village who had ever heard him make any such insult. Ahmar believed that a rival candidate for his teaching position, a Muslim, had put up the posters. Many local Muslims were, nonetheless, convinced Ahmar had blasphemed, even though he denied it and "offered unconditional apology for any offence any presumed remarks attributed to him might have caused."²¹⁴

Fearful, Ahmar consulted with the Bishop of nearby Faisalabad, took leave from his post and took a job in Faisalabad. On January 6, 1992, Farooq Ahmad, who had seen the posters in Dasuha, travelled to Faisalabad, found Ahmar at his place of work, and stabbed him to death, inflicting 17 wounds. After the first strike, Ahmad asked Ahmar why he had blasphemed. Ahmar denied it, but Ahmad continued the attack.²¹⁵

At the police station, Ahmad "was kissed by some of the policemen for his remarkable courage and commitment to Islam."²¹⁶ Villagers came to give him cookies and flowers. Many clerics from the area visited him to offer their congratulations, while some engaged lawyers to defend him. In addition, the president of the local bar association offered his services to Ahmad, while no prominent lawyer would accept representing the family of the murdered Ahmar. Beyond taking the names of witnesses, the police took no steps to develop the investigation. The Bishop of Faisalabad gauged that among the Christians, a "sense of helplessness, insecurity, and anguish had crept in."²¹⁷

Such cases have impelled a senior Christian school teacher to decline a promotion to headmaster "because I knew any disgruntled teacher or student could send me to prison by accusing me of blasphemy."²¹⁸ Another non-Muslim history teacher was asked in class which

212 BLASPHEMY EPISODES, *supra* note 3, at 8.

213 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992, *supra* note 9, at 1171.

214 BLASPHEMY EPISODES, *supra* note 3, at 12.

215 *Id.*; Sarwar, *Political Scores*, *supra* note 197; *Muslim Fanatics*, *supra* note 204.

216 BLASPHEMY EPISODES, *supra* note 3, at 11.

217 *Id.* In another case, a man who accused a Christian came to the jail and stabbed him a number of times. The Christian survived but was prevailed upon by the police to seek a reconciliation with his attacker. I.A. Rehman, *Persecuted by Law*, NEWSLINE (Karachi), November/December 1993, at 29.

218 I.A. Rehman, *The Fires of Bigotry*, NEWSLINE (Karachi), November/December 1993, at 30b.

of the two periods of Muhammad's life was the better: the years in Mecca or Medina. Upon his answer, the teacher was charged with blasphemy.²¹⁹

An even worse incident was soon to follow. In May 1993, the imam of a village mosque in the village of Ratta Dhotran lodged a complaint that sometime during the previous year, some persons had insulted the Prophet of God by graffiti on the bathroom wall and on pieces of paper cast into the mosque. The accused were two men, Rehmat Masih and Manzoor Masih, and an illiterate eleven year old boy, Salamat Masih.²²⁰ Allegations were that the group was retaliating for a sermon the imam had given some time ago stating that it was a sin to believe that Christ had died on the cross.²²¹ The testimony against Salamat Masih was from an eight year old boy, with whom Salamat had been quarreling over ownership of some pigeons and who said he witnessed Salamat writing on the Mosque walls. The day after the quarrel between the two boys, some men arrived at Salamat's home, forcibly took him to the village mosque and beat him until he confessed to acts of blasphemy.²²²

Muslim demonstrations and boycotts against the Christians in Salamat Masih's village brought a further charge of blasphemy (later dropped) against eight other Christians. Ubiquitous signs proclaimed, "Any one who blasphemes against the prophet should be hanged in public."²²³ Soon thereafter, all the Christian families who had been in the village for generations decided to leave.²²⁴

On the day of the hearing, a mob outside the courtroom demanded death for all three accused, while handbills and sermons to the same effect were spread throughout the area. The bar was intimidated. A lawyer who agreed to take the case failed to appear and no other local lawyer could be engaged.²²⁵ Five months later, in November 1993, the boy Salamat Masih was released (one of the very few Christians ever granted bail),²²⁶ but bail was set too high for the other two accused.

²¹⁹ *Id.* In another case, a teacher with 37 years experience, in answer to a question about the form of government under the Prophet, stated that Muhammad had "dictated" the policies to be followed. That verb was enough to charge him with blasphemy and place him in jail. Human Rights Commission of Pakistan, *Newsletter*, October 1992, at 8.

²²⁰ *Persecuted by Law*, *supra* note 215, at 24-26.

²²¹ *Eleven-year-old Boy in Pakistan Prison for Writing on Mosque Wall*, Agence France Presse, June 17, 1993, available on LEXIS, News Library, Curnws File.

²²² Jennifer Griffin, *A Hanging Matter in Pakistan*, THE PLAIN DEALER, March 28, 1994, at 7B; *Fistfight between Boys Led to Murder, Death Sentences*, THE OTTAWA CITIZEN, February 25, 1995, at A6.

²²³ Jennifer Griffin, *Is it a Mosque or a State?* LOS ANGELES TIMES, March 20, 1994, Part M, at 2, available on LEXIS, News Library, Curnws File.

²²⁴ *Exodus of Fear*, NEWSLINE (Karachi), November/December 1993, at 33-35.

²²⁵ *Persecuted by Law*, *supra* note 215, at 26.

²²⁶ Shah, *Victims of Zealotry*, *supra* note 185, at 33.

Because of the threats to the defendants, the case was transferred to Lahore, and prospects for their release seemed good. On April 5, 1994, the counsel for the prosecution proposed a settlement which was approved by the court. As the three defendants were being escorted out of the back entrance of the courthouse, three gunmen on motorcycles appeared and opened fire. Manzoor Masih was killed with 12 bullets fired into his body. Rehmat Masih received multiple wounds in the stomach area but none struck a vital organ. Salamat Masih was wounded in the wrist and hand. A social worker assisting the trio was seriously wounded.²²⁷ One of the assailants was identified as a local Imam who had originally brought the charge of blasphemy against the group. Charged with murder, the Imam is free on bail, assured by the prosecutor that he does not want to pursue the charge.²²⁸ A huge mourning procession by Christians and non-Christians called for the repeal of the blasphemy laws, but the government of Benazir Bhutto remained hesitant in the face of the increasingly militant fundamentalist opposition.

On February 9, 1995, despite the weak and contradictory evidence, Rehmat and Salamat Masih were sentenced to death by the trial court, the judge opining that no Muslim would ever forge a document insulting the Prophet. Protests from Muslim and non-Muslim groups around the world descended on Prime Minister Bhutto. In March, the Lahore High Court overturned the verdict, one judge stating his certainty that the allegedly blasphemous papers had been forged. Rehmat and Salamat Masih, certain they would be killed, were spirited out of the country to asylum in Germany. Their families remain in hiding in Pakistan.²²⁹

In commenting on the recent spate of attacks against Christians, The Herald of Karachi stated:

²²⁷ Iqbal, *Pakistani Gunmen Kill Accused Blasphemer*, *supra* note 98; John-Thor Dahlburg, *After Attacks, Christians Feel Threatened in Pakistan*, LOS ANGELES TIMES, Part A, at 4, available on LEXIS, News Library, CURNWS File; Human Rights Commission of Pakistan, *Newsletter*, April 1994, at 15.

²²⁸ *Blasphemy in Pakistan*, IRISH TIMES, Letter to the Editor, July 6, 1994, at 11, available on LEXIS, News Library, CURNWS File. *Shadows of Hate*, THE JERUSALEM POST, February 22, 1995, at 6, available on LEXIS, News Library, CURNWS File.

²²⁹ John-Thor Dahlburg, *Reported-Illiterate Boy of 14 Sentenced to Die in Case That Could Upend Pakistan's Legal System*, THE GAZETTE, February 21, 1995, available on LEXIS, News Library, CURNWS File; *Shadows of Hate*, *supra* note 228, at 6; *Facing up to Fundamentalists*, LOS ANGELES TIMES, February 26, 1995, at M4; *Family Gives Shelter*, THE INDEPENDENT, March 2, 1995, available on LEXIS, News Library, CURNWS File; Jennifer Griffin, *Blasphemy Boy Faces Life on the Run*, February 26, 1995, THE OBSERVER, February 26, 1995, at 20. In reaction to the release, mobs stoned the court, and threatened the lives of the judges and the lawyers defending the two men. *Amnesty Demands Lifting of Blasphemy Death Sentences*, AGENCE FRANCE PRESSE, February 21, 1995, available on LEXIS, News Library, CURNWS File. The government is appealing, hoping to reinstate the sentence, although with the defendants out of the country, the issue may be moot. John Ward Anderson, *Pakistan Frees 2 Christians Set to Hang for Blasphemy*, INTERNATIONAL HERALD TRIBUNE, February 24, 1995, available on LEXIS, News Library, CURNWS File.

The blasphemy law clearly singles out non-Muslims for persecution. While Mullahs daily blast their congregations with sermons, openly instigating people against other religions, they remain beyond reproach. But a non-Muslim trying to offer a rebuttal to this abuse is instantly branded a criminal guilty of blasphemy.²³⁰

Already five Christians charged with blasphemy have been murdered with no or little police investigations undertaken against their attackers. Threats against Christians are constant. Asma Jahangir, chairman of the Human Rights Commission of Pakistan, declared "The blasphemy law has unleashed religious terrorism, allowed the people to take the law into their own hands, is undermining the legal system and scaring off judges."²³¹

The law against blasphemy is in direct violation of the international law of human rights,²³² but its utility in political and personal vendettas make it popular. Even at the state level, it is easily relied upon. When a recent United Nations report criticized the Sudan for human rights violations, including call the law against apostasy in "flagrant violation" of international law, the government of Sudan accused the rapporteur of "satanic morality" and blasphemy.²³³

Christians have mobilized against the law. Following the ambush and killing of Manzoor Masih, thousands of Christians marched in Lahore and Karachi to demand the repeal of the act.²³⁴ Pakistan's six bishops have also formally petitioned for its rescission, and non-Muslim members of Pakistan's parliament have sought its amendment.²³⁵ In response, the provincial assemblies in Lahore and Punjab unanimously called upon the government to retain

²³⁰ BLASPHEMY TRAP, *supra* note 208, at 72-73.

²³¹ Ahmed Rashid, *Bhutto Bows to Protests by Muslims*, DAILY TELEGRAPH, May 21, 1994, available on LEXIS, News Library, Curnws File.

²³² MAYER, ISLAM AND HUMAN RIGHTS, *supra* note 110, at 163-73, 189-95; AN-NA'IM, ISLAMIC REFORMATION, *supra* note 63, at 167-181. See also Faza Ahshal, *An Essay on Islamic Cultural Relativism in the Discourse on Human Rights*, 16 HUMAN RTS. Q. 235 (1994) and Bassam Tibi, *Islamic Law/Shari'ah, Human Rights, International Morality and International Relations*, 16 HUMAN RTS. Q. 237 (1994).

²³³ *Murder, Slavery Rife in the Sudan, U.N. Reports*, Associated Press, February 11, 1994; *Sudan Calls U.N. Official a Blasphemer*, INTERNATIONAL HERALD TRIBUNE, March 9, 1994; Edward Luce, *Sudan Criticises the Author of a Rights Survey for Blasphemy*, THE GUARDIAN, March 3, 1994, Foreign Page, at 11, available on LEXIS, News Library, Curnws File.

²³⁴ Dahlburg, *After Attacks, Christians Feel Threatened in Pakistan*, *supra* note 225, at 4; *Teargas Used as Christians Protest Blasphemy Law*, Agence France Presse, April 21, 1994, available on LEXIS, News Library, Curnws File.

²³⁵ Ahmed Rashid, *Bhutto Bows to Protests by Muslims*, DAILY TELEGRAPH, May 21, 1994; *Pakistan's non-Muslims Demand Protection*, United Press International, April 21, 1994, available on LEXIS, News Library, Curnws File.

the death penalty.²³⁶ The government of Benazir Bhutto, holding a slim majority in Parliament, has not moved to do away with the law, or even denounced it.²³⁷ Rather, it has gingerly proposed to limit its excesses, first, by making the law applicable only to deliberate provocation and not unintended insult,²³⁸ by requiring preliminary court determination of sufficient evidence before the police could make an arrest, and secondly, by imposing seven years imprisonment on anyone making a false accusation of blasphemy.²³⁹ Seeing the desultory manner in which the police prosecute those who kill alleged blasphemers, it seems doubtful that there would be much hope for the police to investigate those who merely make false accusations.

CONCLUSION

There is no more unity in Islam than there is in Christianity.²⁴⁰ The identification of Islam with the totality of the positive provisions of the Shari'a is but one tradition. There are many others. In nearly every Islamic state, for every fundamentalist group, there are many more which denounce its program and support toleration. In fact, the Shari'a never guided ancient Islam in the manner in which its modern partisans claim. The Islamic state always escaped the restrictions of the jurists' niceties by establishing its own courts and a responsive bureaucracy to enforce its own decrees.²⁴¹ Even in its own terms, the Shari'a was never universal. It was a juristic mode of reasoning utilized to solve certain legal problems, a mode of reasoning which varied by time, place, and person, and which may or may not have been

²³⁶ Dahlburg, *After Attacks, Christians Feel Threatened in Pakistan*, *supra* note 205, at 4; Herve Clerc, *Christians Mobilise Against Moslem Blasphemy Law*, Agence France Presse, April 24, 1994, available on LEXIS, News Library, Curmws File.

²³⁷ Rasid, *In God's Name*, *supra* note 185, at 20.

²³⁸ *Pakistan; Prophet and Loss*, *supra* note 190, at 38.

²³⁹ Even so, the government has awaited proposing the changes to parliament until their is a "consensus" among religious leaders, hardly a sanguine possibility. Pakistan Link (Inglewood), May 20, 1994, at 3; *One Woman Raped Every Three Hours in Pakistan*, *supra* note 61; *Pakistan May Amend Blasphemy Law*, Agence France Presse, May 8, 1994; Beena Sarwar, *Pakistan: Blasphemy Law to Stay, Minor Modifications*, Inter Press Service, July 19, 1994. In reaction to the government's proposal, fundamentalists have offered a reward for the murder of the law minister. *Extremists Put Contract on Law Minister*, THE INDEPENDENT, July 11, 1994, at 11, available on LEXIS, News Library, Curmws File

²⁴⁰ AL-AZMEH, ISLAM AND MODERNITIES, *supra* note 12, at 1.

²⁴¹ David F. Forte, *Islam and Politics*, in 11 TEACHING POLITICAL SCIENCE 158, 161-62 (1984), reprinted in J. SCHALL, S.J. & J. HANUS, STUDIES ON RELIGION AND POLITICS, Univ. Press of America 70 (1986).

followed by the political authorities. As one scholar has noted, the Shari`a was no more a "code" to be applied than is the common law a "code."²⁴² It has been the particular answers that the jurists gave to particular problems of their time that has taken on the modern conceptualization of a "code" of positive law. But it was the method of reasoning, the *ijtihad*, that more fully describes the Shari`a, as it is the method of reasoning that more fully describes the common law, not its particular legal rules at any one time.

It is true that within the legal tradition of Islam, *ijtihad* came to be denigrated, and a more or less slavish following of the concrete *results* of the earlier jurists' thought typified the study of law. The creativity of ancient Islamic jurisprudence turned into the rigidity of medieval Islamic legality. It is that historical turn from reasoning to rules that many of the modern Muslim intellectuals wish to undo, and regain the liberty of exercising *ijtihad* once again. In the meantime, they must contend with Islamic radicals who take the rules that came out of medieval Islam as the defining focus of a genuine Islamic society. But taking Islamic legal tradition as a whole,

Calls for the "application of Islamic law" have no connection with the Muslim legal tradition based upon multivocality, technical competence and the existence of an executive political authority which controls the legal system. It is a political slogan, not a return to past reality.²⁴³

Even if we were to look solely at the jurists' conclusions within the Shari`a, we find that the penal provisions are its most miniscule part. Most of the jurists' elucidations of the law concerned the details of religious practice, a sophisticated system of property and contract law, and a complex exegesis of trusts and estates. Only secondary attention was paid to criminal law for so little of it was directly enforced in the Islamic empire. Criminal jurisdiction was simply moved from qadi courts to the imperial tribunals. Nor were the jurists themselves very concerned with worldly penalties. Contrary to the political picture portrayed by some Islamic militants, the Qur`an and religious Islam left God in charge of punishment in the afterlife, and the individual much opportunity for private repentance here on earth.

The partisans of the Shari`a, therefore, are arguing for the dominance of a particular version of Islam, a version that never existed except in their idealized recollection. One critic describes their strategy.

[T]he politics of nostalgia imagines a past, or prior reality, conjures an affection for a past that never was, and turns this sentimentalist imperative into a programme to be imposed on the social and political realities of today.²⁴⁴

Yet the Shari`a itself turns out to be their most effective weapon. In a religion without an ecclesiastical structure, in a religion where differences in doctrine were less defining than in Christianity, in a religious culture without the bond of a unitary state, and in an intellectual tradition in which the development of political theory was stultified, the Shari`a stands as an iconographic symbol identifying a Muslim as a Muslim. It is a symbol claiming a divine and obligatory provenance.

²⁴² AL-AZMEH, ISLAM AND MODERNITIES, *supra* note 12, at 11.

²⁴³ *Id.* at 14.

²⁴⁴ *Id.* at 9.

The original authors and commentators of the Shari`a were among the finest minds of a highly developed civilization. The Shari`a's arcane intricacies, differences, and reasonings are far beyond the comprehension of the average Muslim, including the ordinary mullah of today. Indeed, the modern partisans of the Shari`a disparage the same analytical creativity of modern Muslim thinkers that the ancients exercised. For the politically militant Muslims, there can never be a "new *ijtihad*," and they themselves are incapable of exercising *ijtihad*. They take advantage of the fact that the ancient jurisconsults did define and gloss certain crimes, the *hadd* offenses particularly, including apostasy. Yet the contemporary Muslim radicals have no qualms about turning a *ta`zir* offense like blasphemy -- an offense that should have a variable punishment or no penalty at all -- into one with a mandatory death penalty that advances their politico-religious aims.

Despite the marginal position of criminal law within the Shari`a, its modern partisans press for the application of their own version of its penal provisions because it provides the coercive element they need for dominance. The law against blasphemy raises the xenophobic fear of a tribal society against outside religions, it saps the legitimacy of competing traditions within Islam, it stills political dissenters, and undermines the very basis for democratic government. Under the radical interpretation of what blasphemy means, none of the great intellectual leaders of Pakistan's pre-history, from Muhammad Iqbal even to Muhammad Ali Jinnah would have been immune to attack. Despite the fact that Christians and Ahmadis are currently the most prominent victims of the blasphemy law, the true objective of the militant advocates of the Shari`a is to destroy the validity of any other tradition within Islam but their own.

The mullahs are weak at the polling place but influential on the streets. Unlike the other Hudood Ordinances which have been more or less unenforced because of the alternatives available under the Pakistani criminal code, the law against blasphemy has developed a life of its own. The ease of accusation and arrest, the usual lack of bail, and the tradition of legitimizing self-help has unleashed such a wave of religious terror that even the government and the opposition shrink from calling for its repeal. Direct international diplomatic pressure at the state level may help to empower the Pakistani government to confront the mullahs. But success will come only if the government politically validates the variable strains of Islam as authentically Islamic, as the intellectual fathers of Pakistan so forcefully championed. The only alternative will be a shattering of Pakistan into tribal and religious warfare and the likely imposition of a more tyrannical military government than it has yet experienced.



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