

TESTIMONY OF

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BEFORE THE

Tom Lantos Human Rights Commission

ON

DEFENDING PRISONERS OF CONSCIENCE

FEBRUARY 15, 2018

Thank you to the Commission's Co-Chairs, Representatives Hultgren and McGovern, for holding today's hearing, and to Congressman Lowenthal and Congresswoman Sheila Jackson Lee for your remarks and advocacy. I am Kristina Arriaga and I serve as Vice Chairwoman for the U.S. Commission on International Religious Freedom (or USCIRF). We are an independent, bipartisan federal government commission created by the 1998 International Religious Freedom Act to monitor the universal right to freedom of religion or belief abroad.

HUMAN RIGHTS AND RELIGIOUS FREEDOM:

In 1948, only three short years after the horrors of World War II, the United Nations adopted the landmark Universal Declaration of Human Rights (UDHR). The UDHR delineated fundamental rights that form the basis for a democratic society including the freedoms of expression, peaceful assembly and association, as well as freedom of thought, conscience, and religion. These basic rights also include not being subjected to arbitrary arrest, detention or exile, and a fair and public hearing by an independent and impartial tribunal.

The International Covenant on Civil and Political Rights (ICCPR) made these rights legally binding on the nations who acceded to the treaty. This covenant, which 169 countries including the United States have joined, commits its parties to respect individuals' civil and political rights, including the freedoms of speech, assembly, and religion, as well as electoral rights and rights to due process and a fair trial.

Given my position as Vice Chairwoman of the U.S. Commission on International Religious Freedom (USCIRF), I want to focus on one specific human right, religious freedom, which is enshrined with the other rights in international treaties and understandings. Freedom of religion or belief also encompasses other freedoms, including expression, association, and assembly.

Supporting religious freedom abroad is not just a legal or moral duty, but a practical necessity crucial to the security of the United States and the world as it builds a foundation for progress and stability. Research confirms that religious freedom in countries that honor and protect this right is associated with vibrant political democracy, rising economic and social well-being, and diminished tension and violence. In contrast, nations that trample on religious freedom are more likely to be mired in poverty and insecurity, war and terror, and violent, radical extremism. Simply put, violations of religious freedom lead to violent religious extremism, with too many governments either perpetrating or tolerating religious freedom abuses. The human victims of these abuses are among the prisoners of conscience that we highlight today.

The fate of individual prisoners of conscience join the legal, moral and security concerns that make a compelling case to rigorously support religious freedom. Numbers do so as well. A recent study found that one-third of all nations, comprising 79% of the world's population, severely restrict religion through the actions of governments or societal actors. In these countries, many of which top the U.S. foreign policy agenda, religion constitutes their core narratives and religious freedom violations often are the catalyst for their divisions and problems.

Advocating on behalf of prisoners of conscience has been a lifelong passion for me, and a high priority for USCIRF since our inception. We were proud to help launch the Defending Freedoms

Project with the Tom Lantos Human Rights Commission in 2012, and we recognize the tireless work of our NGO partners, including those represented on the panel today.

In 2017, USCIRF also launched the Religious Prisoners of Conscience Project (RPOC). Our aim is to draw attention to prisoners of conscience and to the flawed laws and policies that led to their imprisonment. Each of the Commissioners, myself included, have chosen to advocate for one or two specific individuals imprisoned for exercising their right to freedom of religion or belief. These men and women come from different faiths, political perspectives, and parts of the world, but they all have been unjustly imprisoned for exercising one of the most fundamental of human rights.

I'm happy to report that since the launch of USCIRF's RPOC Project, we've seen some progress. In July of last year, Pastor Chinh, a Christian leader in Vietnam, was released almost six years early from an eleven-year prison sentence. Pastor Chinh, who was unjustly imprisoned in part for ignoring the Vietnamese government's ban on preaching in the Central Highlands, is a textbook example of the power of advocacy. Congressman Lowenthal, Commissioner Wolcott with USCIRF, an array of human rights organizations and the U.S State Department all repeatedly raised his case, forcefully condemning his imprisonment and calling for his release.

Sadly, for every story of a release there are hundreds more of imprisonment and abuse. I have, along with my fellow Vice Chairwoman Sandra Jolley, been advocating for Pastor Andrew Brunson. An American citizen, Pastor Brunson was arrested in Izmir, Turkey in October of 2016 and accused of trying to overthrow the Turkish government. Vice Chairwoman Jolley and I were granted permission to visit Pastor Brunson in prison last October. It was a surreal experience to spend an hour with an innocent man who has lost fifty pounds since his arrest and is held in almost complete isolation from friends, family, and his religious community.

A court document released at a December 9, 2016 hearing indicated that Pastor Brunson had been charged with "membership in an armed terrorist organization." The judge reportedly mentioned allegations that Pastor Brunson is linked to the Gülen movement, which the Turkish government accuses of planning the failed July 2016 coup.

Pastor Brunson initially was held in a cell with 21 other inmates that was built to hold only eight prisoners. He was transferred in August 2017 to Kiriklar Prison where he was in a cell with two other men who have been accused of being members of the Gülen movement. He spends 24 hours a day in his cell, leaving for one hour weekly for visits. Sometimes he is allowed family visits and the U.S. Embassy sees him regularly.

Anadolu, a state-run news agency, reported on August 24, 2017 that the prosecutor submitted new evidence supposedly proving that Brunson had obtained confidential political and military information with the aim of overthrowing the Turkish government. Authorities have not produced any evidence publicly against Brunson. If convicted, Pastor Brunson could be sentenced to life in prison.

The case against Pastor Brunson seems to be based on secret evidence and a secret witness. He has been incarcerated since October 2016 without due process.

Let me reiterate again now our call for Pastor Brunson to be released immediately and unconditionally and to be allowed to return home to his family.

Other current prisoners of conscience highlighted by the RPOC project include:

- **Patriarch Abune Antonios:** Patriarch Antonios was ordained as Patriarch of the Eritrean Orthodox Church on April 23, 2004. On May 27, 2007, the Eritrean government replaced Patriarch Antonios with Bishop Dioscoros of Mendefera, forcefully removed the Patriarch from his home, and placed him under house arrest at an undisclosed location. Patriarch Antonios, who is 89 years old, continues to be held incommunicado and reportedly is being denied medical care despite suffering from severe diabetes.
- **Raif Badawi:** Raif Badawi is a blogger, activist, and the creator of the website Free Saudi Liberals, which encourages debate on religious and political matters in Saudi Arabia. He was arrested on June 17, 2012, on a charge of insulting Islam through electronic channels and brought to court on several charges including apostasy, a conviction which carries an automatic death sentence. Mr. Badawi appeared before a district court in Jeddah on December 17, 2012, charged with “setting up a website that undermines general security,” “ridiculing Islamic religious figures,” and “going beyond the realm of obedience.” On July 30, 2013, the Jeddah Criminal Court sentenced Mr. Badawi to seven years in prison and 600 lashes for founding an Internet forum that “violates Islamic values and propagates liberal thought.” On May 7, 2014, an appeals court increased the punishment to 1,000 lashes and 10 years in prison. He also received a fine of 1 million riyals (equal to about \$266,000) and is banned from any media work or foreign travel for 10 years after his release from prison.

On January 9, 2015, Mr. Badawi was flogged 50 times before hundreds of spectators in front of a Jeddah mosque. He has not received additional floggings, due partly to international reaction and partly to a medical doctor’s finding that he could not physically endure more lashings. On June 7, 2015, Saudi Arabia’s Supreme Court denied another appeal from Badawi and upheld the sentence of 1,000 lashes.

- **Gedhun Choekyi Nyima – The Panchen Lama:** After the death of the 10th Panchen Lama, His Holiness the Dalai Lama chose Gedhun on May 15, 1995, to be the 11th Panchen Lama, which is the second highest position in Tibetan Buddhism. Three days after his selection as Panchen Lama, Chinese government authorities kidnapped then six-year-old Gedhun Choekyi Nyima and his family. On November 29, 1995, Chinese authorities announced their own pick to serve as the Panchen Lama: Gyancain Norbu. Most Tibetan Buddhists have rejected him.

In the more than 20 years since Gedhun’s abduction, Chinese authorities have provided little information about his whereabouts, alleging that they need to protect him from being “kidnapped by separatists.” In May 2007, Asma Jahangir, then-United Nations Special Rapporteur on freedom of religion or belief, suggested that the Chinese government allow an independent expert to visit and confirm Gedhun’s well-being. On July 17, 2007, the Chinese authorities said that he is a “perfectly ordinary Tibetan boy” attending school and

leading a normal life, and that he “does not wish to be disturbed.” Authorities say that the state employs both of his parents and that his brothers and sisters are either working or at university.

- **Gulmira Imin:** Gulmira Imin is a Uighur Muslim and former web administrator for the Uighur-language website Salkin. Ms. Imin was also a government employee in Urumqi, the capital of the Xinjiang Uighur Autonomous Region in northwest China. Xinjiang is home to the majority of the country’s Uighur Muslim population. In spring 2009, Ms. Imin became the moderator of Salkin, a Uighur-language culture and news website to which she had previously contributed poetry and short stories. Many of her online writings criticized government policies.

On July 5, 2009, Ms. Imin participated in a major demonstration protesting the deaths of Uighur migrant workers in Guangdong Province. Initially peaceful, the protests turned violent, with about 200 people, including ethnic Han Chinese, killed during the riots and confrontations with police. On July 14, 2009, Ms. Imin was arrested in Aksu after authorities alleged she had organized the protests, posted an announcement for them on Salkin, and leaked state secrets by phone to her husband in Norway. Her family was not notified of the arrest, and was unaware of her location until the October 2009 airing of a China Central Television documentary that depicted Imin in prison garb.

On April 1, 2010, the Urumqi Intermediate People’s Court sentenced Ms. Imin to life in prison under Articles 103, 111, and 296 of China’s Criminal Law on charges of “splittism, leaking state secrets, and organizing an illegal demonstration.” She alleges she was tortured and forced to sign documents while in detention. She reportedly was not allowed to meet with her lawyer until the trial. Her appeal subsequently was rejected. Ms. Imin is currently detained in the Xinjiang Women’s Prison (Xinjiang No. 2 Prison) located in Urumqi, where she is allowed one family visit every three months.

- **Abdul Shakoor:** Abdul Shakoor was born February 2, 1937 in Qadian, India. He is married and the father of five daughters and two sons.

Before his arrest, Mr. Shakoor was the manager of an optician’s store and bookshop in the main bazaar of Rabwah (also known as Chenab Nagar), Punjab province, Pakistan. The population of the Ahmadiyya community in Rabwah is about 70,000 about 95 percent of the city’s total population. Many view the city as the de facto headquarters of Pakistan’s Ahmadiyya community.

On December 2, 2015, officials from the Counter Terrorism Department of the Punjab Police and Pakistan’s Elite Force raided the bookshop Mr. Shakoor managed. He was arrested along with the shop’s assistant, Mazhar Abbas – a Shia Muslim – and accused of selling an Ahmadiyya commentary on the Qur’an, among other publications. The officials confiscated Ahmadiyya publications during that raid and a later raid that took place on December 9. After their arrest, the two men were held in unknown locations and were not permitted to contact their families.

Mr. Shakoor's trial was held in the Anti-Terrorism Court in Faisalabad, Punjab province, with the officers who raided the bookstore as the only witnesses. The prosecution entered into evidence a letter that was ostensibly recovered during the December 9 raid from the Ahmadiyya Director of Public Affairs to Mr. Shakoor notifying him that the Punjab province government had banned some Ahmadiyya literature and that he should neither display nor sell the banned literature. Ahmadiyya leaders assert that the prosecution fabricated the letter to support their story, noting that none of the literature cited in the letter was banned until January 20, 2016, after the trial's conclusion. Mr. Shakoor contended during the trial and maintains the position that he did not distribute any of the literature listed, although he admits to being in possession of some of them. However, possession of Ahmadiyya literature is not a crime in Pakistan.

On January 2, 2016, Mr. Shakoor was given a five-year prison sentence for violating article 11-W of the 1997 Anti-Terrorism Act (ATA) which involves "printing, publishing, or disseminating any material to incite hatred." He also was given a three-year sentence for violating article 298-C of the Pakistani Penal Code, for a total of eight years. (Section 298 of Pakistan's Penal Code criminalizes acts and speech that insult a religion or religious beliefs or defile the Qur'an, the Prophet Muhammad, a place of worship, or religious symbols.) Mazhar Abbas, was sentenced to five years' imprisonment for violating article 11-W of the ATA. Mr. Shakoor filed a writ petition for bail and appeal against the verdict with the Lahore High Court. On multiple occasions, the Lahore High Court listed Mr. Shakoor's appeal on the daily docket, but each time the case was postponed. The last postponed hearing date was believed to be June 22, 2017.

Mr. Shakoor remains in prison and is suffering from a hernia and back pain.

Finally, let me just quickly highlight a region where I believe too many prisoners of conscience have been forgotten or overlooked: Central Asia. We regularly receive reports, and have reported on, examples of Muslims, Christians, Jehovah's Witnesses, and others who have been rounded up and imprisoned without due process by governments in this region. In Uzbekistan, the estimated number of prisoners of conscience ranges as high as 10,000. Their names or identities are mostly unknown, and much more work needs to be done to identify them and bring their cases to the world's attention. In Turkmenistan, prisoners of conscience are often simply "disappeared", never to be heard from or seen again.

The bottom line is, we have our work cut out for us. We have to be unceasing in our support for prisoners of conscience. Silence isn't golden when it comes to prisoners. Silence is the enabler of oppressive regimes. I very much look forward to continuing this deeply important work with the Lantos Commission and with all of you here.

Recommendations

Congress should:

- Organize sign-on letters to the U.S. State Department and foreign government officials in countries that have imprisoned prisoners of conscience. These letters should be carefully coordinated and bipartisan, and should call for the immediate release of the prisoner of conscience and guarantees of safety for the individual, his or her family, legal counsel, and any other groups or individuals that could be threatened in connection with the case of that prisoner of conscience
- Work with relevant members of the International Panel of Parliamentarians for Freedom of Religion or Belief whose countries have good relationships with governments imprisoning prisoners of conscience to issue statements and/or write letters urging those governments to release those prisoners.
- Members of Congress who have working relationships with foreign embassies and officials of countries that imprison prisoners of conscience should utilize those relationships to press officials on the status of these prisoners and to urge for their release.
- Organize Congressional delegations to visit countries with prisoners of conscience and engage foreign officials directly on their cases. Delegations could also request to visit with these prisoners and/or, if conditions allow, with their families and/or legal counsel
- Members of Congress, in conjunction with the Tom Lantos Human Rights Commission, USCIRF, and others should write press releases and op-eds, and hold regular interviews and/or press conferences highlighting prisoners of conscience