

103

# RELIGIOUS PERSECUTION

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Y 4.F 76/1:R 27/8

Religious Persecution, 103-1&2 Hear...

HEARINGS

BEFORE THE

SUBCOMMITTEE ON  
INTERNATIONAL SECURITY, INTERNATIONAL  
ORGANIZATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST AND SECOND SESSIONS

OCTOBER 28, 1993 AND  
MARCH 9, 1994

Printed for the use of the Committee on Foreign Affairs



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# RELIGIOUS PERSECUTION—PART 1

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THURSDAY, OCTOBER 28, 1993

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON INTERNATIONAL SECURITY,  
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:30 a.m. in room 2200, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The subcommittee on International Security, International Organizations and Human Rights will please come to order.

Today, we shall examine the disturbing upsurge in religious persecution across the globe. As a country that has made the championing of religious freedom a defining trait of its national character, we must not turn a blind eye to the denial of this most basic human right. In far too many countries, religious-based violence and persecution and discrimination have resulted in a state of religious apartheid. These hearings are convened to ensure religious concerns figure prominently in foreign policy debates.

Religious freedom has not accompanied the movement either toward democracy or free market economies.

While embracing economic liberalization, Beijing and Hanoi have initiated brutal campaigns to repress religious freedom. We know of some 240 Chinese and Vietnamese religious leaders who are imprisoned or otherwise deprived of liberties. Given the repressive and closed nature of these societies, it is impossible to know the true proportion of the problem. The actual figure is undoubtedly much higher. Human rights organizations note that both Beijing and Hanoi routinely resort to torture, including electric shock, beatings, and shacklings when dealing with religious dissidents.

As Russia staggers toward democracy, reactionary elements are attempting to restrict severely foreign missionary activity. Elsewhere within the borders of the former Soviet Union, ethnic and religious conflict continues to erupt, adding yet another violent dimension to already simmering religious hatreds.

Although some of the Moslem countries have demonstrated a greater willingness to play a constructive role in the international arena, their societies remain appallingly closed and repressive. And those that remain shut off from the rest of the world—such as Sudan, Iraq, Iran—have the most egregious human rights records. Hundreds, if not thousands of Baha'is, Christian worshipers, and Shi'ite Muslims have been arrested, detained, tortured and treated

in inhuman or degrading ways for the sole crime of having attempted to express their religious beliefs peacefully. This is nothing short of a total campaign of forced conversion to Islam in many of these countries.

It is incomprehensible to me that the United States tolerates this despicable and unconscionable behavior, particularly in countries considered to be allies such as Saudi Arabia. In countries like Egypt and Russia that are clearly on the road to democracy but are encountering political and economic instability, the situation is not quite so black and white. Nevertheless, religious persecution is not acceptable under any circumstance and in our dealings with these countries we must always underscore this point. It is even more imperative we send a clear signal of our revulsion to authoritarian regimes such as the People's Republic of China.

I am looking forward to learning from our distinguished panel of witnesses today the full dimensions of the problem and their suggestions for concrete actions that we may take here in Washington.

This cause, the cause of religious freedom, needs the unrelenting vigilance of human rights activists, because there is no cause more worthy of our support.

Before calling the first panel, I would like to thank the outstanding members of the subcommittee staff, Beth Poisson, Kelly Fawcett, Mike Ennis, and our Chief of Staff, Dr. Bob King, for their invaluable work in preparing this hearing.

I would like to ask our witnesses to come up, Reverend Keith Roderick, Secretary General, Coalition for the Defense of Human Rights in Islamic Countries; Mr. James O'Dea, director of the Washington Office of Amnesty International; Ms. Nina Shea, president of The Puebla Institute. I understand shortly Professor Cole Durham of the J. Reuben Clark Law School at Brigham Young University will join us.

Would you please take your seats?

I should mention that several members of this subcommittee are currently attending a full committee markup where I am supposed to be, also. They expressed the hope that they can get here before the conclusion of this hearing to ask questions.

We will enter in the record your full statements. You may proceed any way you choose. We will begin with you, Ms. Shea.

#### **NINA SHEA, PRESIDENT, PUEBLA INSTITUTE**

Ms. SHEA. Thank you, Mr. Chairman for holding this hearing and allowing me the opportunity to testify on the issue of religious persecution in China and Vietnam.

The Puebla Institute is a private human rights group that defends religious freedom from an ecumenical perspective and has been monitoring religious freedom in China and Vietnam for nearly 5 years.

The cold war has ended and the Communist Governments of China and Vietnam are shedding their old ideological garb, replacing it with a new style communism that encourages the growth of free markets and entrepreneurship, wants citizens to accumulate wealth, desires economic ties with the West, and shrugs off disparity of income as inevitable.



While embracing free market capitalism, the new style communism remains committed to one party rule and to the familiar repressive apparatus for supporting it: security police, severe restrictions on democratic freedoms of speech and assembly, and reeducation through labor for dissidents.

Freedom of religion has not fared much better under the new communism than under the old. In the early days of China's and Vietnam's Communist Governments, religion was considered a reactionary force to be eliminated. Clergy were labeled counterrevolutionaries working under the cloak of religion, imperialist lackeys, or spies in religious garb. When the complete eradication of religion proved impossible, in spite of mass arrest, torture, reeducation, et cetera, both governments sought to bring it under state control.

Under the new communism, ideological fervor has dissipated somewhat; but today, the ruling parties in China and Vietnam still view religion as a threat to their own power, a destabilizing force with ties to the West that must be strictly controlled.

In fact, as each country has stepped up economic reforms in the last few years, each has intensified repression of believers. Early in 1989, Beijing renewed its campaign against Christians worshipping outside government-run churches; and in the spring of 1990, Vietnam began cracking down on clergy and other religious leaders as part of a larger campaign against perceived opponents of the government.

In neither country does repression of underground religious practitioners show signs of abating. Today the Puebla Institute counts 105 Chinese Christian leaders and 131 Vietnamese Christians and Buddhists deprived of liberties for religious reasons by their governments. Nine on Puebla's China list being punished for religious reasons are from the free economic zones themselves.

Given each country's closed press and tightly guarded judicial and penal systems, it is almost certain these figures represent only a fraction of those now persecuted for their religious beliefs.

Both China and Vietnam have recently affirmed their policy to tightly control religion. In 1991, China issued Document Number 6. It urged that all independent religious groups be eliminated and that anyone colluding with foreign forces to the detriment of the country's unity and stability be harshly punished. At the beginning of this month, I had a chance to speak with the head of the Chinese Religious Affairs Bureau, and he readily admitted the continuing force and validity of this Document Number 6.

In 1991, also, Vietnam issued Decree 69 which allows the government to punish all religious activity construed as a threat or in "opposition" to the regime.

Both countries rely on arrests, torture, harassment and other repressive methods to ensure religious groups adhere to governmental restrictions on worship, evangelizing, and clerical training and appointments. In China's state-run churches, the Catholic Patriotic Association, which repudiates the authority of the Pope and the Protestant Three-Self Patriotic Movement oversee all "legal" Christian activity. Because Roman Catholicism is, by definition, illicit in China, clergy who maintain contacts with the Vatican, ordain priests, or conduct unauthorized religious education classes

are charged with treason, counterrevolutionary acts or other crimes against the state and can be sentenced to reeducation through labor.

For example, Father Zhu Bayou, a Catholic priest of the Nanyang diocese, served a 10-year sentence starting in the early eighties for leading a pilgrimage to a religious site near Shanghai, and is now in internal exile in the village of Jingang, in Henan province.

Li Jiayao, a 30-year-old Protestant house-church leader from Guangdong province was sentenced without trial in September of 1991 to 3 years of reeducation through labor for illegally receiving and distributing Bibles.

Hanoi requires Catholic clergy to join the state-run Committee for the Solidarity of Patriotic Vietnamese Catholics, and Buddhists to join the state-run Buddhist Church. The government also closely oversees the Evangelical Church of Vietnam, the country's major Protestant body.

It arrests religious leaders who appear too influential or too independent, like the 13 priests and brothers of the Congregation of the Mother Coredemptrix now incarcerated in Vietnam or those who speak out against the government's restrictions on religious freedom like Father Chan Tin, sentenced to 3 years of house arrest in 1990 after preaching a sermon criticizing Hanoi's religious policies.

Leaders of Vietnam's growing evangelical Christian house-church movement, whose illegal meetings in homes are construed by the government as dangerous defiance of the regime's attempts to control religion are punished by arrest and imprisonment. Since 1990, at least nine Vietnamese house-church pastors have reportedly been charged with opposition to the government under the guise of religion simply for leading unauthorized worship services.

Virtually the entire top level of the leadership of the Buddhist religion is in detention at this time.

The application of repressive religious policies in China has tended to vary with political cycles and the whims of local officials. The current crackdown dates to early 1989, when Chinese leaders grew alarmed at the perceived role of churches in the democratization of Eastern Europe and sought to prevent religion from playing a similar role in China.

"The church," China's state-run press claimed in 1992, "played an important role in the change" in Eastern Europe: "If China does not want such a scene repeated in its land, it must strangle the baby while it is still in the manger."

The subsequent collapse of Soviet communism heightened Beijing's fear of peaceful evolution to democracy. Both clandestine Catholics and house-church Protestants, the government claims, are being used by "hostile foreign forces" to undermine the Communist regime. There is evidence that Hanoi shares this mentality. One of the main pieces of evidence at the May 1992 trial of a well-known Vietnamese dissident was that he received an article from an American friend on the role Catholicism played in the transformation of East Germany.

Both countries take pains to foster an impression of reform and compromise. They have done so, however, through the distortion and manipulation of facts without genuine policy reforms or even

significant improvements in many specific cases. Both state, for example, that no one is punished for specifically religious reasons; rather, they are arrested for breaking the laws of the country.

The laws of the country—restricting religious worship, banning independent worship, limiting Bibles, the ordination of clergy, contacts and communication with co-religionists abroad—are flagrant violations of the basic international human rights guarantees of the United Nations. The laws themselves violate universal norms.

During the current month of October, a 15-member official Chinese delegation of church leaders from the government toured the United States stating everywhere they went there are no longer any religious prisoners in China. I personally heard Zhang Shengzuo, the head of the Religious Affairs Bureau, who was part of this delegation, claim “the government doesn’t interfere with the freedom to choose a particular religion” or “Chinese law protects the rights of religious believers, no one in China has been arrested simply for his religious beliefs since the revolution.”

And Mr. Han Wenzao, a director of the China Christian Council told me at the same time, “No one in China is imprisoned for distributing Bibles.” These statements are patently false and part of a new bold disinformation campaign aimed at countering criticism that might hurt China’s chances to regain MFN status. It is noteworthy on the very same day this delegation began its U.S. tour, police in Guangzhou (Canton) raided and closed an evangelical house-church, arrested and interrogated the church’s leaders and confiscated Bibles.

The Chinese also engage in more subtle propaganda. As the Clinton administration reviewed MFN policy last spring, China announced—falsely—the release of two religious leaders who remain in prison; announced the release of a priest who actually had been freed years earlier; and continued to restrict or detain, through other means, religious leaders “released” from prison.

Vietnam is also deceptive in its religious policies. In the past few years, Hanoi has given some appearances of easing its repression of Catholicism: in 1991, it allowed the first ordination of a Catholic bishop since 1975 and permitted the Vietnamese bishops to make their first *ad limina* visit to the Pope. A year later, however, the government denied Archbishop Francis Xavier Nguyen Van Thuan permission to return from Rome to his seat, the very important, in fact most important, Archdiocese of Ho Chi Minh City.

Although Hanoi, unlike Beijing, does not name its own government-loyal bishops to leadership positions in the Catholic church, it has consistently opposed clergy suggested by the Vatican. This insidious strategy has left many Vietnamese dioceses without bishops. Government limits on seminary enrollment, combined with the arrest or exile of clergy, has created an acute shortage of priests in some parts of the country. In Haiphong, the U.S. State Department reports 15 priests serve 150,000 Catholics.

Another trend particularly evident in China is the increasing use of administrative detention in religious cases. Prisoners detained administratively are held incommunicado without charges, trial, or public records of any kind. Some religious prisoners are removed from prison and are simply shifted to these administrative detention centers. Others are apprehended from their homes in a type

of arrest. Both groups are then administratively detained against their will in police lockups or what the government calls "old peoples' homes" or "shelters."

Parallels exist between China's use of nursing homes for political purposes and the former Soviet Unions' political abuse of psychiatric hospitals.

In both cases, institutions with legitimate purposes are employed as extrajudicial detention centers with all the possibilities for maltreatment attending incommunicado, clandestine detention since the public—indeed the next of kin—are barred from visiting them.

The only certain information we in the West have about these old age centers in China is that of the four individuals, all Catholic bishops to have emerged from them in the past 2 years, three are dead, two with signs of physical abuse evident on their remains and the fourth died shortly after he escaped, from untreated disease.

Two more Catholic bishops are known to remain against their wills in these old age centers and again the government does not acknowledge them to be prisoners or to have committed any crime.

Torture and ill treatment of religious believers appears to be on the rise in China. Puebla has determined at least four religious prisoners have died from torture or ill treatment in the last 2 years.

Relatives found numerous wounds on the body of the unconscious bishop Stephen Liu Difen shortly before his death in custody last November. Evangelical Lai Manping, arrested during a religious service, died in the spring of 1993, following brutal and repeated beatings by police.

Others on Puebla's list who survived their torture include two Evangelicals, one of whom was a woman beaten with electric stun guns and shocked with electric whips and prods.

Though constitutionally prohibited, torture is commonly used by the Vietnamese police to extract confessions and by guards in "re-education through labor" camps to intimidate and punish inmates. A 28-year old Buddhist monk was tortured to death in Ho Chi Minh City in December of 1992 while being interrogated. Catholic priest, Father Andrew Nguyen Huu, who spent 13 years in prison in Vietnam before his release in 1988, was beaten so severely by camp guards that he sustained permanent lung damage.

Another 13-year veteran of Vietnam's reeducation camps on our list, Buddhist monk Yoshida Ganshin, lost the use of his legs as a result of repeated electric shocks.

Inmates of Vietnam's reeducation camps who manage to evade physical mistreatment at the hands of their jailers suffer under the camps' brutal combination of hard labor, poor medical care, and grossly inadequate food. According to a report of the U.N. Special Rapporteur on Religious Intolerance, prisoners who are ill or handicapped and whose capacity to work is, therefore, reduced are given reduced rice rations. As an additional arbitrary form of punishment, prisoners are frequently prevented from receiving food packages sent by their families.

The Puebla Institute urges the U.S. Congress to use the leverage which it has to the maximum at this point with Vietnam before trade is reinstated; and as China nervously awaits our decision on

MFN, to see these religious prisoners are freed and also that the policy itself is changed.

Thank you. That concludes my statement.

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

Mr. LANTOS. Thank you very much, Ms. Shea. I appreciate your comments very much. It is a very gruesome and alarming statement which I think we all need to hear.

Next, I would like to call on Mr. James O'Dea, director, Washington office of Amnesty International. We are delighted to have you.

**STATEMENT OF JAMES O'DEA, DIRECTOR, WASHINGTON  
OFFICE OF AMNESTY INTERNATIONAL**

Mr. O'DEA. Thank you, Mr. Chairman. Thank you for calling these hearings.

I am indeed heartened that you can be relied upon to go where the media does not go, because in the world of human rights, sometimes, that is the case, that we have to take the lead and show the light where it is not in the public attention and public view.

I would stress the importance of these hearings in my experience, because I have testified on different occasions and have had as a result quite a lot of attention, correspondence, and reaction from governments. Even though there are not a great number of Members of Congress present here listening, you can be certain there are a number of governments who are listening very closely today. I thank you again.

The causes for religious intolerance are very complex and very often have a political dimension. I have not in my written testimony dealt with those situations where there is a great deal of this intertwining of the complexity, but I would like to just note the effect of gross religious intolerance and prejudice in creating violence and killings.

I remember particularly an interview on National Public Radio about 6 months ago of a Serbian who was fighting the Bosnians. I am paraphrasing from my memory what he said. He said, you know, we are the Christians; we are the fight and we are the whites; we are against the United Nations; we are against the Zionist conspiracy; and we are against the United Colors of Benetton.

I find that a particularly frightening, fascist statement; and it is some of that sentiment that indeed has underpinned the horrifying toll of killings against Bosnian Muslims. I think even though we are not always able to get at that as an organization which deals with government policies, it has to be said that governments often encourage that kind of religious fanaticism and cultural fanaticism.

I am not going to deal very much, although my written testimony does more extensively, with China or Vietnam since Nina eloquently covered that.

I just want to underscore that the practice of administrative detention in China really is one of the bases upon which arrests on religious grounds can occur. There may be over 1 million people in China who have been held under administrative detention. This is clearly a practice that should be abandoned. We met yesterday with Secretary Shattuck and Eric Schwartz from the NSC who talked about their trip to China. We told them that that particular practice should be brought up in these MFN discussions.

I think we again must underscore what has happened to the Shi'ites in southern Iraq since the war. Again, the cameras have switched off. The world's attention has moved; but the monstrous brutality practiced by the regime there, which we have known for over a decade, continues; and the Shi'ites of southern Iraq pay an enormous price.

There are reports that the whole marshlands are being dried up, the rivers are being poisoned; and not only have Shi'ite leaders been detained, but at least 80 centers of religious instruction, libraries, and mosques have been destroyed since 1991.

I think we should note also that the Shi'ites constitute 60 percent of Iraq's 14 million population, so they really are not a minority.

Amnesty urges the Government of Iraq to confirm as a matter of urgency those who were detained around the detention of the Grand Ayatollah in 1991. We have no indication that they are still alive, but we would like that to be confirmed. Of course, we call for the unconditional release of all persons imprisoned for the non-violent expression of their religious views.

We call on the United Nations to implement the recommendations of the Special Rapporteur. I think it is fairly significant the U.N. has also switched off, because the Special Rapporteur on Iraq really very strongly encouraged that the U.N. send human rights monitors there and Amnesty has very much supported that proposal. We would hope the United States could look at that again at this General Assembly and the upcoming Human Rights Commission.

We think there is an enormous opportunity with the arrival of Benazir Bhutto to reopen in Pakistan the question of this very draconian legislation that people are now facing mandatory death sentences in Pakistan for blasphemy and apostasy. We have the case of a 13-year-old boy who is now facing the death sentence, a 13-year-old Christian boy, because of allegations that he blasphemed the Prophet.

There are other people who have been executed and who are on death row in Pakistan as a result of this legislation. Added to that you have the terrible persecution of the Ahmadis. There are about 10 million Ahmadis in the world and about 3 million of them are in Pakistan. Essentially their whole religion has been, in this legislation, outlawed and their practice outlawed. They regard themselves as a branch of Islam. The government regards them in no way as Muslims.

Even though Mrs. Bhutto had opportunities in the past to repeal repressive legislation and did not do so, we think perhaps coming from you, from this committee, a letter to her, particularly about this 13-year-old boy who is facing the death sentence and this repressive legislation may be an opportune time, and we hope it might be able to help.

Mr. LANTOS. We appreciate you mentioning this. We shall do so within the next few days.

Mr. O'DEA. Thank you.

I hope you have been able to see Amnesty's recent report on Saudi Arabia. It is very saddening and very frightening that in the wake of the Gulf War that there has been an escalation of persecution, both of Christians in Saudi Arabia, who are almost exclusively

expatriates but nonetheless who have been tortured, beaten, and deported for praying in their houses, gathering, for worshipping, and massive violations against the Shi'ite community who are about 10 percent of the population in Saudi Arabia.

On September 3 of 1992, Sadiq' Abdul-Karim Malallah was publicly beheaded after being convicted of apostasy and blasphemy. I think this shows you the depth of the problem, the scale of the problem; and clearly the United States has a special relationship with the Government of Saudi Arabia; and we recommend the issue of religious persecution be raised by senior U.S. officials in bilateral contacts with the Saudi Government, to use that special leverage we have; but also to take it into multilateral fora.

The scale of the problem requires action by the United States at the next session of the U.S. Human Rights Commission. I think it would be very helpful to have, you know, Assistant Secretary Shattuck come before this committee early to ask what positions the United States will take at the Human Rights Commission this year so that we can know in advance and see if countries like Saudi Arabia and the whole question of religious persecution are, in fact, going to be priority issues for the U.S. delegation.

The situation in the Sudan, again the regime there has introduced its own version of the Sharia, with very strict punishments. As you have read and heard elsewhere, the humanitarian situation in the Sudan is a massive crisis. Much fueled by religious passions on both sides and there clearly are abuses by the SPLA in the South; but we would urge that, in fact, again the United States at the Human Rights Commission, take the leadership in seeing that a special rapporteur on Sudan be reappointed, given the graveness of that crisis.

I would mention briefly that we do have concerns in the United States, and we are supporting legislation sponsored by Senator Inouye on the Native American Free Exercise of Religion, and that I think is reflective of a much larger problem around the world of indigenous people. I think there is gross ignorance about the spirituality and religious practices of indigenous people and their relationship to the land and to sacred places.

This has resulted in carnage untold that has continued and continues in places like Guatemala and other Latin American countries. I think we need people, as people in the developed world, to have some sensitivity, some understanding to indigenous religious expression.

Finally, I would have to mention the situation in Iran, clearly, as a government that persistently has practiced gross religious persecution and continues to do so. Just very recently, the Iranian Parliament enacted further legislation to keep out, to condemn any religious codes they refer to as extremists or freemasons; clearly the recent legislation is targeted at the Baha'is who continue to be persecuted in a variety of ways.

Again, I think the United States does not have particular leverage in Iran, but we need to support efforts at the United Nations to continue to do so.

Finally, I think the United States does have a role in trying to support the Human Rights Center in Geneva. I think that is a larger topic than we will contemplate today. It follows from Vienna and

the World Conference. There are a whole series of recommendations that came out of Vienna that I hope this committee would look at.

Clearly, the Special Rapporteur on Religious Intolerance needs to be given much more adequate resources; and I think the United States needs to really put the most pressure it can on governments like Saudi Arabia to invite them to accept a visit of the Special Rapporteur on Religious Intolerance.

Thank you.

[The prepared statement of Mr. O'Dea appears in the appendix.]

Mr. LANTOS. Thank you very much.

Next, we will hear from Father Keith Roderick, Secretary General, the Coalition for the Defense of Human Rights in Islamic Countries. He is an Anglican priest and a long-time fighter for human rights. We are delighted to have you.

Your prepared statement will be entered into the record. You may proceed any way you choose.

**STATEMENT OF THE REVEREND KEITH R. RODERICK, SECRETARY GENERAL, THE COALITION FOR THE DEFENSE OF HUMAN RIGHTS IN ISLAMIC COUNTRIES**

Father RODERICK. I will summarize my remarks.

Mr. LANTOS. Would you pull the mike closer?

Father RODERICK. I will summarize my remarks, as well. I am speaking on behalf of the Coalition which consists of 30 human rights and ethnic national organizations who in response to escalating oppression, violence and in some instances genocide, are working cooperatively to promote human rights. The testimony I am presenting really is a product of those organizations' diligent monitoring efforts and of events and policies in the countries; but what I will do is summarize for you five specific problem areas, for non-Muslim minorities and give examples and focus on particularly the countries of Egypt, Pakistan and Sudan which have the largest Christian populations.

Then I will offer for your consideration some recommendations on how our Government might assist in lessening the problems.

From Mauritania to East Timor non-Muslim minorities, primarily Christians, have begun to suffer increased social coercion, intolerance, and violence at the hands of Islamists whose goal is to establish theocratic regimes based upon the Sharia, Islamic religious law.

The application of this law as the supreme law of the land and its imposition on non-Muslims not only poses particular problems for religious freedom, it also produces a condition of apartheid based on conscience. The concept of dhimmis, tolerated minority, as it is related to Sharia and extended to the social policy of Islamic countries does not in fact protect the fundamental rights of religious minorities but instead justifies discrimination and segregates them into a powerless class with no rights.

There are five main areas which contribute to this condition of religious apartheid. I will summarize those. Mr. O'Dea summarized well Saudi Arabia and Iran.

First, there are problems related to the apostasy laws, particularly Pakistan. Muslims who convert to other faiths face legal prob-



lems, social pressure. The legal problems include the following: it is impossible to officially change one's religious status on identity papers; an Islamic name cannot be changed to a Christian one to reflect the new status. The existence of a policy of registering individuals by religion can be and is used by governments to discriminate in a number of areas including employment and travel.

So, refusing to legally recognize a person's change in religious status puts the person into an untenable condition of being a non-person.

Also, there are problems related to being a female apostate, someone who has chosen to leave Islam and embrace another religion. They are prohibited from marrying Islamic men. Children born to a marriage of two apostates are considered to be Muslim under the eyes of the law and, in fact, cannot embrace the religion of their parents. There are also summary arrests and intimidation through social violence. All this is a contravention of the International Covenant on Civil and Political Rights.

In the Middle East, only Lebanon and Turkey are exceptions to the prohibition against changing one's legal status to reflect a change in religion. Pakistan was on the verge of adopting this policy as well, and in fact had, as I understand, the identification cards printed up; at the very last minute, as a result of intense internal pressure from Christian minorities, who protested in the streets, they reversed that action. Fortunately, with the new government in Pakistan, it appears that that is on the back burner and it is more unlikely.

For an example, in Egypt, there is a memo issued by the director of the Egyptian Military Intelligence Service in response to one individual's application for travel. It said, "inasmuch as he is an apostate from the Islamic law, he has no civil rights whatsoever before the government with all its regulatory agencies and therefore in view of the proceeding, this individual is not permitted to travel abroad."

There are also problems related to family law because of apostasy legislation. During the last 7 years, the Government of Egypt has become progressively aggressive toward Christian converts. Christian converts have been summarily detained under the Emergency Powers Act, in most cases have received torture within the first 72 hours of detention. There is also a problem in that the Interior Ministry takes a very active role in the judicial process.

In fact, one prisoner noted that he observed the prosecutor writing out an official complaint; only it was inadequate. The security police officer present made him tear it up and do it over according to his instructions.

The Egyptian Organization for Human Rights also called the testimony of Muhamad El-Ghazali this past June, a prominent Islamic leader, an invitation to murder. The Sheik said any person or group of people who kill an apostate should not be liable for punishment. Of course, this encourages sectarian violence.

There are also problems related to blasphemy laws. Blasphemy laws prohibiting derogatory remarks against the prophet Mohammed and the Koran are a threat to freedom of expression and conscience. This includes the arbitrary accusations of blasphemy which

allow exploitation and intimidation of non-Muslim minorities, arrest, detention.

In some cases, particularly in Pakistan where it is the mandatory death penalty, as Mr. O'Dea said, may be imposed by the courts on the mere testimony of one witness and very little evidence.

So what this does is it creates a condition of insecurity for non-Muslims who do not enjoy the same criteria or equal criteria of justice in Muslim courts. It also creates a climate of hatred which exacerbates the insecurity because anyone at any time can accuse you on the basis of very little evidence or no evidence at all and very few witnesses.

So every non-Muslim lives under the constant fear of being accused by someone who has, perhaps, a vendetta to settle. It creates a condition of internal terrorism within the country.

Also, there are problems related to laws of inequality. There are a number of laws which have been enacted and policies followed which create a substantial inequality between Muslims and non-Muslims in Islamic countries. Some of these examples are laws of evidence, laws which ensure inequality in government representation and education, also policies which prohibit and strictly control non-Muslim places of worship.

The State Department report in 1992 on Egypt notes that the government sponsors discriminatory practices which include deliberate underrepresentation of the size of the Coptic population. The Coptic Christians are underrepresented or not in government and education; they are not represented in higher echelons of government or the military; and it has been reported that few Coptic college graduates received employment in the professions for which they trained in spite of the fact that 20 percent of all university students in Egypt are Coptic Christians.

In Pakistan, 24 million non-Muslims are still restricted to one-fifth of the number of National Assembly seats that they are entitled to by law. There are also laws on separate electorates which tends to be discriminatory.

The ability to construct and maintain places of worship also varies from country to country. In Saudi Arabia and Qatar, church buildings are not allowed. Even worshipping in one's private home is prohibited. In Egypt, construction and maintenance of church property is tightly controlled; and since President Mubarak took office, eight churches have been closed for noncompliance to building regulations, four permits were denied, and another five are pending, some up to 30 years after the initial application was formed.

This compared to since 1981, 80,000 mosques being opened in Egypt. One must apply for a Presidential permit to even add a bathroom or repair a roof.

There are also problems related to ethnic cleansing and sectarian violence. The radical supporters of Islamization increasingly view Christians as the main barrier to accomplishing their goals. There is a brutal process of Islamization going on in Sudan against the non-Muslim minorities of South Sudan.

The goal is to absorb the non-Muslim South into the Muslim North. This, of course, created the terrible condition of at least 1 million non-Muslim people being displaced by the fighting of the

South. Many of them are in concentration camps in the desert; the largest Islamic relief agency requires non-Muslims to convert to Islam before qualifying for food.

So they are being held hostage because of their religious views.

To only be fair, there have also been difficulties with non-Muslim forces. For instance, during the raids conducted by the SPLA, Christian women were also subjected to repeated rapes by the soldiers. In Egypt, Coptic Christians provide the largest single group of victim assassination. Sixty-six percent of all assassinations were of Christians. In fact, just last week, a doctor was assassinated and two pharmacists were wounded during an attack in Dairout. Two weeks ago three priests, two laymen and a bishop had their car forced off the road, and everyone except the bishop was killed.

In other areas of the Middle East, expatriation of the Christian minority is promoted as a form of ethnic cleansing. One writer in the *Beirut Times* echoed the sentiment by saying "the exodus of Christians from the region is a form of bloodless ethnic cleansing, a weeding away of the poor-minded." The expatriation of the Christian minority is being viewed increasingly by Islamists as one-half of the Islamic final solution. The other half is the elimination of Israel.

The climate of discrimination and persecution has forced the departure of a disproportionate number of Christians from countries where the Islamization has been advanced. This has created particular problems for the refugees, especially refugees who converted to Christianity from Islam but also ethnic national groups such as the Coptic Christians, Assyrian Christians fleeing Iraq and the Lebanese Christians facing increasing pressure within Lebanon.

In fact, just yesterday, 14 Lebanese Christians were arrested by plainclothesmen, assumed to be Syrian-supported security forces, for reportedly proclaiming on national television in Lebanon their support for the Israeli-Palestinian peace accords and advancing a similar kind of agreement in Lebanon.

Concluding that religious conversion is not grounds for granting refugee status or asylum fails to recognize the religious-political context in which the converts find themselves; that is our problem and the United Nations problem in their office of the High Commissioner for Refugees. But it must be understood that changing one's religion in Islamic countries is not merely a religious decision; it has legal and political consequences. There are also a significant number of Christian applicants for U.S. visas in Muslim countries who report being refused before the application reaches the proper office. They have a profound fear that nationals employed in clerical positions in the U.S. consulates are interfering and discriminating against Christian applicants.

In conclusion, the suffering of Christians in the face of growing Islamic militancy can only be exacerbated by the continued indifference of the international community. Many countries which either have institutional discrimination or permit campaigns of hate and intolerance receive large amounts of foreign aid from our Government. In not requiring accountability of these countries for their abuse of universally accepted standards of human rights, the United States gives tacit permission for it to continue. Foreign policy

must not only be expedient, it must be moral. So we offer the following recommendations.

Number one, the problems outlined in this report do contribute to a condition for non-Muslim minorities which is called religious apartheid. Our political and economic relations with the countries where an advanced process of Islamization is occurring to the detriment of non-Muslim minorities should be defined using the same or similar criteria as used to define our relationship with countries practicing ethnic cleansing or racial apartheid.

Our Government may not have the power to change Islamic laws of countries, but we can express the standards in our bilateral relations that we expect. Some of those expectations should include the elimination of the inclusion of one's religious orientation on legal identity papers and the reversal of inequality laws.

Number three, countries that adopt extreme laws—such as the blasphemy law in Pakistan—which create a condition of constant terror and intimidation, should be liable through economic sanctions for nurturing this religious-based hatred.

There is a great deal of hope for the new administration in Pakistan. Mrs. Benazir Bhutto, the President, should be encouraged to try and reverse through her power the Sharia law which came into existence lately.

Number four, nationals hired as clerical staff in consulates should be monitored to ensure that they are not interfering in visa processes and discriminating against people on the basis of their religion, race, or ethnic group. Non-Muslims should be included in the staff of nationals employed in our embassies in proportion to their population. There should also be impartial surveys conducted to determine whether the same proportion of non-Muslim applicants are being granted visas as Muslim applicants. At the very least, our staff persons in the embassies should be sensitized to the urgency that those who have been victims of persecution feel to find security.

Number five, the basic human right of religious freedom can only be enhanced by the initiation of an instrument of dialogue and monitoring human rights in the countries of the Middle East as an ongoing part of the peace process. A successful model, of course, is the CSCE. I applaud a new House resolution which will be introduced advancing this kind of an instrument called the Conference for the Security and Cooperation in the Middle East.

Number six, finally, we urge our Government to draw into the next level of peace talks with representatives from non-Muslim national ethnic groups such as the Lebanese Christians, Assyrians, Copts and South Sudanese. The concerns of these groups for their cultural, religious and political self-determination is a necessary part of establishing a truly just peace.

I have attempted to summarize and build a framework for understanding the difficulties non-Muslims face in regard to the sense of religious freedom. I think the real contribution that can be made to advance the basic human rights of religious liberty is to begin to understand the personal cost of conscience for the individuals who suffer persecution and face the burden of the problems that we outlined in the presentation.

They are not mere statistics or case studies. They are people, people trapped between a society that marginalizes and sometimes brutalizes them and an apparently indifferent world. Their dilemma is not just an interreligious problem. It is a profoundly human problem that begs our attention and our compassion.

Thank you very much.

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

Mr. LANTOS. Thank you very much. We appreciate your testimony.

The final witness is Professor Cole Durham, J. Reuben Clark Law School at Brigham Young University.

We are pleased to have you. Your prepared statement is entered in the record in its entirety. We would appreciate your summarizing your statement.

**STATEMENT OF PROFESSOR W. COLE DURHAM, J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY**

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

One thing I do not know, since I brought this with me this morning, whether the members have actually got the version in front of them.

They do? OK.

I would like to again join the others in thanking the chairman for holding these hearings. I agree they are very important and do address very important issues. I will be summarizing my remarks. I want to stress I am speaking in my personal capacity rather than on behalf of any of the institutions with which I am affiliated.

I am afraid, after what you heard, that in some ways what I am going to be talking about is going to seem tiny and civilized. In some ways, I cannot point to things in Europe that are as horrendous as some of the events and persecutions that we have just heard about.

But I do believe that what happens in this sector of the world is incredibly important because over time, if we take a long vision, it is clear many of these principles have been hammered out in Europe and from there they spread and become part of the common heritage of mankind.

I think it is vital that that happen and that in some ways we not be afraid of wearing a leadership mantle in this domain. Sometimes we become so afraid of being culturally insensitive and culturally imperialistic that we back off when we shouldn't back off on fundamental human rights.

I worry, too, that sometimes there are so many evils in the world and in some ways the physical deprivation, imprisonment, torture, these kinds of things are so dramatic that they often overshadow the less dramatic but subtle forms of discrimination and unfair treatment that often accompany the factions of religious liberty in more civilized parts of the world. But I think that we should not shortchange our attention to religious liberty as a result.

In my remarks, I start with what I characterize as a recurrently forgotten story about Gamaliel in the Book of Acts. This is a story where Peter and the Apostles are brought before a tribunal, per-

haps somewhat like this, and they are reprimanded and punished because they keep talking about their religious doctrines.

And Gamaliel, a wise member of the Sanhedrin, basically says, look, we should let these people go. If they are right, we would be fighting against God. If they are wrong, they won't prevail or go anywhere, anyway; but we should have patience and tolerance with these people.

I think that this is a very important message for Europe and one that is somewhat at risk. I think it is quite clear, indeed, there was a summit meeting of leaders of the Orthodox Church held last March in which those—I think—12 to 14 patriarchs were present, in which they unanimously denounced foreign missionary activities in their part of the world. It seems somehow inconsistent with the advice of Gamaliel.

In this part of the world, there was a kind of euphoria after the events that started almost 4 years ago today with the coming down of the Berlin Wall and the dramatic, dramatic events that have happened since then. In some ways, the euphoria is no longer there, and the hard realities, both of economics and of other sides of social life, have set in. Yet I believe that a very important window of opportunity remains open.

I think the kinds of things that I will describe which are more happenings at the legislative level in some of these countries, what they reflect is pressures that are very strong and that are going to be there to try and curtail the scope of religious liberty.

My sense is that these are not principled arguments, they are arguments for convenience; understandable arguments about protecting religious traditions that have been through incredible periods of travail and suffering; yet the respect for religious liberty of all groups in these countries is very important.

I think as we approach these matters, one of the things that I like to stress as I work on these is that we need to be conscious as we work on religious liberty issues, that we cannot simply expect our notions of church-state configurations to be replicated every place. On about the fourth—well, following page 4 of my presentation, I have a little chart. We tend to assume that nonestablishment of religion goes with total religious liberty and that absence of religious freedom correlates with establishment. That just comes from our own constitutional heritage.

What this chart is designed to reflect is that the church-state relationship continuum, the possible scheme of continuum of various kinds of church-state relations that we find in the world, they range from things like the absolute theocracies we hear about in some Islamic countries at the one end to highly secularist anti-religious regimes at the other end.

Those two ends of the continuum are the areas where one finds nonliberty; and, in fact, while different within societies and different people within society can disagree about what is optimal for any particular society, there is a range of possible regimes in which substantial religious liberty can occur. I think it is important that we bear that in mind as we talk about these issues.

Now what I would like to do is just mention very briefly a couple of major legislative events of the past 6 months: I will call it the

antiproselytizing law—it is much broader than that—in Russia and the proposed law on deregistration of churches in Hungary.

My aim is to use these as case studies. This is done in much more detail in my written remarks; but what I think is important is that we identify some of the key problems represented by this legislation. The legislation, I think, is familiar, of course, to members of this committee. I would say that the Russian legislation, it started from legislation passed in 1990 which was really very good, credible religious—freedom of conscience legislation; had some flaws but was really pretty good.

Then in the fall of 1992, there were mounting pressures to try and put up legislative barriers to foreign and other kinds of proselytizing efforts within Russia. In the fall of 1992, Patriarch Alexei recommended there be a 5- to 7-year moratorium on registration of foreign groups. This particular proposal did not go anyplace; but over the next several months, legislation was developed which culminated in the July 14 passage—passage of the July 14 draft legislation which, among other things, would have outlawed any proselytizing efforts by foreigners in Russia.

This legislation was vetoed in August. The hardliners in parliament came back with a somewhat softened version, not softened enough; and as part of a larger conflict—that you all know about—we had what I call the mega-veto, and Yeltsin dissolved parliament. So this legislation did not prevail.

Similarly, the Hungarian legislation which proposed that all religious organizations reregister under a new law; but to reregister, you would have to demonstrate you had either been in the country for 100 hundred years or you had 10,000 members. This probably would have deregistered about three-quarters of the recognized churches in Hungary. To the best of my knowledge—I could be wrong about this—but to the best of my knowledge, this legislation is also not going forward.

In both cases, this is hopeful. The legislation is bad, but it has not passed. But it represents strong pressures, pressures that I think could spread.

Certainly, we know in Greece there have been, since the late thirties, antiproselytizing laws. These were challenged in the European Commission of Human Rights. A decision was made that held that the Greek practice of convicting a Jehovah's Witness violated the European Convention of Human Rights. There is some hope with the new regime. There may be possibilities of rolling back this legislation; but it has not happened in 40 or 50 years. This is, of course, a big problem area.

Similarly, in Bulgaria, many churches are experiencing difficulty in building churches on property they own. In some cases, property that they own has been taken, given to prior owners without compensation. There are patterns of arrests; often the people are arrested and then there is nothing to really charge them with; but this kind of constant pressure and hassle is a difficulty.

Romania, I understand, is considering legislation today. There were some initial press reports over the last couple of days worrying that this legislation might be another version of the Russian legislation. In fact, the best information I have from some phone calls yesterday is that that is not going to be the case, although the

legislation clearly does single out about 14 churches for recognition; it is not quite clear what happens to the rest.

Well, what we see here are a pattern of different kinds of problems that are key issues for religious liberty. How will evangelizing, legitimate communication of religious beliefs with other people, be protected? How—what will be the procedures for registration or incorporation?

These procedures often seem technical even for lawyers, but they are critical for religious organizations to carry out their affairs. If you do not have legal entity status, it is hard to rent buildings, hard to enter contracts, hard to have places of worship.

There are various kinds of discrimination risks. One of the big things that both of these laws have sensitized us to are bureaucratic risks. One of the things that made people in Russia incredibly nervous about this legislation is seeing this bureaucratic gauntlet of all kind of religious organizations that would have to run at all kinds of levels. Any one of those levels could block legitimate religious activities; I think, one of the other dangers of how these things can spread is a more subtle kind of thing.

My sense of what is happening in Eastern Europe is that some of the opponents of religious liberty are becoming more crafty, realizing that it is a little too blatant to put some of these mechanisms for leveraging outside groups in religious liberty laws.

So I think we may start seeing these creeping up, showing up in visa regulations, in the creation of various other kinds of legal levers that can be used in more invisible ways to discriminate.

Well, very briefly then, some recommended actions.

I wholeheartedly support recommendations made by others that we increase monitoring of religious liberty violations. My sense is that the country reports from the State Department, while they cover these issues, they are not necessarily detailed enough and that—requesting that information is very significant in keeping other governments honest in this area. I believe Congress should support efforts to broaden international religious liberties' norms in this area. I view the CSCE as one of the most significant forums and an area where the United States can lead in very sensitive and yet significant ways.

I believe that the kinds of detailed, very good regulations that we had in the Vienna Concluding Document of 1989 and so forth can really be models and should be spread elsewhere.

I am concerned because I worry about visa policies elsewhere, about recent proposals to cut back on V-1 visa status here which could have an adverse impact on religious individuals, religious workers coming into this country. I worry about that both for the impact on people coming here, but even more for the example it sets elsewhere. It has been only too clear as we have watched the Russian law, in particular, that U.S. examples get held up to us as something that will legitimate what other countries can do.

So I think we should be very sensitive in that area.

Finally, I have been so busy getting this straight for the last couple of days I don't know if RFRA has passed. If it has, I missed it. If it has not, I am sure it will soon.

This is again, I think, a very important thing. I can tell you when on one of my first trips to Eastern Europe, I left about 3 days



after the Smith decision in the peyote case came down. I had terrible worries Europeans would read that case. Many of them have become aware of it in the interim, but I think it will send a great signal to other countries as we work to restore stronger religious freedom protections here.

I think this is a very important window of time we have. I hope that we can do significant things to make religious liberty a genuine part of the heritage of all mankind.

Thank you.

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

Mr. LANTOS. Thank you very much, Professor Durham.

We will begin with Congressman Smith. I believe you have an opening statement.

Mr. SMITH. I ask my opening statement be made part of the record.

Mr. LANTOS. Without objection.

[The prepared statement of Mr. Smith follows:]

#### PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH

Let me say at the outset, to my good friends, Chairman Lantos and Ranking Member Bereuter, I appreciate very much your agreeing to hold this hearing on persecution of religious believers. Both of you have been leaders in the just cause of religious freedom. I know my colleagues share my abiding concern that this fundamental human right continues to come under increasing fire.

Despite our best efforts and hopes that the situation would be otherwise—religious intolerance and pervasive persecution of believers is on the rise in many parts of the world. Reading through news articles and human rights reports, abuse of the freedom of conscience is evidenced by death, imprisonment, discrimination, destruction, and confiscation of property, official government restrictions on religious activity, violence unhindered by state authorities, and intimidation.

I want to welcome our outstanding panel of witnesses who are poised to provide a breadth of in-depth information about the current status of individuals who have faced persecution and death, because of their religious convictions. I want to thank each of you for preparing statements, express my thanks to a couple of you for taking the time to travel to Washington, and most of all, we appreciate the expertise you bring to our hearing today.

In many ways, our world has changed politically. Some of it good, some bad. In 1993, Mr. Chairman, we continue to be faced with a broad range of opportunities and challenges to defend, after life itself, this most basic of human rights—the freedom of religion. This subcommittee has and must continue to defend the right to believe in, worship and act on one's personal beliefs about god or one's own conscience. Clearly, the convictions of the heart and soul affect our moral conduct, the way we raise our children, our expressions of faith, and our relationship with friends, family and neighbors.

History has shown that when a government and a society start to restrict these expressions or ostracize and persecute individuals on account of such convictions, intolerance leads to grave personal and inhumane persecution.

Our world has changed due to the collapse of the atheistic Soviet Empire and yet this summer President Yeltsin had a major challenge with the Parliament over Russia's new law on religion. China has seen significant economic changes in parts of its country but religious believers and leaders continue to be imprisoned and harassment of pastors and parishioners is ongoing. Islam and the islamization of a number of countries such as Pakistan, Egypt, Sudan, and the Kingdom of Saudi Arabia, have displayed a particular intolerance for other religions and have effectively and systematically persecuted minority religions in their land.

Our hearing today, which I understand is the first of at least two hearings on religious persecution, will help provide a good understanding of the current situation with respect to freedom of religion and the persecution of religious believers. I believe the United States has a number of fora in which these issues may take center stage, and I believe the commitment of members of this subcommittee can help keep these critical issues in the forefront of U.S. foreign policy.

Mr. SMITH. I regret I was not here to hear Nina Shea give her comments. I did hear the end of Mr. O'Dea's testimony. We had a markup on the Iraqi Claims Act that precluded my being here earlier. I want to thank you for scheduling this hearing. In typical fashion, Mr. Chairman, you have been most accommodating to both minority members and majority members when requests are made. I do thank you deeply for having this important human rights hearing on religious freedom issues.

I say that, knowing that you yourself have been a leader on a variety of issues, including religious freedom. Hearing Mr. Durham talk about Romania, I want to say publicly that there is no one in the Congress who has worked more on that country than you have done.

Let me just say a couple of comments and then go to questions.

Mr. Durham, a moment ago you mentioned the new draft law on religion in Romania. I think you said 14 denominations would be officially recognized. I remember when I first made a trip in 1984 to Romania with Christian Solidarity International—whose executive director, Steve Snyder, is here today. We met with the director of the Romanian Department of Cults. He was an atheist with no regard for religion, and yet he was in charge of the state bureaucracy regulating religion. His mission was not to facilitate or in any way protect religion, but circumscribe it and relegate it to a corner, if that was possible. I hope this draft Romanian law is not the precursor of the repression that we saw so rampant in Romania during the Ceausescu regime.

I am also reminded by Nina's testimony that a few days ago the government's head of religious affairs from the People's Republic of China was in town making bold-faced claims, which I consider to be untrue, that all religious prisoners had been released in the People's Republic of China. We know that not to be true.

We tendered him the list that Puebla Institute has compiled. Mr. Zhang responded saying that people who are incarcerated in China are there for "breaking Chinese laws." Clearly Chinese laws are there as a cover to repress religious believers, be they Christian, Buddhist, or any other faith. We see right through that transparent ploy.

MFN for China is coming up in the not too distant future. Having issued jointly with Mr. Lantos a report card on China's religious freedom, or the lack thereof, China received a clear F. When MFN comes up again, religious freedom will be a dominant issue determining whether or not MFN ought to be continued to that country.

It seems to me there are two types of government policies which are strangling religious expression on the world scene today. Perhaps there are others. But Islamic fundamentalism is the most radical strain. As you pointed out, Father Roderick, an apartheid has been created in many of the Islamic countries like Saudi Arabia. And Saudi was our close ally whom we saved from an Iraqi takeover just a few years ago.

I believe we must exercise more aggressively the leverage that this country has in ensuring protection for Christians and others who are repressed, and at times tortured and beaten, and also for foreigners who are deported from such countries. It seems as

though the noose is getting tighter rather than relaxing. Mr. Chairman, we must speak up very aggressively on their behalf.

The other repressive government policy would be communism. Notwithstanding the fall of the Wall in Berlin, the repression of people of faith in Communist regimes continues unabated in Vietnam and in China, for example, I have read some of the works of Marx and Engels. Solzhenitsyn asserts that communism is not atheistic, it is militantly anti-God. According to Solzhenitsyn, it is not that Communists do not believe in God. There is a hatred of God at the core of that belief system.

I raise these thoughts as a general observation before going to questions.

Father Roderick, the United Nations is not immune from the charge of having sanctioned double standards over the years. I was a congressional delegate to the U.N. and went to the U.N. Human Rights Commission in Geneva in 1990, and spoke on behalf of the United States about religious intolerance. I remember I was struck with the seeming impotence of the Special Rapporteur on religious intolerance. Notwithstanding his heartfelt concerns, he had very little power to promote religious freedom globally. He would exchange letters with offending governments and that is about as far as it ever went.

Mr. O'Dea, you might want to speak to this as well, how can we improve that Special Rapporteur position?

#### RELIGIOUS PERSECUTION IN PAKISTAN

Father Roderick, please augment your comments about Pakistan's laws about blaspheming the name of Mohammed. We know of the case of a young child, as young as 10-years-old, who was roughed up and thrown into prison, because he allegedly blasphemed Mohammed with some graffiti.

We need to be clear that that is a violation of free expression, free speech. While none of us want to see Mohammed—or any deity of any religion—blasphemed, a civil government ought not to step in and put someone behind bars and torture them.

Could you speak to that concern?

Father RODERICK. As I said before, I think it creates a condition of internal terrorism. It is very severe. I think the amount of insecurity is—can only be understood by those who were having to live under that sense of tension, never knowing, always having to look over your shoulder, to your neighbor, who possibly might get angry at you or a business competitor who might be angry at you and accuse you of blaspheme charges.

It creates a tremendous amount of insecurity. Pakistan started as a secular government. It evolved into adopting Sharia as the law of the land. That would be comparable to in our society, 30 years after the Civil Rights Act was passed, for our Government to say we are reversing the Civil Rights Act and we are going to impose segregation laws and we are going to put the Ku Klux Klan in charge of enforcing those laws. It is abhorrent. We would not consider it.

But that is the situation that the religious minorities are in Pakistan are facing at this point in time.

## EMPOWERING THE SPECIAL RAPPORTEUR ON RELIGIOUS INTOLERANCE

Mr. SMITH. Mr. O'Dea, you may want to speak about how we might strengthen the U.N. Special Rapporteur.

Mr. O'DEA. Yes. The Center for Human Rights in Geneva has been described as existing with a League of Nations bureaucracy, where it is hardly functioning in the modern world in terms of computerization and databases and is grossly under-resourced. In particular, we have noted the lack of resources for the Special Rapporteur on Religious Intolerance. So I think that that is one concrete way the United States can see that some of these rapporteurs are adequately resourced to do the work.

Then I think, you know, supplementally to that, it needs to be taken up by Secretary Shattuck and others in bilateral contacts with these governments, that the United States would very much like to see the Government of Pakistan, the Government of Saudi Arabia invite the Special Rapporteur on Religious Intolerance to visit the country. They make claims, bold, brash claims about the lack of religious intolerance, about the freedom of religious expression in their countries. I think we need to face off that rhetoric and insist that they accept visits from the Special Rapporteur.

I think that would be very helpful.

## THE ROLE OF BUSINESS IN PROMOTING RELIGIOUS FREEDOM

Mr. SMITH. Nina, would you like to comment further on anything else on the situation in China? Particularly as you pointed out, the crackdown on religious believers in China is now in its fifth year. The argument is often made that economic reforms lead to reforms on the human rights side of the ledger. Is there any evidence that that may be occurring?

Ms. SHEA. Well, we have not seen that. In fact, we have documented nine cases of Christians being punished for religious reasons who are from these economic free-zone areas. Five are house-church leaders from the Evangelical church and four are Catholic bishops.

Some of these people are in labor camps, some in internal exile. But it is going on right now in the same economic zones where American businesses are doing business.

We met with Assistant Secretary Shattuck yesterday to get briefed on his trip to China. He noted that U.S. businesses in China were receptive to his suggestion that they start raising directly with the Chinese some of these human rights concerns. I find that encouraging, because we tried to do that in—the Puebla Institute tried to do that in the spring. We were totally rebuffed by the American-Chinese Chamber of Commerce in Hong Kong. Apparently, these businesses now begin to realize that Congress and the Clinton administration means business on this MFN human rights condition and they want to assure MFN is renewed. I think it could be fruitful at this time to press American businesses to raise the cases of overall policy concerns.

Mr. LANTOS. May I say something on your time? I was very interested in what you just said and there are striking similarities between this hearing and a hearing this subcommittee held 2 days ago on the question of human rights and labor rights as they relate

to NAFTA. NAFTA has clearly been thrust into the national debate as one of the key issues of this term of Congress; and I don't need to remind anybody in this room of the amount of money which is being spent, lobbying for NAFTA and lobbying against NAFTA. You cannot turn on your television set without seeing the ads on NAFTA.

But what I find so distressing as I listen to these four knowledgeable, thoughtful, serious, and eloquent presentations is that I do not see the nexus between the obvious validity of your plea and the response not by Congress but by the business community that has so much clout in all of these countries to achieve these goals.

There is an absolute disconnect, it seems to me, between the plea of the Christian churches, for instance, and the lack of action by Christian chief executive officers of major corporations upon whose goodwill all of these countries desperately depend.

While I do not think this is an original observation, one cannot help but be struck by this absolute discontinuity which makes one remember Stalin's marvelous question as to how many divisions did the Pope have. Clearly, you do not have many divisions, the four of you, and all of your colleagues, and all of us; but the Fortune 500 has many divisions that China desperately wants and desperately needs.

Today's paper has a shocking interview with Al Haig, our former Secretary of State, in China, who says, "well Tianenmen Square was a long time ago, let's forget about all of this and get down to business." The chairman of our own Intelligence Committee has another article in today's paper saying, "let's not overemphasize human rights, there are more important things to deal with."

I understand Mr. Durham, that at Brigham Young University, you have a great deal of contact with the leadership of the Mormon church in the business community. Marriott, it so happens, is in the process of making a major investment in Hungary, a large Marriott hotel. Do you know if Marriott is involved in dealing with the reregistration issue? It is extremely important, it seems to me, that Mormon, Protestant, Catholic, Jewish, and all other business leaders use their leverage—in other words the divisions that the Pope, according to Stalin, lacked. There is almost an apartheid between people who care about religious freedom and people with enormous economic muscle in the business arena who claim to be committed to various religious faiths but conveniently separate their theoretical commitment to religious freedom from the effective business leverage that they could and should use, in my judgment, to achieve these objectives.

There is not a country from China to Romania mentioned here today where enormously powerful business interests are not on the other side of every issue when we talk about human rights. I sort of find it puzzling that the community that is concerned with religious freedom and religion has been apparently so ineffective thus far in mobilizing people in their own respective faiths who have enormous leverage to deal with this issue.

I contrast this to NAFTA. Labor is spearheading the anti-NAFTA effort. Labor—with some 15 million union members—has been able to mount an enormously powerful and effective national campaign. I don't know the number of church goers in this country, but clear-

ly the total exceeds that of labor. There are other anti-NAFTA elements involved, human rights people, environmental people; but basically it is a trade union effort. Whichever way one feels about NAFTA, you certainly do not have the horrendous human rights violations, the torture, the killing that we are dealing with, that your testimony bears witness to.

Clearly religious freedom is at the cornerstone of American society. We are really not making anywhere near the headway that we ought to be making. Congressman Smith has been probably the most effective and the most eloquent champion of religious freedom in this body. I presume he agrees with me that our success is very limited and very sporadic.

Would any of you care to comment on this?

Mr. DURHAM. Let me try to respond and I obviously do not have ultimate answers. I think this is a very profound question. I think part of what it may reflect is the extent to which religion is being privatized in American society. That is, we have always assumed that we live in a basically Lockean kind of culture in which religion is basically a matter of the private sector.

One of the things your question suggests is that it is even more than that. It is not just that it is driven in the private sector, it is driven out of the government sector and out of the market sector; and we, I think, have a kind of subconscious separation, not only of church and state but a separation of church and market.

Now there's obviously some complexities. I mean if you have a publicly owned corporation and you happen to be a CEO and you are a Mormon or a Jew or a Catholic, you may have responsibilities that are complicated. But I think it raises a very profound question about where things can be mobilized.

I think that, in fact, there probably is a lot of work done in quiet ways along the ways you suggest from many traditions. My sense is that where there are people who are influential and the government will respect, whatever church or denomination, those people end up meeting with government officials at the appropriate level where that would be effective. But I think that there is a very interesting paradox in what you point out.

Mr. LANTOS. Nina.

Ms. SHEA. I fully agree with your comments. My only response to it is that there was a code of business ethics that I think Mr. Smith was championing in this Congress, for businesses in China, American businesses in China. They were very simple principles, not to discriminate on the basis of religion in the workplace in their own companies, for example, or not to use slave-made goods. This was a voluntary code of ethics. We floated it with some of the chambers of commerce. They were very resistant to it.

I was shocked, frankly, because they were fundamental American principles.

Mr. LANTOS. You had every right to be shocked. That resistance was shocking.

Ms. SHEA. I think maybe the time is right to revive that bill because companies are beginning to get the message that they could lose their opportunity to do business at all with China if things do not change there.

Mr. LANTOS. It is obvious to me—and I have to fall back on those very rare victories that we in the human rights field have—that denying China the Olympics was something that really hurt them. This was a desperate effort by this powerful government to snag the Olympics for the year 2000. They viewed the Olympics as both a tremendous political and economic asset. We denied them that asset. This hurts. They are going to try to watch when the 2004 Olympic decision comes up. They will either clean up their act or again they will be denied.

But here are hundreds of American companies headed in most cases by people who at least go to church and have some commitment to one of the faiths discussed in today's hearings. Now I very much doubt that in discussions between American and Chinese businessmen the subject of religious freedom ever comes up.

I think to some extent the people like all of us here—and I am not singling anyone out—that care about religious freedom are responsible for not telling the Marriotts that before you settle down and build a big hotel in Romania, see to it that religious freedom receives high priority from the Romanian Government.

We have a vote, and I know that I am committed at noon for another hearing.

I want to thank you very much for outstanding testimony, both oral and written. We will give it the widest possible publicity and we will be working with you to achieve this fundamental goal.

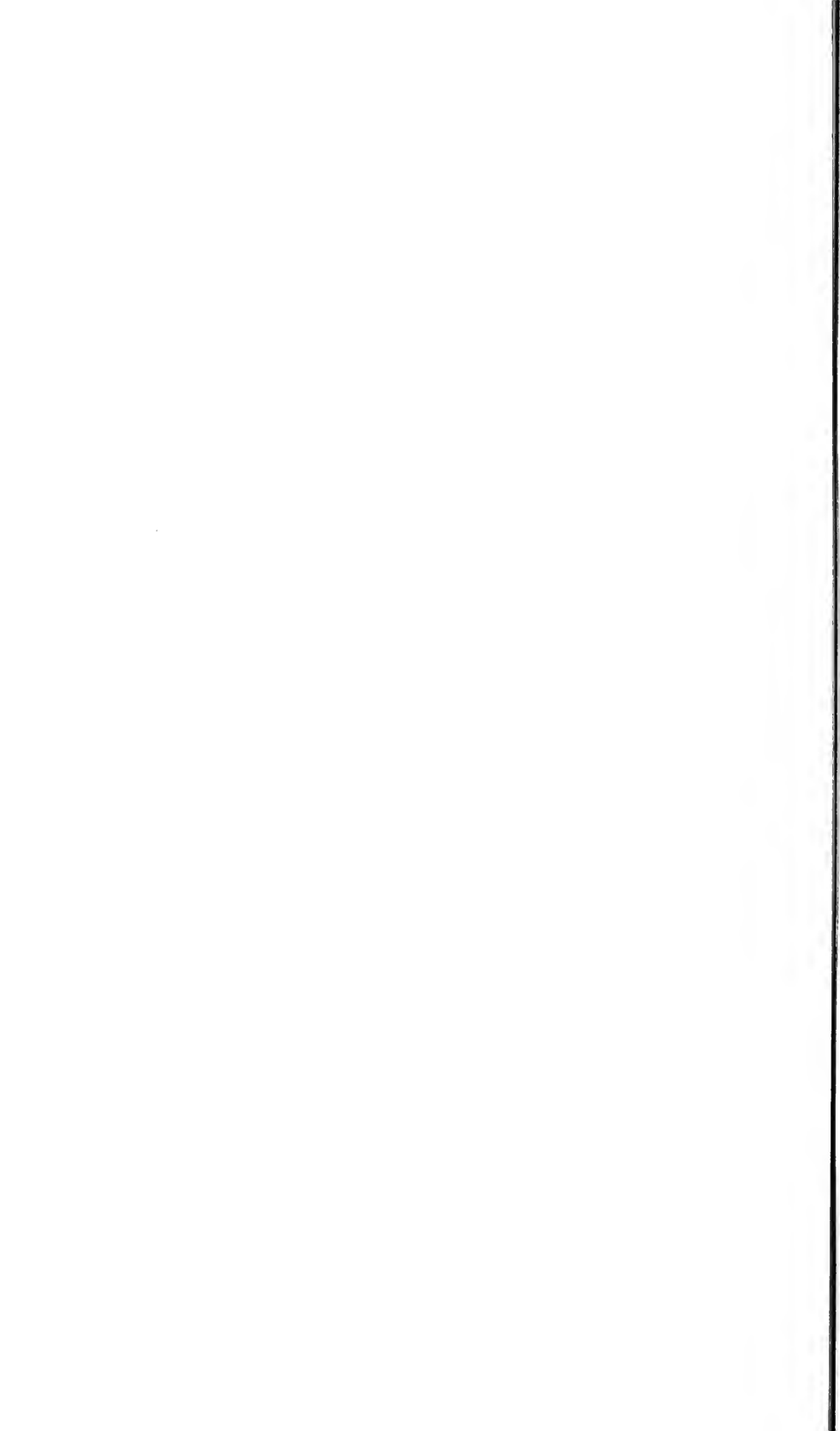
I would like to turn over the mike to Congressman Smith.

Mr. SMITH. Thank you, Mr. Chairman.

When we are talking about these corporations pursuing the almighty buck, I am reminded that I have spoken to many CEO's and others, including a company in my district that does business in China. I have asked a number of pertinent questions regarding what do they know about the company with whom they are dealing in China. The reaction is almost a see no evil, hear no evil mentality. Mr. Durham is right, many adopt an attitude of privatizing one's faith and beliefs, saying it is only personal and doesn't have to extend to a business setting. When you adopt the approach of hear no evil, see no evil, I think you do evil, because you buy into that attitude, particularly in China and some of these other countries, and just wink at the repression. I also join the chairman in thanking you for your excellent testimony. It will receive wide distribution. Each of you are leaders in your field of human rights advocacy and we look forward to working with you.

Mr. LANTOS. Thank you very much. This hearing is adjourned.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned to reconvene at the call of the Chair.]





## RELIGIOUS PERSECUTION—PART 2

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WEDNESDAY, MARCH 9, 1994

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEE ON INTERNATIONAL SECURITY,  
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 1:04 p.m., in room 2200, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will be in order. Today's hearing is the second in a series of hearings examining the disturbing increase in religious persecution worldwide. Our focus today on the Chinese Government's repression of free religious practice among Christians in China and Buddhists in Tibet, is particularly timely: tomorrow, March 10, is the anniversary of the day on which His Holiness the Dalai Lama was forced to flee Tibet. Also, although earlier this year Chinese officials released two prominent Tibetan prisoners, repression against Tibetan Buddhist nuns has increased.

Recently, the Government of China has moved aggressively to quash religious expression in that country. At the end of January, Premier Li Peng issued two executive orders which prohibit foreign missionary activities among the Chinese, prohibit the importation of religious publications, such as the Bible, into China, and prohibit worship in homes.

In its first action to enforce these new orders, officials of China's Henan Province arrested American missionary Dennis Balcombe and six others on the 11th of February. Pastor Balcombe and two American colleagues were released and then expelled; the fate of their Chinese co-religionists is uncertain.

While Beijing has aggressively seized the trade benefits of its Most Favored Nation status, it has also initiated brutal campaigns to repress religious freedom. It is imperative that we send a clear signal to the Chinese leadership that religious persecution is not acceptable under any circumstances.

President Clinton has until June 3 to decide whether to renew China's MFN trading status. Last year, Secretary Christopher said the President would be unable to renew MFN unless China made "overall significant progress" on human rights. In hearings before this subcommittee, the State Department recently confirmed that China has not made significant progress. I hope that when Secretary Christopher meets with the Chinese leadership this week,

he will emphasize our revulsion and outrage at China's vicious campaign of religious persecution.

I will be eager to learn from our distinguished witnesses today the full dimensions of the problem and their suggestions for concrete actions Washington can take to promote religious freedom in Tibet and in China.

Parenthetically, let me just add that my distinguished friend and colleague from New Jersey, Congressman Smith, and I, taped a program this morning which will be aired on Sunday on national television on the question of MFN status for China and the subject of religious persecution. And before introducing him as our first witness, let me express my personal appreciation to him for being a leader on this subject here in the Congress. Congressman Smith.

Mr. SMITH. Thank you, very much, Mr. Chairman. If I could ask that my full statement be made a part of the record.

Mr. LANTOS. Without objection.

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

Mr. SMITH. Thank you. And it was a joy to be with you on that taping this morning. It was a debate with—as you know, what others here perhaps do not know, against our good friend, Bob Matsui and Dr. Letchner from the Chamber of Commerce. And I think as usual, you did very, very well, and I think our point was very well made. So, I do—it was an honor being with you.

I would like to thank you, Mr. Chairman, for convening and calling this very important hearing on the lack of religious liberty in the People's Republic of China. In the next few months, China's human rights records for the year will be examined and scrutinized—perhaps as never before.

Frankly, Mr. Chairman, China has not even come close to making the progress that would allow the administration, in good conscience, to seek a waiver of Jackson-Vanik. State Department officials have indicated in hearings that if the decision were to be made at the time when they were testifying, that they would be unable to recommend the extension of Most Favored Nation status. As committees such as yours, as ours, continues to focus on human rights, we need to signal to the Chinese Government that these conditions are nonnegotiable. We mean business and the ball is in their court.

Mr. Chairman, in January, I led a delegation to China made up of representatives of human rights groups, including the Kung Foundation, Joseph Kung—who is with us today as a witness—and Christian Solidarity International, Steve Snyder, their American representative, to speak to the Chinese Government about human rights. It was my second trip. We also wanted to meet with those who suffered, the dissidents, the religiously persecuted, as best we could so as to not to jeopardize their well-being. We had those meetings as well.

It was out of empathy for the oppressed, the tortured, the prisoner of conscience, the mother who is being forced to abort her baby, that our delegation went to China to respectfully, but very firmly, tell the Chinese Government that relief was needed. Today, we will focus primarily on religious freedom. And it is important that religious freedom be put at that high level of scrutiny as all other human rights because, very often, it does get short shrift.

Mr. Chairman, in May of 1993, the Executive order extended MFN for 1 year. The President called for, as you pointed out, "overall significant progress" in the area of human rights. I told the Chinese, and I know Mr. Bentsen has done likewise, I know that John Shattuck has done likewise, and I suspect that Secretary of State Warren Christopher will do likewise, that in looking at their performance over the last year, we will not be frivolous or cursory. It will be a very serious review of the progress or lack of progress in the area of human rights.

In Beijing, Mr. Chairman, almost like broken records, our delegation heard the leaders begin with soothing and very consoling words that they wanted to have open and honest dialogue with the United States, and that they wanted understanding and mutual respect and all of that, which is fine. What I would say back was, then clean up your act on human rights. You say there are no religious prisoners; I have a list of several hundred. You say that there is no Gulag labor; we have Harry Wu and a host of others who say that is not the case. In the area of forced abortion, we have thousands of examples and, unfortunately, government decrees to back it up, to show that coercive population control is on the rise and getting worse in that repressive country.

We were told over and over again that people were allowed, as a matter of constitutional right, to practice their faith as they saw fit. I heard that at the Procurator General's office; I heard it at the Ministry of Religion; I heard it in every meeting that we had.

Unfortunately, there are a whole myriad of decrees, laws and policies that contradict this so-called constitutional right to religious expression. As you pointed out, there was a recent crackdown with the promulgation by Li Peng of two new executive orders—Order 144 and 145.

Order 144 prohibits all proselytizing activities by foreigners among the Chinese. While it allows foreigners to conduct their own private "worship services," they are prohibited from preaching in Chinese churches. That order already has claimed some American victims, when Dennis Balcombe, a preacher who is based in Hong Kong, but an American citizen, was detained for about 4 days; the rest of his party that was arrested, some of whom are still detained, their whereabouts are unknown. And this particular preacher, simply because he was preaching the gospel of Christ, found himself being the brunt of this omnipresent police force, was rounded up and was mistreated.

Order 145 also very ominously will crackdown or lead to a renewed crackdown on religion. The right to assemble, pray and worship God, even in your own home, carries very severe punishments. And Li Peng has given the police an engraved invitation, the green light if you will, to go into one house church after another, one unauthorized church after another, and to commit acts of thievery, steal their possessions, throw these people into prison, use cattle prods for extracting confessions, and all kinds of other mistreatment. All of this when they seemingly had all of the incentives, if you will, to move in the other direction.

The Clinton administration has tried, perhaps unsuccessfully, to say that we mean business. I did hear, unfortunately, a number of people tell me in the government—this is the Chinese Govern-

ment—that when our President met with President Zemen in Seattle in November 1993, that the emphasis was on mutual cooperation and mutual understanding, rather than on human rights. Hopefully, they have misread the President. That is my hope. Because, we know how they can spin things and try to use it to their advantage, rather than representing the truth.

Soon after a meeting that I and the delegation had with a bishop, Bishop Su, who spent 15 years in prisons of China simply because of his faith and because of his allegiance to Rome, he was arrested. This picture on my right is part of our delegation with Bishop Su. A few days after Bishop Su celebrated Mass for our delegation, when Secretary Bentsen physically was there in Beijing talking about trade and human rights, this bishop, who was a threat to nobody in the government, was detained for approximately 10 days, interrogated severely because he celebrated Mass with some foreigners, one of whom happened to be a Congressman. That kind of intolerance simply is unacceptable.

If Bishop Su was there as part of a business delegation from China, and we were there with briefcases packed with invoices, and purchase orders and the like, we would have had an open hand. We would have been treated with the red carpet and the world would be our oyster in Beijing. Instead because we were there to talk about things pertaining to faith, we—he was met with a clinched fist.

And, again, I think we need to be very clear on this. Religious oppression is on the rise. Organizations like Asia Watch and others have said 1993 was a bad year. Things went from bad to worse. And 1994, especially in light of these new decrees, portends and is the harbinger of a very, very serious crackdown of religious believers.

It seems to me—and I think you share this, Mr. Chairman—that the hard liners in Beijing think that they could have it both ways. They can have economic reforms and a better 'quality of life' based on those reforms, while concurrently moving backwards in the area of human rights and ratcheting downward—or upward, I should say, the pressure with regards to any kind of freedoms so that the state has that iron grasp on everything that happens in that country.

Hopefully, they will be proven wrong, that with economic reform comes some freedoms. But there is no real tradition of democracy in China and we, by trading with MFN, even though they are repressing their own people, give the Li Pengs of this world the ability to propagandize, that look at all the great things that the Chinese state under this leadership has done for you in terms of enhancing your quality of life. We need to make these human rights conditions stick.

The witnesses, which you have graciously invited to appear before us, I am sure will give us a very clear insight into the repression that regrettably is on the rise.

#### THE CREDIBILITY OF REVOKING CHINA'S MFN STATUS

Mr. LANTOS. Thank you very much, Congressman Smith. If I may raise a couple of questions with you; I know you have a conflicting hearing and I hope you will join me whenever you can.

This year China will enjoy a \$30 billion trade surplus with the United States. This gives our Government unprecedented leverage in dealing with China. They cannot replace this \$30 billion in exports anywhere else because they are already exporting everything they can export to whatever country buys their products. So were we to deny them MFN treatment, the chances are this \$30 billion surplus would vanish and there might be additional cutbacks, even on a balance basis.

We have no difficulty finding Nike tennis shoes, and Christmas decorations and Barbie dolls in other places. So American society will not be deprived of critical products. This is not Kuwait or Saudi Arabia. We are not importing petroleum from China. We are importing Christmas toys, and Barbie dolls, and tennis shoes and textiles, all of these items easily available in many places.

It is my judgment—and I would be very anxious to get your views on this—that if the Chinese Government felt that we are serious about revoking Most Favored Nation treatment unless they clean up their human rights performance, they would quickly clean up their human rights performance, because people who are striving for democracy, clearly, unfortunately, represent no threat to this government. This is a giant entity, a billion-two-hundred million people. And as today's *Washington Post* indicated in a story and an accompanying picture, what is opposed to this regime is an occasion of young students, penniless, powerless, except for the principles and the strength of his conviction. So this regime would have very little difficulty putting an end to the persecution of the underground church, of individual students who are crying out for freedom.

How do you explain, Congressman Smith, the in-your-face tactics which are currently being employed by China? After all, the Secretary of State is on his way to China. Our Assistant Secretary, who by the way will testify before this subcommittee shortly after he is back, was just there. Secretary Bentsen was there not long ago. And the Chinese display a degree of arrogance indicating that they really do not believe the President's statement, that they think Most Favored Nation treatment is locked in whatever they do. What is your explanation for this, on the surface, counter-productive use of police powers that they are exercising?

Mr. SMITH. Based on representations from virtually every meeting that I had with Chinese officials, there was a sense, and I think it is a wrong sense, gleaned from the meeting in Seattle that somehow the President was in solidarity with them. I tried to get them to see that that is not the case and in a sense, I was a Clintonite in that regard, our urging them to say this is a unified Democrat, Republican position. I think you have misread the President.

They probably think the President is bluffing. And I think they have so miscalculated that they leave the President, and the President to his credit has sent one high-level person after another to make entreaties and to really lay the issue on the line that this is—MFN is a goner if you do not clean up your act. You know, the Chinese probably feel that the profits are much more important than human rights and principal. And when push comes to shove, it will be business as usual.

This is the first real test that we have. I mean, under President Bush, he did not believe in the linkage, so they knew that getting the super majority—they are wise enough to know how our process works—that getting an override even within months of Tiananmen Square is very difficult in our institution. But with Mr. Clinton, I think they have made the calculation, which I hope, desperately hope is wrong, that he will, when push comes to shove, accept some token gestures; 11th hour measures that might be taken; the assurances, promises, promises, promises perhaps that might be made; solemn promises and undertakings which is nonsense.

We need to see tangible evidence, verifiable evidence, that they are making overall significant progress, or otherwise—otherwise, our credibility is gone as a government. And the administration, I think, would find itself—the President would find himself the brunt of much criticism, and it would be rightfully focused if he were to whitewash these terrible crimes.

I look for historical analogies, and certainly dealing with the Nazis in the 1930's and into the 1940's—well, before the war began would be appropriate here. This regime is a dictatorship, a police state that is severely repressing its people. And, again, I think their uniqueness is that they think they can have it both ways: economic liberalizations, while ratcheting and ever tightening the screws when it comes to human rights so that nobody steps out of a very narrowly defined set of parameters.

And I hope that Secretary Christopher conveys a very strong U.S. sense, administration coupled with Congress, because I do think we have the votes to stop MFN. I do not know if we have the votes, two-thirds if the President were to take the other position. So, they have to know we are serious. And they may be testing our metal. I mean, there have been some things foreign policy-wise that would give reason for their view that there is a certain amount of vacillation over here.

But, hopefully, the President can say, "folks, we mean business." This is what is written on the Executive Order. It is very clear. It is not ambiguous. Do it, or else you lose it. And I even found talking to the business community at a round-table discussion with a group of Chamber of Commerce people in Beijing and they thought the fix was in, and that somehow I was out in left field, along with Congressman Tom Lantos and a few others, Frank Wolf and Nancy Pelosi and others. We were out in left field somewhere and that human rights really did not matter that much. It was something that was nice, we could get it off our chest.

I think the rubber meets the road in the next couple of months. And I frankly do not see how the President could even send it up, that is to say the waiver of Jackson-Vanik, unless there was a major change vis-a-vis their human rights policy.

Mr. LANTOS. Well, I must say, I fully concur with your judgment. I also think you made a very valid point. There is a naive assumption on the part of presumably hard-headed businessmen who feel that economic development *ipso facto* will bring with it democratization and respect for human rights.

Hitler's Germany was a highly developed society from an industrial, urban, financial, cultural point of view, and he perpetrated the most incredible human rights injustices on the face of this

planet. And I have some difficulty accepting at face value the notion that suddenly there is this inevitable relationship between economic development and human rights. This regime in China would be perfectly willing and anxious and able to preside over economic development, while tightening human rights conditions and making the lives of individuals who disagree with the regime, who want to practice their own religion, who would like to express their views, even more difficult.

We have a vote going on on the floor of the House and we, both Congressman Smith and I, will have to cast our ballots. Before we break, I want to express my appreciation to him, not only for his excellent testimony, but for his leadership on this subject. All of us in the Congress, Democrats and Republicans, look to you for leadership on the issue of religious persecution of all kinds, and are deeply grateful for your leadership.

I also want to express my thanks to the individuals on the Democratic and Republican staffs who have been so instrumental in putting this hearing together: Andrea Nelson, Jon Peterson, Jo Weber, Mike Ennis and Father Stan Deboe of Congressman Smith's staff. I want to thank you again, Congressman Smith. And I would like the next panel, Dr. Anne Himmelfarb, research associate of the Puebla Institute; Dr. Joseph Kung, president of Cardinal Kung Foundation; Professor Jeffrey Hopkins, director, Center for South Asian Studies at the University of Virginia; and Mr. Lodi Gyari, president, International Campaign for Tibet, to take their places at the witness table and we will resume in just a few minutes.

The hearing is in recess.

[Recess.]

Mr. LANTOS. The hearing will resume. We are very pleased to welcome all of our witnesses. We will begin with Dr. Anne Himmelfarb, research associate at the Puebla Institute. Your prepared statement is entered in the record in its entirety.

Ms. HIMMELFARB. Thank you.

Mr. LANTOS. You may proceed anyway you choose.

#### STATEMENT OF ANNE HIMMELFARB, RESEARCH ASSOCIATES, THE PUEBLA INSTITUTE

Ms. HIMMELFARB. Thank you, Mr. Chairman. The Puebla Institute, a human rights—

Mr. LANTOS. Could you pull the mike closer to you, please? A little closer still.

Ms. HIMMELFARB. The Puebla Institute, a human rights group that defends religious freedom for all worldwide, has documented religious repression in China since 1989, and we are very grateful for the opportunity to testify here today.

Since mid-1993, Puebla has documented mounting persecution of Chinese Christians, whose churches are among the only nationwide institutions operating independently of the government. In our view, religious repression remains one of the most persistent human rights problems in China today.

Despite some notable releases last year, Christian leaders are now being rounded up faster than they are being let go. Roman Catholicism and independent Protestant worship remain outlawed, and atheists in the Chinese Communist Party and Religious Affairs

Bureau continue to claim control of all religious worship and activities.

At least 28 clergy and leaders of China's Christian churches have been arrested for religious reasons in the last 8½ months. In January, Premier Li Peng signed two orders reenforcing restrictions on religion, and 1 month ago, as we have heard, seven Chinese and seven foreign Protestants, including three American citizens, were arrested in Henan Province, apparently merely for their religious affiliation and for meeting with co-religionists from abroad. And for your information, Mr. Chairman, I did receive news this morning that three house church—Chinese house church leaders who had still been detained have apparently been released. We are still trying to verify this.

Our data show that over 100 Chinese Christian clergy and leaders are now imprisoned or otherwise restricted for religious reasons, though there are almost certainly many others whose cases we have not been able to document. At least seven religious leaders arrested since June are detained in reform through labor camps for periods of between 1 and 3 years. At least five of these seven we know were sentenced administratively, that is, without benefit of trial or other due process guarantees.

Now what crimes have these Christians committed? Well, two Evangelical preachers from Anhui Province, who were leaders of the outlawed house church movement, were arrested in July for training other preachers, bringing believers together to listen to religious radio broadcasts from Hong Kong, and holding adult religious education classes. Two Roman Catholic priests of Fujian Province were arrested just this December for holding formation classes for nuns. They were apprehended as they celebrated Mass during the holy Christmas season in a private home. One of the priests has reportedly been let out on bail, but the other is still detained.

In a direct affront to U.S. human rights efforts, Catholic Bishop Su Zhimin was arrested in Hebei Province on January 20, less than 2 weeks after he had met with a delegation of Congressman Chris Smith, who has eloquently testified about his experiences in China, and about China's appalling human rights and specifically religious rights record. As we have heard, on the very day of his arrest, Treasury Secretary Bentsen was in nearby Beijing trying to impress on the Chinese the need for greater progress in human rights. After being held for over a week and interrogated about his conversations with Congressman Smith's delegation, Bishop Su was released, but the Roman Catholic priest arrested with him remains in detention.

Even as it intensifies repression of Christians, Beijing is asserting that no clergy are imprisoned for religious reasons. Officials of China's Religious Affairs Bureau assured Puebla Institute during a visit to Washington in October that the government does not interfere with people's freedom to worship, although on the very day they began their U.S. tour, authorities were shutting down a large Evangelical house church in Guangdong.

"No one in China is arrested simply for his religious beliefs," the Bureau told us, "only those who break the law are punished." This claim ignores the fact that Chinese laws restricting worship them-



selves violate international human rights standards, just as laws institutionalizing apartheid in South Africa did.

The latest effort by the Chinese to in effect criminalize activities that constitute basic human rights came in late January, when the two new orders restricting religious activity went into effect: number 144, which regulates the religious activities of foreign nationals in China; and 145, which regulates so-called venues for religious activities. And for the information of the subcommittee, I have appended translations of both of these orders to my written statement.

Though technically new, these orders actually reenforce already existing limits on religion, including worship, education, distribution of religious literature and contact with foreign co-religionists. And though they are couched in somewhat vague and neutral-sounding language, they are already being used to punish Chinese and foreign Christians alike.

In February, when Henan Province Public Security Bureau officials broke into a private home to arrest 14 Protestants—7 Chinese, 3 American and 4 other foreign nationals they cited these new regulations as justification. Reverend Dennis Balcombe, an American citizen living in Hong Kong who was among those arrested, reports being given the following message by police: "With the authority we have been given by the new directives, we are determined to stop all Christian activities not conducted under the Religious Affairs Bureau. We will not only put an end to all religious activities of foreigners, we will mercilessly stamp out the house church movement."

In essence, these regulations seem designed to crush both the Protestant house church movement and Roman Catholicism, first, by preventing foreign Christians from having contact with co-religionists who do not practice their faith in officially sanctioned religious venues; and second, by making religious activities taking place outside such venues illegal.

These regulations thoroughly belie claims by the Chinese Government that religious freedom is respected in the PRC, and they highlight Beijing's duplicitous tactics in responding to U.S. human rights concerns. Unfortunately, some in the administration, and that includes some in the U.S. State Department, seem too willing to take China's claims at face value. I quote from the country reports on human rights issued by the State Department earlier this year: "The Chinese Government says it has released the remaining imprisoned or detained Vatican loyalists among the Catholic clergy." This claim is certainly false, and it is highly misleading for the State Department to repeat it without question or qualification.

Another duplicitous Chinese tactic is to tout the releases of celebrated prisoners, while continuing to repress perceived dissent. The PRC's secretive judicial and penal systems, along with its lack of a free press and human rights monitoring, allow much repression to go on unreported. China also employs low-profile repressive tactics, such as house arrest, administrative detention in so-called old people's homes and internal exile.

The Chinese are thus able to cash in on the public relations benefits of releasing a few well-known prisoners, even as they quietly go about arresting others. Nor is rearrest unusual in China, as we

have seen in the last week. High profile political prisoners, the best known political prisoners in China, who have recently been released are being picked up again and held, even as the arrival of Secretary of State Christopher is imminent. Now for religious leaders who tend not to have the same international celebrity and status, the risk of rearrest is probably even greater. And, in fact, six religious leaders who were arrested since July had previously been detained by the Chinese for religious reasons.

President Clinton cannot ignore China's abuses of religious and other human rights when he decides on MFN for the PRC in 3 months. His Executive order, which conditions renewal of MFN on significant overall progress in human rights, specifically calls for the release of religious prisoners, and it also calls for the Chinese to begin adhering to the Universal Declaration of Human Rights, which outlines clearly the right to freedom of conscience, thought and so on.

We also stress that the administration must not be satisfied with cosmetic gestures and isolated promises as long as repression on this most fundamental area of conscience continues. While we welcome China's promise to allow prison inspections by U.S. Customs officials and the ICRC, we caution that such inspections are particularly susceptible to manipulation and deceit. A case in point is the highly sanitized tour which was given foreign journalists last week of the labor reform camp where Tiananmen dissident Lui Gang is now being held. Apparently the whole prison was cleared and they were not allowed to meet with him. They saw him on cameras. It was a highly controlled tour.

Puebla recommends that the administration make full use of the leverage provided by conditional renewal of MFN. It should press for the complete liberty of all Christians detained or restricted for religious reasons, for an end to further religious arrest and harassment, and moreover for a fundamental change in religious policy. We cannot stress that enough. What we are seeing now in China is the revolving door prison. The situation is sometimes better, sometimes worse. But until there are basic changes made in the policies and in the laws, we are not going to see any lasting improvements. Thank you.

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

Mr. LANTOS. Thank you very much, Dr. Himmelfarb. Our next witness on the subject of repression of religion in China is Dr. Joseph Kung, president of the Cardinal Kung Foundation. Your prepared statement is in the record in its entirety and you may proceed anyway you choose.

#### **STATEMENT OF JOSEPH M.C. KUNG, PRESIDENT, CARDINAL KUNG FOUNDATION**

Mr. KUNG. Thank you, very much, Mr. Chairman. With your permission, I am going to use a summarized version that I have.

Mr. LANTOS. Please.

Mr. KUNG. Mr. Chairman, I would like to thank you for the opportunity to testify before this subcommittee on the **persecution of Roman Catholic Church in China.**

Mr. Chairman, in China, "freedom of religion" is not open to the free conscience and the free choice of any individual; rather, it must be submitted to the government's choice. In the case of the Catholic Church, the choice of the government is the "Catholic Patriotic Association." The Roman Catholic Church is illegal in China. In short, there is no "freedom of religion" in China.

The Chinese Catholic Patriotic Association was founded by the atheistic Chinese Communist Government. It rejects the authority of the Pope, appoints its own bishops and ordains them without the permission from the Holy Father.

A Roman Catholic cannot accept just any other church as a substitute without abandoning his faith and status as a Roman Catholic. According to the basic Catholic doctrine, a Roman Catholic must accept the authority of the Pope as the spiritual leader of the church. By remaining loyal to the Pope, the Roman Catholic Church is outlawed in China and is known as the underground church.

During the past four decades, tens of thousands of Catholic laymen, priests and religious were thrown into jail, labor camps or died for their faith. But the persecution is not history, regardless of the significant economic progress of China in recent years. The persecution of the Roman Catholic Church continues in China.

Two months ago, Mr. Chairman, I made a personal visit to China, and also met with Congressman Smith and his delegation in Beijing. I was invited by the Congressman to participate in two conferences. We were repeatedly assured by the Director of Religious Bureau that there was freedom of religion in China as guaranteed by its constitution and that there were no religious prisoners being held in China. But, only one day later—notice, only one day later—on January 6, 1994, Bishop Jia was arrested and put in jail.

Bishop Su Zhimin, who is an auxiliary bishop of Baoding in Hebei, agreed to offer a Holy Mass for Congressman Smith and his delegation. The Mass was said in a private apartment in Beijing, a very small rundown apartment with a bare concrete floor. After we left China, while the Secretary of the Treasury, Mr. Lloyd Bentsen, was still visiting in China, Bishop Su was picked up by the Security Bureau on January 20 and disappeared. I reported this arrest immediately to Congressman Smith, who released the news to the media and to his colleagues in Congress. Largely due to Congressman Smith's effort, Bishop Su was released a few days later unharmed. During his 10 days detention, Bishop Su was thoroughly interrogated about his meeting with the Congressman.

Mr. Chairman, that a bishop was arrested in the midst of the Secretary of Treasury's visit because the bishop had said Mass for a Congressman is not only tantamount to a grave insult to the United States, but also clear proof that there is no freedom of religion and no improvement in China's human rights situation. In fact, we believe that there is a regression in human rights in China.

Arrested with Bishop Su was a young underground priest. His name is Father Wei. He is the secretary of the underground Bishop's Conference. I have been informed that for his refusal to disclose any information on the underground church, he has been

handcuffed and his feet are chained with weights day and night. I plead with you, Mr. Chairman, to look into this arrest of Father Wei immediately so that he will not be tortured any further.

As Father Wei was arrested with Bishop Su in connection with Congressman Smith's visit and also during Mr. Lloyd Bentsen's visit in China, we believe it will be most effective for our Government to intercede for Father Wei's immediate release during Mr. Warren Christopher's visit in China. I appeal to you, Mr. Chairman, to make this recommendation to Mr. Christopher and to help these helpless clergies. And also if you see fit, you might want to consider to ask some embassy person there or Red Cross to visit these prisoners, like Father Wei, to see that their well-beings have been taken care of.

News has just reached me last night, as a matter of fact, another priest by the name of Father Liu in Hebei was arrested about 10 days ago, on February 26, while he was celebrating Mass. There was also Bishop Johannes Han who was arrested in December 1993, a couple of months ago. He is still there.

Bishop Li Side of Tianjin was released from jail about 3 years ago. Everybody said he was released. The government said he was released, so there should not be any problem. But the fact was, shortly afterwards, he was confined to a small village on top of a hill and is forbidden to come down to his diocese for his apostolic duty, and he is effectively cutoff from his flocks.

There was another case of Father Chu Tai, arrested also about a couple of months ago in November 1993 while celebrating Mass.

Mr. Chairman, you may have noticed that the Chinese Government has a habit of arresting priests while they are celebrating Mass. The Mass is held most sacred to the Roman Catholic Church. The arrests during the celebration of the Mass constitutes an act of sacrilege to our religion.

Then, there was a bishop by the name of Joseph Fan, who is an auxiliary bishop of Shanghai's underground church. He has been jailed many times. Although released, he continues to be subjected to extended interrogation. In 1992, the government took away the entire treasury of the Shanghai underground church and many of his personal articles, including his bishop's ring. They are still retained by the government. These should be returned to Bishop Fan.

Puebla Institute had documented a month ago more than 60 cases. Undoubtedly, there must be hundreds more cases whom we have not been informed.

During our visit in January 1994, we also attended a Holy Mass of the underground church held in an open field in the countryside. The weather was freezing and windy. At least 450 Catholics attended, all knelt on the frozen ground.

The underground church is destitute and has no facilities because the government confiscated all the properties of the Roman Catholic Church. That is why the underground Roman Catholics still have to attend Mass outdoors like the Roman days of centuries ago. Most of the titles of these properties, previously belonged to under the Roman Catholic Church, had been transferred to the Patriotic Associated Church, which is the official church, without a penny of compensation to the Roman Catholic Church in China. Others are retained by the government.

The underground church continues to grow courageously under inhuman conditions. The underground Baoding Diocese recently built four very simple churches. One of these churches was bulldozed by the government. When the government went to tear down the second church, many underground Catholics appeared and protected the church by forming a human chain. Remember the scene of the Tiananmen Square when one man stood against a column of tanks?

Mr. LANTOS. I must tell you that I have a poster of that in my office right here.

Mr. KUNG. I would love to see that, Mr. Chairman.

Mr. LANTOS. You are most welcome to come by my office.

Mr. KUNG. Thank you, Mr. Chairman. Though not reported, however, history repeated itself in Baoding. It was a case of the bulldozer, the armed police against the innocent unarmed villagers. The bishop pleaded with the government that there would be a lot of blood flowing if the government pulled down the church. After a long standoff, the government backed down. Similar destruction of properties of the underground church happened elsewhere.

On January 31, Premier Li Peng signed two laws, decree 144 and 145. If you do not mind repeating it, the two decrees prohibit foreigners from undertaking missionary work, it prohibits unauthorized religious activities, and it prohibits financial involvement between illegal church groups with overseas parties. It specifically forbids any overseas Chinese to conduct any religious ceremonies in China. Decree number 145 also forbids any activities by the underground churches.

This law has already been enforced. The recent arrest and expulsion of American Pastor Dennis Balcombe and his delegation from China show that the determination of the Chinese Government to restrict religious freedom and human rights in China. These two decrees, like Carte Blanche, legitimize the authorities to arrest any person whom they dislike in the name of illegal religious activities. It also could allow local authorities to blackmail underground Catholics with exorbitant fines or bail.

As the constitution of the Chinese Government guarantees freedom of religion. These laws, in my opinion, are unconstitutional.

Occasional releases of religious prisoners, particularly those who are aged and seriously sick, are hardly evidence of improvements in human rights and in religious freedom in China. Most of these releases usually happened when China is under great pressure from foreign governments on human rights issues or needed an injection of goodwill on special occasions, such as campaigning for the bid of Olympic 2000. However, during recent months, contrary to their usual practice, they stepped up the pressure by making new arrests and by passing new laws to restrict further the practice of religion. These regretful events happened before, during, or as the result of the visits of Congressman Smith, Mr. Lloyd Bentsen, Mr. John Shattuck and Mr. Warren Christopher.

We are only a few months before the renewal decision of the MFN status for China. It appears, Mr. Chairman, that China is so confident that the U.S. Government will eventually ignore the principles of human rights for profits, putting aside the human rights issue and focus on trade advantage when making the MFN status

decision. In effect, the Chinese Government is daring the U.S. Government to do anything to improve human rights situation in China by putting all these people in jail very recently.

I, therefore, Mr. Chairman, appeal to the United States not to abandon the principle of freedom and human rights on which our Nation was founded for trade profits. We must insist on proof of significant improvements of human rights, including religious freedom in China. Mr. Chairman, freedom is not exchangeable. Human rights is not exchangeable for anything.

As a sign, we must insist on proof of significant improvements of human rights including religious freedom as a sign of China's sincere dialogue and friendship with the United States. From this platform, the United States can then form the basis of a decision for the MFN status. Thank you, Mr. Chairman.

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

Mr. LANTOS. Thank you, very much, Mr. Kung. Before I call on two distinguished witnesses who will speak on Tibet, I would like to call on the ranking Republican of the Foreign Affairs Committee, one of the most infatigable fighters for human rights in this party, Congressman Gilman of New York.

Mr. GILMAN. Thank you, Mr. Chairman, and it is a pleasure to be here today. And I want to thank you, Mr. Lantos, our distinguished chairman of the Subcommittee on International Security, International Organizations and Human Rights, and the gentleman from Nebraska, Mr. Bereuter, our ranking minority member from Nebraska, for holding this important, timely hearing. I also want to commend the gentleman from New Jersey, Mr. Smith, for his leadership on the issue of religious freedom in China. And we have all recognized his diligence and his dedication to making certain that U.S. policymakers consider religious freedom whenever we engage in foreign policy.

Religious worshippers in China and Tibet continue to suffer from government sponsored persecution. In early February, China took its first reported action to enforce new rules aimed at stopping activities by foreign missionaries, expelling seven overseas evangelists from Henan Province. Late last year, relatives of Bishop Stephen Liu Difen—after being summoned to pick up their uncle—found him lying unconscious in a hospital, where he died 3 days later. When they dressed his remains for burial, they were horrified to discover puncture wounds all over his body. Last year, Bishop Joseph Fan of Hubei also died while incommunicado in administrative detention, and showed bruises on his body and injuries to his legs.

And just a little over a month ago, Mr. Chairman, Chinese authorities arrested three Catholic bishops, seven underground Catholic priests and seven evangelical house-church preachers. At least six of them have been sentenced to reform through labor for between 1 and 3 years, and at least five of these six sentences were handed down administratively—in other words, without trial or other due process guarantees. And Christian Solidarity International reported last month that a pastor was recently killed by authorities in the Hubei Province.

In Tibet, on February 12, approximately a dozen nuns were sentenced of up to 7 years in prison while demonstrating in June of

1993, including a 15-year-old girl. And in late February, the sentences of 14 other nuns who were already in prison were doubled and tripled for singing pro-independent songs in the prisons.

Mr. Chairman, the Secretary of State will soon be in China to discuss human rights and Most Favored Nation status. On this morning's news report, he said that he is "seeking pledges" from them to make overall significant progress in human rights. In my mind, these monstrous actions taken against religious worshipers cannot be outweighed by "pledges." "Pledges" are worthless when religious worshipers are routinely brutalized, killed and live in fear because they want to practice their beliefs. We have to end this charade.

The time has come to say "enough is enough." The Chinese appear unwilling to deliver overall significant progress, and the State Department now has to stop working overtime seeking imaginative ways to let them off the hook. Regrettably, the degree of religious persecution in China and Tibet gives our Government sound reason to consider MFN for China or refusing to grant MFN to China.

Accordingly, I commend our Chairman, the ranking minority member and our colleague from New Jersey for their leadership. And I look forward to hearing some more of the testimony of our witnesses today. Thank you, Mr. Chairman.

Mr. LANTOS. Thank you very much, Congressman Gilman for your very thoughtful, eloquent statement.

Our next witness is Mr. Jeffrey Hopkins. Professor Hopkins is director of the Center for South Asian Studies at the University of Virginia. I am delighted to have you, sir. Your prepared statement will be entered in the record in its entirety. You may proceed anyway you choose.

#### **STATEMENT OF JEFFREY HOPKINS, DIRECTOR, CENTER FOR SOUTH ASIAN STUDIES, UNIVERSITY OF VIRGINIA**

Mr. HOPKINS. Thank you, very much, Mr. Chairman. As you said, I am director of the Center for South Asian Studies at the University of Virginia, where I am also a professor of religious studies. I have studied Tibet over the past 31 years, and I have authored or translated 20 books on Tibetan Buddhism as well a three volume language text. My entire academic career has focused on Tibetan Buddhism.

I have traveled to Tibet five times—in 1986, 1987, 1988, 1990 and 1993. I speak Tibetan fluently and have been able to spend extended periods of time among Tibetans without being monitored by Chinese authorities.

Specifically speaking to the point of this committee's inquiry, there has been no movement in the past 9 months to increase religious freedom in Tibet. Thought control units are being increasingly established in monasteries and nunneries for the sake of political indoctrination. Arrests of nuns and monks for peaceful demonstrations in favor of self-rule are immediate, resulting in imprisonment commonly for 3 to 6 years, but sometimes for much longer.

The Chinese Government's suppression of monks and nuns in Tibet has always been violent, but is now immediate and for minor reasons. For instance, recently in Chamdo, Tibet's third largest city, there was a peaceful display of posters calling for self-rule.

This was the 85th time this display has happened since 1987. Immediately after this peaceful poster demonstration however, Chinese soldiers forced open the doors of the local monastery, bound two monks and arrested them. Subsequently, 16 monks were arrested and imprisoned.

Such intimidation, which customarily involves torture with cattle prods even to the genitals of both monks and nuns, as well as hanging from the arms from the ceiling, is part of a conscious policy of violent control of the centerpiece of Tibetan culture, its religion. The policy manifests in numerous ways.

The number of monks at monastic universities is severely limited such that, for instance, an institution that formerly had 7,700 residents, after being completely closed during the cultural revolution, now has reopened, but has a total of no more than 450 students, faculty and staff. If my own university closed and then reopened with only 450 persons, we would say it had not reopened.

Democratic Management Committees, controlled by the Chinese and planted in each institution, prevent students from traveling to other institutions to attend special lecture series. The monastic universities are allowed to give only a very few public teachings, and thus the lay population is deprived of learning. The Chinese Government controls who is allowed to teach at monastic institutions. The Chinese Government does not allow workers from the Provinces of Kham and Amdo to come to Central Tibet to rebuild temples, monasteries, or nunneries.

During my trip in the summer of 1993, I was appalled to find that the situation of religious education is even worse than it was during my previous trips. So many monks and nuns have been arrested and tortured that there is an atmosphere of palpable fear. Large military camps are located right in front of the two main monasteries in Lhasa, and there are reports that the Chinese administration even sends spies to lectures on religion.

The primary problem is that even the Lhasa Valley, the seat of the capital of Tibet, has been turned into a Chinese city. As I approached the city from the airport, I was overwhelmed at seeing that the area from the new army camp at the western end of the valley to the bridge at the eastern end is filled with Chinese shops that serve Chinese customers. The influx of Chinese settlers is so great that Tibetans are fast becoming irrelevant in their own land.

The funding that the Chinese Government has provided for a small number of monasteries is actually a method for suppression. For instance, it is no coincidence that the site receiving the most Chinese Government funding has the least freedom of religion. The Potala Palace in Lhasa is now run, for all intents and purposes, by tourist authorities. Despite the fact that the huge building once housed a major religious institution called Namgyal Monastery, it has not been allowed to reopen. Monks there are not even allowed to wear their robes.

An amusing story is that when a foreign dignitary came to Lhasa and wanted to give a check directly into the hands of a Tibetan monk, the Chinese authorities on that day told the monk to put on his robes. He received the check. He kept the check overnight. The next day, the Chinese came and took the check away from him. Of course, he could not put his robes on the next day.



From my experience in Tibet, I can tell you that Tibetans desperately need the pressure that this country is putting on the Chinese Government. Our Government needs to maintain its concern for imprisoned monks and nuns, but this is not sufficient. We must insist that the Chinese Government grant religious educational institutions internal autonomy, allowing them to receive students, conduct classes, assign teachers and give public teachings according to long established Buddhist practices. More fundamentally, the huge population transfer of Chinese people into Tibet must be reversed.

Mr. Chairman, if I may, I would like to show you a map of Lhasa.

Mr. LANTOS. Yes.

Mr. HOPKINS. Mr. Chairman, the Lhasa city, itself, in 1959 was just these two small green areas. Tibet was the city of anywhere—there are various accounts—15,000–25,000 people. There are now anywhere from 100,000–180,000 people in this area. The two famous monasteries near Lhasa were located here and here. These, the Chinese now call tourist sites and historic relics. The yellow areas are those in use by the army—army camps, police detention centers and so forth.

The area has expanded tremendously with the influx of Chinese. Two large military camps are located right near the monastery. There are 11 main army camps and 9 secondary army camps just in Lhasa Valley. This is a picture of Lhasa Valley.

You see, Mr. Chairman, this is Dalai Lama's—it is called his palace, but he actually lives in the top of it. And below it was the monastery that has not been allowed to reopen. And these were government offices. All old Lhasa as of 1959 was just this area in front of the palace and surrounding the main downtown temple. That was old Lhasa, 1959 preinvasion. And all of the rest is what the Chinese have added in Lhasa Valley.

You can see that the very heart of Tibetan civilization has now been corrupted. May I point out two areas. This area, all the way from beneath the top of my pen, this is one army camp—one army camp—

Mr. LANTOS. You are blocking the photos.

Mr. HOPKINS [continuing]. Stretching all the way from here down to there.

Mr. SMITH. How many troops are deployed?

Mr. HOPKINS. 60,000 including army and armed police.

My point is that number one, it is good for the U.S. Government to insist on the granting of the freedom for imprisoned monks and nuns. But beyond that, there has to be a call for religious freedom within the institutions that survived. But beyond that, the root of the problem is such a tremendous influx of Chinese settlers and of Chinese military into Tibet. They must be removed.

I understand that the State Department has been pressing Beijing to initiate a substantive dialogue with the Dalai Lama or his representatives as part of meeting the MFN condition on protecting the religion and culture of Tibet. I fully agree that sincere negotiations are the best way to ensure that Tibet's culture and religion are protected in the long-term given China's abysmal record

up until now. But as Mr. Gilman just said, pledges of future cooperation and so forth are entirely meaningless.

Mr. Chairman, we stand at a crossroads. Our actions this year will determine the situation for the next century. We need to act to cause China to join the family of nations before the problems become insurmountable. We have a chance to send a clear message to Beijing during this period of assessing China's policy and actions concerning Tibet. The need is urgent and critical in order to save Tibet's endangered religion and culture which are on the brink of extinction. Thank you, very much.

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

Mr. LANTOS. Thank you, very much, for a very impressive testimony, Professor Hopkins. I am sure I speak for my colleagues in saying how grateful we are to you.

Our last witness is my old friend, the president of the International Campaign for Tibet, Lodi Gyari. You will recall that when His Holiness, the Dalai Lama, visited Capitol Hill many years ago, he was not received at the White House, the State Department, and he was really not received by the leadership of this body.

We have made some headway, because on recent visits, he was welcomed at all of those places. And I still recall vividly, as I am sure my friends do, the enormously moving event we had in the rotunda of the Capitol with His Holiness, the Dalai Lama.

We will be very happy to place your prepared statement in the record and you may proceed anyway you choose.

#### **STATEMENT OF LODI G. GYARI, PRESIDENT, INTERNATIONAL CAMPAIGN FOR TIBET**

Mr. GYARI. Mr. Chairman, thank you, very much, for giving me this opportunity to testify today. And I will be rather very brief in my oral presentation, because I think Professor Jeffrey Hopkins has made a very forceful presentation.

The fact of the matter is that even though I am a Tibetan, even though I have a great desire to see my own home country, I am not allowed to go back because China's Government sees some of us, particularly persons like myself, as criminals, as a person who is a preacher, a person who has been instrumental in carrying out our struggle in exile. So, therefore, I say Professor Hopkins' presentation is powerful because he had the opportunity of being in Tibet many times, as recently as last year.

I would like to take this opportunity, Mr. Chairman, sir, to once again, not just as a courtesy, but deeply as a Tibetan, to express my gratitude to the Congress of the United States for its strong support for Tibet and particularly to you, sir, for your leadership.

In fact, I also wanted to touch on the very historic visit that His Holiness made as your guest and that of your colleague, Congressman Porter, in 1987, where he announced a major initiative, the five-point peace proposal, at your invitation. Since then, for all of those years, he has been struggling very hard to try to find a peaceful solution on this issue of Tibet. And today, I sit here with a very sad heart that he has not succeeded so far. But at some time, I am convinced, that he will succeed. But, he needs your help.

There are people who say that the Chinese cannot tolerate external interferences. And there are also some who advise me that it is wrong for us to try to approach the Chinese with the help of the U.S. Congress, because some believe that, in fact, makes the Chinese become more arrogant.

The opposite is actually the truth, sir. If the Chinese Government today does pay some attention to the Tibetans, it is precisely because your voice has made them respond. And I want to urge you, sir, that if the U.S. Government, both the executive and the Congress—the Congress has always been sending very powerful messages—but if the executive remains very firm on its message, as many of my other colleagues who have testified here this morning, including Congressman Smith, have strongly urged that if we send a unified message, if you do not send the wrong message, China will respond.

And there are clear indications of possible movement on the issue of Tibet, because we watch it very closely. For us, it is a matter of life or death. It is not just a mere profession. For many people in this town their work is a profession. For us, it is our future. It is our life. We watch it and we see there are signs that they will respond if the U.S. Government is very firm.

I really get worried, Mr. Chairman, that sometimes the wrong message is being sent, particularly by those who fear losing MFN in this country. Well, obviously as you know, Mr. Chairman, there are many people who do not want to lose MFN. And I am not saying that you have to take MFN away. But, you have to use the leverage to its fullest potential.

And I can also see that if the wrong message is sent, the opposite may happen and the President may have no choice but to take away the MFN. Because, I think the Chinese will not respond the way they would if we sent a strong unified message.

As has been rightly said, Secretary Christopher is on his way to China and I believe that he is going to be meeting with the Chinese leaders from the 11th through the 14th. And I was told by the State Department that one of the important issues on the agenda is also the issue of Tibet.

Mr. Chairman, just a few days back, I sent Secretary Christopher, through one of his colleagues, a gift which is very, very precious to me, the other half of this weaving. This was sent to me by Tibetan nuns who are imprisoned in Lhasa. They sent it to me because somehow through word of mouth and through the Voice of America, Tibetan language program, which many of you helped create, they have heard that I am trying, in my small way, to be their voice, and to bring to your attention and others, their suffering. They sent this precious gift to me. One of the pair had the word in Tibetan "prison;" the other had "memory;" "prison memory." And I have always kept this in my altar, almost something that I worship.

The other day when I knew Secretary Christopher was going to Beijing and when his colleagues came to see me, I took the other half and I sent it to him. And I said, "Mr. Secretary, please help us." And I explained to him what this gift was. It is a very precious gift I gave to your Secretary of State. And I do hope that he will

not misuse that gift. Because, it was much more precious for me to part with it.

As Professor Hopkins has said, in Tibet, there has been no progress. In fact, the opposite is happening. Particularly, there seems to have been especially brutal treatment this year of Tibetan nuns. Is it because China has next year agreed to host the U.N. Woman's Conference, just as they were wanting to host the Olympics? And rightly, they were denied; not the Chinese people, but Beijing.

And Mr. Chairman, again, you took leadership in that and we worked with you, not because we have any animosity against the Chinese people. It is a great nation. It is a great civilization. We want to work together. But, I absolutely agree with you, Beijing did not deserve to host the Olympics.

If China continues to oppress Tibetan women, Mr. Chairman, our voice may be small, but we may have to start a movement to oppose the holding of the World Woman's Conference in Beijing. Because, I do not think a government that brutalizes women, and particularly nuns, and tortures them, has the right to be given that honor of hosting this most historically important conference in the capital of China.

I always feel so very moved to see persons like yourself, sir. But sometimes, I also really feel a little disbelief that some people—even some in the administration—and to be very frank, sir, even some of your colleagues—to talk about the pro-American leaders in China. And I always say that there are millions of pro-American Chinese in China. There are several million in Tibet. But what does America stand for, sir? If America means what we think you stand for, and as Mr. Kung has said, then there is no pro-Americans in the Chinese Politburo.

But if America has gone down to such a level that you only stand for profit, then, yes, every member of the present Politburo is pro-American. But the real pro-American people are the Chinese people, the Tibetan people who are in prisons, or have been tortured, or have been brutalized. And ultimately, sir, I think you need the friendship of the majority of the people of China and Tibet. There is just a handful of people in the Politburo. That is, I think, very important—very, very important to understand.

And I just want to conclude that—I read it, I think, even yesterday—the Chinese are always trading, sir. You said that if there is instability, if you interfere, this situation on China is going to burst and is going to become everyone's problem. They threatened that there is going to be an exodus of millions of Chinese crossing the borders, yes, it is a nightmare. But that will happen if the Chinese people, the Tibetan people, are not given their freedom.

So, therefore, it is very important that you act. This is a historic opportunity that you have. And for us, the Tibetan people, this is a window of opportunity. And we would like your help, sir, to also convey this message to the President, that together, you should work to help us.

And we are willing to strengthen the hand of the President. His Holiness, Dalai Lama, through some of your colleagues, has given a clear reassurance to the administration that he remains committed by this promise that he made, sir, when he came at your invita-

tion in 1987, to say that he is willing to negotiate, even made a major concession of not demanding independence if the Chinese are willing to allow the Tibetans to pursue their own way of life, and to protect their culture, their religion. And he stands firmly committed on that.

So with that, sir, I conclude. I have already submitted my written testimony. And the reason why I did not go into details about the situation in Tibet is because I think Professor Jeffrey Hopkins has done a wonderful job. With that, I would like to, once again, express my gratefulness to you and through you to your other colleagues in the Congress of the United States.

And particularly, I would like to express my appreciation and respect to my friend, Congressman Gilman, also you know, introduced a historical resolution with your support recognizing Tibet as an occupied nation. This has given the Tibetans tremendous encouragement to continue our struggle nonviolently. Thank you, very much, sir.

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

Mr. LANTOS. Thank you, very much. Let me just say that my colleagues and I are deeply moved by all four witnesses' testimony on the suppression of the practice of religion in China. The outrageous details send shivers down our spines, as members of the Catholic faith are being persecuted physically and otherwise for their religious faith. We are outraged at what is happening to the Tibetan people, particularly to the nuns lately.

We have a number of questions that we would like to raise with several of you. We have a vote on the floor, so my colleagues and I will cast our votes and we will resume in about 5 minutes. The hearing is in recess.

[Recess.]

#### DISSENT WITHIN THE CHINESE GOVERNMENT

Mr. LANTOS. The subcommittee will resume. We will begin the questions with Congressman Smith.

Mr. SMITH. Thank you, very much, Mr. Chairman. First of all, I want to join the Chairman in thanking you for your very eloquent and persuasive testimony. It helps this committee—this subcommittee to better gauge exactly what is going on and hopefully sends messages downtown, and more importantly to Beijing, that Congress is very serious about this issue of human rights in general and religious persecution in particular.

I have a couple of questions. You know, maybe just if you could speak to the issue of—Dr. Himmelfarb, maybe you might want to start on this one—while there is no discernible dissent, at least that I can ascertain, looking at the government with regards to dissent within the government, with regards to the new decrees 144 and 145, and over this crackdown on religion, the acceleration of repression in Tibet against the Buddhists, is it possible that Li Peng has just fundamentally and callously miscalculated? And should MFN be taken away? Voices that we perhaps have not heard from will arise and say, "See, you have played this to the nth degree. You have cracked down on religion." And are there people that we have identified—you do not have to name names, of

course—that you have seen that might be going in the opposite direction?

Ms. HIMMELFARB. In the government?

Mr. SMITH. In the government.

Ms. HIMMELFARB. I have only heard indirectly from private delegations that have met with some Chinese officials that there are people unofficially willing to express sympathy with the cause of religion. You know, this is not something I know a great deal about, and certainly they do not seem to be particularly influential for us at the moment. But, it may, in fact, be that there are—there is greater, if not sympathy, at least a willingness to tolerate religion than we have seen. But, it is not—as I say, it is not something that I, you know—that I can tell you very much about right now.

Mr. SMITH. Do any of the panelists have any insights on that? We know that when Tiananmen Square occurred, there was a major inner fight about what to do about the demonstrations. But are they truly monolithic now and all speaking with a united voice?

Mr. HOPKINS. I do not think so. I would say, Mr. Smith, that the harder this government is on the Chinese, the more it will strengthen the hand of the moderates, of people who are more open to religious practice.

Mr. KUNG. I think—

Mr. SMITH. Can you pull the microphone a little closer, please?

Mr. KUNG. I am sorry. I think Mr. Li Peng, in signing the two decrees into laws, he is trying to use this particular law to strengthen his position, because this has a lot of publicity. He can show the world that they are strong and he can do anything he wants, regardless of what the United States' pressure is and so forth. As I said in my text, sir, in a sense, they are really daring America in some way that they could care less what Americans say; they do what they want to do and what are we going to do with them.

And especially, there is a lot of talking right now about business, that they want to have trade profits and they want to make a separate issue between trade and MFN. That hurts. That gives the Chinese a lot more confidence to do anything they want, knowing that the U.S. administration is wavering on what they said before. That is very important, Mr. Smith.

Mr. GYARI. I believe that there is obviously no difference in the opening—in the leadership. And as Professor Jeffrey Hopkins says, the stronger the message you send, it strengthens the hands of the moderate. If we speak from personal experience—because in the early years when we were seriously negotiating with the Chinese Government, I was, myself, as Congressman Lantos knows, a member of the Tibetan delegation that started the negotiations. We used to receive messages from very, very senior leaders through two friends to say that keep on putting international pressure, because it strengthens the hands of those of us who really want to find a negotiated settlement.

So, I do believe that there are those in the leadership who, for obvious reasons, not because they really care too much, to be very frank, about religion or human rights. I think even the most “liberal” people in the present leadership, in our terms, are the most hardened.

Because there is a group of people who notice—who see the world in a different way. People that have had the opportunity to get exposure to the changing world; who believe that for China to find its place—and, of course, they also were ambitious. As you can already see, Mr. Smith, China is pressing itself as the other superpower. And you are, of course when I say “you,” I do not mean you, sir, but elements in your society—people in the administration, people in business—in effect, they are now working hard to create that other superpower. Maybe some people just believe that you cannot live without two superpowers. I personally believe that we had a tremendously difficult period during the cold war, precisely because there was the division.

But right now, China is trying to position herself and you are helping it. And I think this morning, the Chairman remarked, and I think you, sir, remarked, about Hitler’s Nazi Germany. Let me confess it, I do not know much about that part of history. But, I know, as someone who has suffered, that others suffered. And at that time Western countries, including your country, sir, did help in creating that monster.

And today, sir, I think, again, just as I say that there are wonderfully respectable people that I admire in this government, in this country, there are also those who, maybe not deliberately—are helping in the creation of another monster. That is what we are trying to say, that please, do not create that. Because, it is not only going to be the Chinese and the Tibetans suffering, but everyone of us, particularly the United States. Do you really want to create a competitor? Do you really want another superpower?

So the answer to the question, sir, that is what precisely I think some people in this country are doing.

#### RENEWING CHINA’S MFN STATUS AND ITS POSSIBLE IMPACT ON RELIGIOUS FREEDOM

Mr. SMITH. I would like to ask all of you if you could respond with the MFN issue at mind—in mind, what the status of religious freedom will be, say in July, August and thereafter, if we renew it with conditions? If we renew it without conditions? As you know, there are several people within the administration who have suggested that this is the last year we go through this “ordeal;” that after that, it ought to be—you know, look for other tools, even though I think this remains the best to last chance of really getting their attention.

There has also been some suggestions with the administration that we ought to use grand gestures and grand promises, where they make solemn promises to protect human rights sometime down the future, rather than matching that with the deeds. And what happens to religion if we take it away? Mr. Kung.

Mr. KUNG. I think that it is immaterial whether MFN is passed with or without conditions. Condition would not mean much to China. If MFN is passed it will give a message to the Communist Government that MFN is passed regardless of the recent arrests, et cetera.

Mr. SMITH. They see it as cosmetic, is that what you are saying?

Mr. KUNG. Pardon?

Mr. SMITH. They see conditions largely as cosmetic?

Mr. KUNG. As cosmetic, precisely. If this government renews the MFN, the Chinese will know that they can get away from all the violations of human rights.

If there is no significant improvement in human rights in China by June this year, for America to ignore the human rights record and to extend the MFN status in June 1994, with or without a condition, will show the whole world that America has little or no resolve to back its own words. Consequently, America will lose credibility before all nations; thereby putting itself in a most difficult position to lead the world.

Mr. SMITH. Professor Hopkins.

Mr. HOPKINS. I think that the Chinese Government will do just about anything to keep MFN, and thus now is the time to put on the pressure and to make it clear that it absolutely will be removed. Because that \$30 billion is what keeps this government in power, and they know that. And without it, there will be a great deal of trouble in China.

Mr. SMITH. Doctor.

Ms. HIMMELFARB. I would just like to say one thing about the possibility of taking MFN away. I remember hearings held a couple of weeks ago by the Trade Subcommittee of the Ways and Means Committee—it may have been Mr. Matsui, I am not certain—talked about, you know, the risk of riots all over the country without MFN; unemployment; there would be this great devastation. And, you know, the fact of the matter is, you know, with the leadership at the age it is in China, I think no one really knows what lies ahead. And, in fact, no one really knows what would lie ahead if MFN were taken away, though I agree that MFN with their surplus is more important to the Chinese than it is to the United States.

But, I think the important thing to focus on is what we are seeing now. I mean, we cannot predict what would happen in the future or it is very hard to predict. We can see what is happening now, even as the Chinese are aware that these conditions have been placed on renewal of MFN. They are refusing—really blatantly refusing to comply with the conditions of the order.

Mr. SMITH. Yes.

Mr. GYARI. So, I think first of all, the Chinese will do everything if you show seriousness to try to keep MFN. As the Chairman rightly said, China needs MFN more than you do. But even if the Chinese do make some concessions, I just cannot even imagine that the President of the United States, you know, can extend MFN without any conditions. Of course, there are some members, I believe, who wanted to deal—wanted to, in fact, get it over with. But, knowing very little about how this great institution works, I hope that it is not as easy as some members say, because I think there is a long history behind the MFN.

But even if it is renewed with conditions, I think the conditions would have to become stronger. Because, you have to continue your leverage. Because if they make some gestures from today until June, and if the President feels that, oh, you know, I got some progress and let them off the hook, it would be the same old story again. So even if you extend it, you have to attach specific and even more stronger, I think, conditions on that. That is my belief. And,



of course, with all respect, I do not agree with the observations of your honorable colleague—because I had an opportunity to testify in his subcommittee—at all.

Because—again, it is very misleading. But, I think my colleague will agree, where is the real China that exists? You have been there. Those people are talking about urban China. They are saying that China is becoming the second Tokyo. Sure, it is becoming. But, we know that the revolution in China—all the upheavals in China happened because the masses of Chinese and the rural area was neglected. It was they who stood up. It is they who brought Mao to Beijing. And that same China is today being neglected by the rulers in Beijing. It is the urban, the elites, the princelings who are becoming rich. It is the capitalism.

But 80 percent of the Chinese people today, sir, in fact, live in far worse conditions. And if there will be righting, if there will be cures, it will be precisely because of that; not because of what Mr. Matsui, the Honorable Member, you know, believes. It is just the opposite.

Mr. KUNG. I have one more observation, if I may. With condition or without condition of MFN, we have the lesson already. We extended MFN last year with a condition, significant improvements. So what do we end up with? Did anything happen? So, are we going to extend another year with another condition? They will still ignore us. That is what I meant with or without condition, it would be the same as far as they are concerned, Mr. Smith.

Mr. SMITH. I have an additional question.

Mr. LANTOS. Please.

Mr. SMITH. OK. Let me ask just one more then.

Mr. LANTOS. Please.

#### INTERNATIONAL COOPERATION AND THE HUMAN RIGHTS SITUATION IN CHINA

Mr. SMITH. Some of you perhaps may have seen that the German Foreign Minister yesterday was very critical of China and its human rights issue, and focused specifically on religious repression in his statement. What can be done to enlist other nations? I mean, part of the argument made by Bob Matsui and others is that it is just a matter of displacement. That if we do not trade, the Japanese will pick up the slack; the Germans will pick up the slack. How can we enlist other world—other countries of the world in this effort with something perhaps like MFN? Or why are they so silent in the face of this terrible human rights situation?

Mr. LANTOS. Before you answer my colleague's very good question, let me just say that I think this argument, which is used by those who are hell bent on continuing MFN treatment of China, is predicated on a very profound misunderstanding. It is not a question of whether China would be able to buy products from other Western industrialized countries; that is obvious. The question is where would China find the markets to sell the \$30 billion worth of surplus they are now selling to us? If they could sell those in Japan, or Germany, or Scandinavia or anyplace else, they would sell them today. They are not restricted in their ability to produce Nike running shoes, and Christmas decorations and Barbie dolls.

They would be happy to produce 10 times as many Barbie dolls if somebody would be just led to buy them.

If these markets disappear, China's foreign exchange earnings will be cut back dramatically, and China's plans for economic development would be crippled. But, I am very anxious to hear any of our distinguished witnesses answering Congressman Smith's question. Professor Hopkins.

Mr. HOPKINS. It seems to me that one important point is education really, getting a sense of what the future would be like if China does not join the family of nations. In pointing to the fact that China has already taken over Tibet, that China is moving settlers into Burma, that there are Chinese documents that indicate that they want to take over Mongolia—these are easier issues to face now, and to encourage them to join the family of nations and behave as others do. Now is the time.

Mr. GYARI. Sir, I think it is very important that there be strong cooperation between the Western industrialized countries on this, and I do not think there is enough. I also spend considerable time in Europe because I am also the head of the Tibetan delegation at the U.N. Human Rights Commission. And every time I hear from the Europeans, of course, I hear something totally different from the State Department. But the fact is that there is a very poor coordination.

And as you know, just a few hours back, again, the human rights resolution at the U.N. Human Rights Commission on China fell under no action move by Chinese. This time, the voting, was much closer. China had 20 votes and the resolution sponsors had 16—with 17 abstentions. I know that somehow, for whatever reasons, maybe some kind of hidden business that the bureaucrats have, they do not work together. They always work on cross references, that is why you have not been able to send again joint message, just as we are talking about joint message from the administration and Congress, which sometimes does not work. Similarly, there is no common message being sent out.

I personally believe much more in an institution like the Congress, you know, so that the European Parliament has been very active on the issue of human rights. They, of course, do not have exactly like your system. And also, the European parliament, itself, is an institution that is solely becoming much more important. But maybe if there is much more stronger interaction between your subcommittee and your counterparts in the European parliament, they have taken some very strong measures. But unfortunately, right now, theirs is just like the sense of the Congress. I mean, it is just not binding—unfortunately—on the member nations.

And I was very disappointed with Germany's role. Because, I think Chancellor Kohl was the first head of state to go to Tibet—occupied Tibet, which I think shamed many good people in Germany. You know, the newspapers wrote articles, many good German friends very touchingly—apologized, because it really shamed them. And then, again, this time he went and he came back with a big check. But, I believe many Germans are laughing. Because actually, it was an artificial figure, because some checks which had already been signed 2 years back were included. But, he just want-

ed it to appear to the German public, to assure that he has come back with a big check from the Chinese.

And Mr. Chairman, you are right, sir. The Chinese give you what they want. They take what they want. And so, they are playing a very clever game here. So, I think a coordinated effort, maybe it should start with the parliament friends, rather than leaving it just to the bureaucrats to work out. The Human Rights Commission is a very good example every year.

Mr. KUNG. I think that, Mr. Smith, your question is very difficult to answer, because human rights—the definition of human rights is not standardized among other countries. We have our own definition of human rights. I am afraid that the standard of human rights in France or in Germany may not be as high standard as we are in such a way. So to get other people to get what we are doing right now, to get human rights corrected in China, is going to be a tremendous task for this country.

However, I have one observation, that many times when I am debating with other people about the MFN status for China, the question invariably came out that why did the United States extend MFN instead to other countries, such as Syria, et cetera? It is very difficult to answer them. I try to say this is a grandfather's clause, and then they laughed. And I think that if we standardize our own MFN standard to other countries, the other countries would pay more respect and cooperate with us in an international way. It is just an observation; it is not an answer, Mr. Smith.

Mr. SMITH. Just my thought would be that the standard is internationalized. The Universal Declaration of Human Rights made it very clear what the standards are. But, it is a matter of emphasis. You know, some things are not emphasized. Some countries, we look the other way. Is that what you are saying?

Mr. KUNG. Yes.

Mr. SMITH. Just so I understand. OK.

Ms. HIMMELFARB. I guess what I would like to do is turn the question back around to you and ask, you know, what the government of the United States could do? People say we are in a new age of multilateralism in defense efforts and peacekeeping. And, you know, we have seen some of these meet with some success, not invariable success. But, I absolutely agree that an international effort backing up the United States on its human rights concerns in China would go a long way toward, I think, bringing about much more improvement than we have seen so far.

[The prepared statement of Mr. Smith follows:]

RELIGIOUS LIBERTY IN THE PEOPLE'S REPUBLIC OF CHINA  
 TESTIMONY BEFORE THE FOREIGN AFFAIRS SUBCOMMITTEE ON INTERNATIONAL  
 SECURITY, INTERNATIONAL ORGANIZATIONS  
 AND HUMAN RIGHTS  
 MARCH 9, 1994

CHRISTOPHER H. SMITH (4-NJ)

Mr. Chairman, I would like to thank you for calling for this important hearing on religious liberty in China. In the next few months China's human rights record for the year will be examined and scrutinized--perhaps as never before.

Frankly, Mr. Chairman, China hasn't even come close to making the progress that would allow the Administration--in good conscience--to seek a waiver of Jackson-Vanik. State Department officials have indicated in hearings that if the decision were to be made today (when they testified), they would not recommend the extension of MFN. As committees such as yours--ours-- continue to focus attention on human rights, we send a signal to the Chinese government that these conditions are non-negotiable. The ball is in their court.

In January I led a delegation to China in order to engage in frank, constructive talks with Chinese officials regarding deep concerns that remain over China's human rights record. We also wanted to meet with those who suffer from the continued and well documented repression--especially political dissidents and underground church believers. We succeeded on both goals.

Let me note at the outset that the Chinese people deserve the abiding respect of their government, and nowhere is this more crucial than in protecting universally recognized human rights. It was out of empathy for the oppressed, the tortured, the prisoner of conscience, the mother being forced to abort her baby, that I went to China to respectfully but firmly petitioned the Chinese government for relief. Mr. Chairman, today we will focus primarily on one of these areas--religious liberty--although all areas are important and deserve our attention.

In the May 28, 1993 Executive Order extending MFN to China for one year, the President calls for "significant progress" in the area of human rights. I continued to tell officials that without significant progress, MFN was at great risk. In meetings with high officials of various government ministries I stressed that scrutiny of China's human rights record will not be cursory or frivolous, but would entail a penetrating analysis as to whether substantial progress has been made. Instead of substantial progress--China has "made substantial regression."

The Executive Order is quite clear in listing the human rights conditions which must be met in order for MFN to be renewed later this year. Specifically it says that "the Secretary shall determine whether China has made overall, significant progress with respect to taking steps to begin adhering to the Universal Declaration of Human Rights" and protecting Tibet's distinctive religious and cultural heritage."

Mr. Chairman, this Declaration of Human Rights is the internationally accepted standard of for the treatment of all people in every country. It is not an American standard, it is not culturally biased. The Chinese, as a member state of the United Nations, pays lip service to it--but its actions show the complete disregard the government has not only toward its people but toward the entire international community as well.

In Beijing, Mr. Chairman--almost like broken records--leaders began with soothing words concerning their desire for open and honest dialogue with the United States and that they hoped our meeting would lead to a greater understanding. In meeting after meeting I was assured that there was complete freedom of religion in China, protected by the Constitution. I was also assured that there were no religious prisoners in China. But these representations are an insult to the truth. And I minced no words in conveying that to them. We know of several hundred religious prisoner and it is likely that there are several thousands more known only to God, their loved ones and the police.

Reports from human rights organizations and our own State Department, indicate that human rights conditions got worse in 1993--and from all reports they continue to deteriorate in 1994. Asia Watch, in its recent publication of over 1,200 prisoners in China says that "1993 was without doubt the worst year from political arrests and trials in China." Other organizations such as Puebla Institute, whom we will soon hear from, Christian Solidarity International, Amnesty International and Freedom House all document continuing religious persecution.

I was told that the first obligation of the churches in China was to promote socialism and encourage the people to support the government. There are many Christians who are not members of the government sponsored churches. These people, I was told, oppose socialism and because of that they would inevitably break Chinese laws and must be punished. Both government and government-sponsored church leaders compared prisoners in the U.S. with prisoners in China, saying that we do not release prisoners simply because they are Christian and we should not expect China to do the same. Those who break the law, they say, must be punished.

But there is a great deal of difference. Mr. Chairman, many of the Christians who are imprisoned in China are there because they have broken laws which strictly govern and limit religious activities in China. These laws prevent Roman Catholics from being in union with the Vatican, they prevent any Christian from listening to religious broadcasts, they prevent Protestants from meeting in private homes to pray. For these and many other reasons, Christians are in prison--they are criminals because they are enemies of the state--followers of an ideology which does not place the state over all other things.

As I was meeting with individuals who were assuring me that there was religious freedom, I was also receiving reports of Christians who were being detained. I was hearing from members of the underground Protestant and Catholic churches about the repression and discrimination which they experience. Mr. Chairman, I returned with the names of five Catholic priests who were arrested only weeks before my delegation arrived. Unlike my meetings with the government and government-sponsored church leaders which can be made public, I cannot give many details about the meetings with the Christians who risked their lives to meet with me.

But these underground Christians have been taking risks for quite a while now. Catholics in one village have built a large church, rectory and convent. Protestants told us about the great numbers of people who are becoming Christians through the evangelization which is taking place. All of them respond that they are ready to be arrested, put into jail, and even die for their religious activity. As one person said, "What can they do? Tear down our church? Put us in jail?" How prophetic their words are.

Mr. Chairman, you and many of my colleagues are well aware of the arrest and detention of a bishop who said Mass for our delegation. Bishop Su Zhi Ming, who had already spent 15 years in Chinese prisons and labor camps, subject to beatings and torture, was arrested days after our meeting. Judging from the nature of his interrogation, his crime was saying Mass for me and the delegation.

To add insult to injury, he was arrested on the day Secretary Bentsen was in Beijing meeting with Chinese officials and discussing the future of U.S.-Sino relations.

Since January 31 new orders were issued by Li Peng which gave government sanction to a renewed crackdown on all religious activities in China. All of us were bitterly disappointed but not surprised when we learned that the Chinese government would escalate the persecution and harassment and torture of believers. Less than three weeks ago, three American citizens were arrested and detained in China. Dennis Balcombe, the pastor of Hong Kong's Revival Christian Church was detained and held incommunicado for four days. The arrest was made during a midnight raid on the house in which Reverend Balcombe and several other guests were sleeping. He and the others were accused of "disturbing the public peace" and all of his possessions were confiscated. Had Reverend Balcombe been in China to negotiate a business deal he would have had welcoming hands extended to him. Instead, because he brought the good news of the Gospel he was met with clenched fists.

Following his release he testified here before the House Ways and Means Committee. He is a living witness to the renewed religious persecution which is taking place in China. As an American citizen he enjoyed the benefit of swift action on the part of many people and human rights groups. However, there are thousands of Chinese citizens who do not have this benefit. Three of the people who were arrested along with him are still detained, and there are even reports which say they have been executed. If they are alive, and I hope they are, how long will they have to wait in prisons, how many beatings will they have to endure, who will speak out loudly and act swiftly for them? And what of those friends of Reverend Balcombe who are not in prison but must remain in China and live under the fear of persecution?

These people are not interested in political activity. In fact, Mr. Chairman, they told me that they pray for the government and their leaders and ask for God's blessings on China. All religious believers in China are asking for is the ability to worship freely and openly. Right now those who do not belong to the government-sponsored churches have no place to worship, many of them are denied housing and work permits, and countless numbers are harassed, detained, tortured--and some have been martyred for their faith.

The two executive orders which I have already mentioned will further restrain religious liberty in China and will have devastating consequences and represent a new crackdown for the underground Protestant and Catholic churches.

Order 144 is titled "Rules for management of foreigners' religious activities." It prohibits all proselytizing activities by foreigners among Chinese. While it allows for foreigners to conduct their own private worship services, they are prohibited from preaching in Chinese churches. It also prohibits the importing of religious goods and publications.

Order 145 regulates management of places of worship. The right to assemble, pray and worship God--even in your own home--carries severe punishments. Catch-all statements such as "No one may use places of worship for activities to destroy national unity, ethnic unity and social stability, to damage public health or undermine the national educational system," criminalizes just about anything that a believer says or does. These cruel policies are likely to lead to thousands of new arrests, tortures and mistreatment.

Mr. Chairman, I realize that this is a hearing on religious freedom in China, but we cannot ignore the plight of millions of others whose human rights are violated in other ways. I would like to turn our attention to just a few of these.

Millions of Chinese are detained in forced labor prisons where they work long hours each day to meet unrealistic production quotas. We have known about this for years and have tried to engage the Chinese government in addressing this human rights abuse.

The 1992 Memorandum of Understanding (MOU) expressly prohibits the importing of prison labor products and outlines the method of investigating reports of forced labor in prisons.

Even when it was signed, many people criticized the MOU as a meaningless document unless it would be backed up by swift and open verification. Testimony only a few months ago by Assistant Secretary Winston Lord indicated that there has been great resistance by the Chinese to investigate reports of prison labor. The Chinese deny access to prisons by U.S. officials until they have had enough time to sanitize the prisons and factories. Visits by non-governmental human rights groups are not allowed at all.

The Chinese Laogai is not like any prison system we are familiar with. These are forced labor camps similar to the Nazi work camps of another era. It is the most extensive forced labor camp system in the world, and this system has destroyed the lives of millions of people, and it continues to do so. In January I met with several people who bear the permanent scars of years in Chinese prison labor camps. I heard their stories of beating and torture and saw for myself the broken bodies which these camps created.

Mr. Chairman, the MOU is mentioned specifically in the Executive Order. It is clear that China has not yet lived up to this agreement, nor is there any indication that it will in the future. We are still denied access to prisons and there is a large body of evidence that products manufactured entirely or in part are still being exported to the United States. All the while, millions of people are continue to suffer at the hands of the cruel government slave-master.

Religious believers and prisoners are not the only victims of China's continued violations of human rights. The government aggressively victimizes women who bear children outside of the Government's repressive one child per couple policy. Reports abound which detail the lengths to which the government officials will go to see that quotas are met and policies enforced. *The New York Times'* report by Nicholas D. Kristof poignantly described the ordeal of a mother and child who were victims of the government-sanctioned brutality. It recounts the case of Li Qiuliang who had been given permission to have a child in 1992. When, on December 30, 1992 she had not given birth the local population control officer ordered the doctor to induce pregnancy. The child died and Ms. Li has been left incapacitated.

Secretary of State Warren Christopher, when he learned of this report, said that he was appalled by the China's coercive family planning practices and would seriously consider tying MFN to ending those practices. In the "Report to Congress Concerning Extension of Waiver Authority For The People's Republic of China," it explicitly states that "in considering extension of MFN, we will take into account Chinese actions with respect to the following: Taking effective steps to ensure that forced abortion and sterilization are not used to implement China's family planning policy."

During my meeting with Li Honggui, director for the General Office of the State Family Planning Commission of China, he brushed aside with an angry smile our concerns that Chinese women are routinely victimized and abused with coerced abortions and coercive sterilizations. When questioned about the *New York Times'* report, Mr. Li responded by saying that the article was "not real" and that it only showed the "unfriendly staff" of the *New York Times*.

In a sworn affidavit, Dr. John Aird, former Chief the China Branch at the U.S. Census Bureau, said "coercion in the Chinese family planning program has in the past two years reached its second extreme peak approaching or perhaps exceeding the levels of 1983."

Forced abortion is a crime against both women and children. In China today, women are punished by the state for conceiving a child not approved by state goals. If a woman is lucky or clever enough to escape to deliver an illegal child, and is discovered, she is fined and otherwise dealt with.

In December the Chinese government issued a draft of a eugenics law which would legalize discrimination against the handicapped--however the government may define handicapped--by forcing sterilization and denying them permission to have children. There are also provisions which would mandate the abortion of any babies which are determined to not meet government-approved standards of health and ability. While the rest of the world moves to protect the rights and the dignity of the handicapped, China is seeking ways to exterminate them.

Mr. Chairman, it is becoming increasingly clear that in category after category the Chinese government is not only not making progress, but is actually getting worse--bringing further shame and dishonor to the government and more and more pain to the Chinese people.

Today, and each day since I have returned from China, the facts point to significant regression, not progress, in human rights.

Disturbing reports in the last week indicate that the Administration might be weakening their commitment to human rights in the Executive Order. When I hear statements that a "grand gesture" or "promises" could replace the "significant progress" called for in the Executive Order, I wonder what good our words are if they will not be backed up by action. There is a great deal of evidence that China has regressed significantly. Even as Secretary Christopher prepares for his visit to China the Chinese government has detained at least nine dissidents. Whether these detentions are short or long-term, they are deplorable. They also show the complete disregard they have toward the conditions which must be met in order for MFN to be renewed. Only a few months remain before the Administration must make this decision. We must continue to let China know that we are watching and that we care, that we will not sacrifice human life for profit, and that the United States is serious when we say we want significant progress in human rights.

Yesterday I received a letter from a seventh grade student at Holy Family School in Lakewood in my district. Alicia Lorenc wrote "I think it is unfair that they put Roman Catholic bishops in prison for being Catholic. It is stupid, it is discriminating, and it is unfair. Over in China, people's rights are being abused. I know since I am only in seventh grade I can't make that much of a big difference. But I try." Mr. Chairman, Alicia may only be in seventh grade, but her wisdom and compassion surpass that of the Chinese government. She understands, why can't they. She is trying to make a difference. I hope that we can respond to her that we are trying, too.



Mr. LANTOS. I think we will have to bring this to a close because both Congressman Smith and I have other engagements. I want to thank all four of you for your excellent testimony before us. Let me assure you that this subcommittee will not rest until human rights conditions in China and in Tibet improve. This hearing is adjourned.

[Whereupon, at 3:10 p.m., the subcommittee was adjourned to reconvene at the call of the Chair.]



## APPENDIX

# PUEBLA INSTITUTE

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**PREPARED STATEMENT OF NINA SHEA, PRESIDENT  
THE PUEBLA INSTITUTE**  
before the  
**SUBCOMMITTEE ON INTERNATIONAL SECURITY,  
INTERNATIONAL ORGANIZATIONS, AND HUMAN RIGHTS  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
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The Puebla Institute is a private human rights group that, with an ecumenical focus, defends religious freedom for all creeds in all parts of the world. Puebla works to support democratization as the best means of ensuring religious and other human rights. Since 1989, we have reported on religious persecution in China and Vietnam, and maintained lists of religious prisoners of conscience.

### **THE PEOPLE'S REPUBLIC OF CHINA**

The crackdown on China's underground Christian churches is now in its fifth year and is not easing. As many as 105 religious leaders known by name are currently imprisoned or detained by the government, under house arrest, restricted in their movement or association, and/or under close police surveillance. Puebla's prisoner list includes 70 Catholic leaders -- among them 17 bishops -- and 35 Protestant leaders. But this list may represent only a fraction of the Christians persecuted for their religious beliefs at this time. China's secretive judicial and penal systems, reliance on extra-judicial procedures, and closed press make religious prisoner cases extremely hard to document.

In the last two years, Puebla has identified a number of alarming trends in China's campaign to crush the underground churches: 1) deliberate attempts by Beijing to mislead the West about the status of religious prisoners in order to placate human rights critics; 2) increasing use of administrative detention -- i.e., detention incommunicado, without charge, trial, sentence, or public records -- in religious cases, including the transfer of "released" prisoners from judicial to extra-judicial detention, as well as the detention of prisoners in so-called "old age homes" in what may be a parallel to the Soviet's abuse of psychiatric hospitals for political purposes; 3) a rise in torture and ill-treatment of religious prisoners, including beatings and electric shocks with stun batons, resulting in at least four deaths since the beginning of 1992; and 4) a reaffirmation by both the central and local governments of the goal of eliminating "illegal" religious activity.

Although China is liberalizing its economy, it continues to suppress perceived opponents without regard for the most basic human rights. A number of prisoner releases have recently been brought about by cumulative pressure from human rights groups, the U.S. government, and private individuals, but the disposition of many of these cases remains unclear, and there is reason to fear that some have simply exchanged imprison-

ment for other forms of detention by the government. And while Beijing attempts to use these "releases" to placate Western critics, Chinese believers continue to be tortured to death.

### Background

The Communist government of the People's Republic of China has always restricted religious worship, in spite of guaranteeing freedom of religion in its founding documents and in its 1982 Constitution. Soon after the establishment of the PRC in 1949, the government forced churches to purge themselves of "foreign imperialist" influences and sever links with foreign religious groups. The government imprisoned clergy and religious who refused to make their faith the servant of Communism, charging them as "counter-revolutionaries" and sentencing them to 20 years or more in harsh prison or labor camps. It also established state religious organizations, including the Catholic Patriotic Association (CPA), which has officially repudiated the authority of the Vatican and now ordains its own bishops and priests, and the Three-Self Patriotic Movement of Protestant Churches of China (TSPM). Today, these "churches" oversee all "legal" religious activity in China, including training and appointing of religious leaders, preaching, proselytizing, and publication of religious literature.

Although adherence to Roman Catholicism is unlawful in China, millions of so-called underground or clandestine Catholics risk persecution for recognizing the Pope's authority. Underground clergy in particular risk being charged with treason and other crimes against the state under Article 91 of China's Criminal Law. This law provides that anyone who "colludes with foreign forces" -- including the Vatican, according to the PRC's construction -- "in plotting to harm the sovereignty, territorial integrity, and security of the motherland" may be punished by prison sentences ranging from 10 years to life, and in particularly serious cases, the death penalty.

China's estimated 63 million Protestants, who are overwhelmingly non-denominational evangelicals, are required by the government to register their churches with the TSPM. Those who seek to avoid government oversight by worshipping in unregistered house churches -- home meeting places where worship or Bible study takes place -- report incidents of arrest, detention, and torture, as well as fines, confiscation of religious literature and church property, and church closings. In the last five years, there are reports that hundreds of house churches have been closed down or destroyed.

The application of repressive religious policies in China has tended to vary with political cycles and the whims of local officials. The current crackdown dates back to early 1989, when Chinese leaders grew alarmed at the perceived role of the churches in the democratization of Eastern Europe and sought to prevent religion from playing a similar role in China. "The church," China's state-run press claimed in 1992, "played an important role in the change" in Eastern Europe: "If China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger." After the June 1989 democracy demonstrations in Tiananmen Square, the government grew even more anxious about religion's potentially destabilizing effects and stepped up restrictions on religious activity. The subsequent collapse of Soviet Communism has heightened Beijing's fear of "peaceful evolution," China's term for non-violent attempts by the West to promote democratization, which has in turn contributed to repression of independent Christians. Both clandestine Catholics and house-church Protestants, the government claims, are being used by "hostile foreign forces" to undermine the Communist regime.

In many instances Puebla has not been able to determine precisely what charges, if any, have been leveled against religious prisoners. Charges against Catholics tend to involve defiance of or opposition to CPA policies, including ordaining priests, maintaining contact with the Vatican, or

simply associating with clergy known to be in contact with the Vatican. In some cases, the reason for arrest is doctrinal, such as opposing abortion. Although such activities are protected under international human rights law, they are viewed by the Chinese as "counter-revolutionary crimes," and are often punished by "reform through labor" -- the trend in the past few years has been three-year sentences -- and also, in an alarming development in late 1990 and early 1991, by forced indoctrination.

Protestants are often charged in connection with unauthorized preaching and proselytizing, which the Chinese construe as counter-revolutionary propaganda. Chang Rhea-yu, a house-church Protestant from Fujian province, was charged with "inciting and propagating counter-revolution" and with "distributing seditious propaganda" through religious cassette tapes. She is reportedly imprisoned at this time. Li Jiayao of Guangdong province was sentenced to three years of "reeducation through labor" for illegally receiving and distributing Christian literature. Liu Qinglin, a Protestant from inner Mongolia, was charged with evangelizing and "wide-scale superstitious healing activity" and sentenced to three years in prison; he died after only a month or two in unexplained circumstances. Other Protestants are charged with "vagrancy" connected with itinerant preaching, or with forming illegal house churches, a "crime" authorities punish by "reform through labor."

### **China's Deceptive Tactics**

Beijing takes pains to foster an impression of reform and compromise. It has done so, however, through the distortion and manipulation of the facts, without genuine policy reforms or even significant improvements in many specific cases. In February 1993, at the time of the U.N. Human Rights Commission meeting in Geneva, China announced that it had released elderly Catholic priest Father Zhu Hongsheng. In fact, it was well known to China observers that this priest had been released from prison in 1988, and that he had been living in relative freedom since that time. What the Chinese had actually done in early 1993 was officially lift the remaining few months of his original 15-year sentence. A month later, the Chinese government stated that it had freed 18 Catholics, but our sources in Hong Kong have been able to independently confirm the release of only one of the 18 prisoners, and at least two of the 18 actually remained imprisoned as of May 1993. All too often, the release of a religious prisoner is accompanied by his transfer to another type of detention, or by the detention of yet another believer. During the month of October, a 15-member official Chinese delegation, including the head of the Religious Affairs Bureau, toured the U.S., stating everywhere they went that there are no longer any religious prisoners in China. This is patently false. China has now demonstrated that its word cannot be taken at face value.

### **Administrative Detention**

Among the most insidious of the deceptions now being attempted by the Beijing regime is continued restrictions on prisoners said to be released. In many instances Christians released from prison are not actually free. It is not only that prisoners released on parole are limited in their movements and associations. An increasing number of prisoners who are transferred from the judicial system to some form of administrative detention, such as the state "old people's homes" in which the government claims to be "caring for" some religious prisoners, among them Catholic Bishops Chen Jianzhang and Shi Enxiang. The West still knows very little about conditions in these extra-judicial detention centers, but there is evidence that prisoners held there may be at even greater risk of torture and other abuses than those serving sentences handed down by the courts.

Catholic Bishops Stephen Liu Difen and Fan Xueyan, who died in November and April 1992,

respectively, were both in incommunicado administrative detention in such "nursing homes" at the time of their deaths, and both their bodies displayed evidence of torture. Bishop Lin's body was covered with large wounds and a number of scars at the time of his death, and photographs of the corpse of Bishop Fan show bruises on his body and injuries to his legs. Another bishop detained administratively, Paul Shi Chunjie, died in November 1991 under conditions that have never been adequately explained. Chen Zhuman, an independent Protestant sentenced administratively in 1992 to three years' "reeducation through labor," has suffered hearing loss and other disabilities following torture by police at the time of his arrest in December 1991 and again by guards upon being moved to prison a month later.

Currently, as many as 30 religious prisoners on Puebla's list are reported to be administratively detained, possibly under a procedure known as "shelter and investigation," which bypasses the supervision of the courts. Available evidence suggests that other Christians about whom we have very little information are likely in the same situation. In a pre-Christmas 1990 raid, authorities in Hebei province, an underground Catholic stronghold, arrested more than 20 Catholic clergy and lay people and detained them incommunicado in an indoctrination camp. A few are known to have been released, but we believe the majority remain in detention. Following four separate incidents of mass arrest taking place in late 1991, at least 18 Protestants, followers of house-church leader Xu Yongze, were reportedly detained without trial. They are not known to have been released. Given the fates of Bishops Liu, Fan, and Shi and of Protestant Chen Zhuman, we suspect these prisoners are being held incommunicado in administrative detention, and we fear for their lives.

### Torture and Inhumane Treatment

Torture and ill treatment of religious prisoners is on the rise in China. Puebla believes at least four religious prisoners died from either torture or ill-treatment since the beginning of 1992: Bishop Stephen Liu Difen, whose relatives found wounds all over the unconscious Bishop's body shortly before his death in November 1992; Protestant Lai Manping, who died in late March or early April 1993 following brutal and repeated beatings by police; Catholic Bishop Fan Xueyan, who died in detention in April 1992 with evidence of ill treatment; and Protestant Cui Chaoshu, who was kidnapped, bound, and beaten to death by local authorities in March or April 1992. Including the reported torture deaths of Pei Guoxin and Dong Zhouxian, two Catholics arrested in the government's April 1989 raid on Youtong village in Hebei, and of two house-church Protestants -- a father and a daughter -- arrested in January 1990, a total of eight religious prisoners appear to have died as a result of torture in the last four years.

Other victims of extraordinarily brutal forms of torture include house-church Protestant Zhu Mei, who suffered beatings at the time of her arrest in 1987 and throughout her five years in prison and is now unable to walk; Protestant Chang Rhea-yu (or Zhang Ruiyu), who at the time of her 1991 arrest was beaten in the face with electric stun batons, causing burns to her skin and broken teeth; and Protestant Chen Zhuman, who was beaten and left hanging upside down by the police officials who interrogated him following his December 1991 arrest.

Torture or the threat of torture, sometimes on a mass scale, is also being used to break up "illegal" religious meetings. The death of Protestant Lai Manping, described above, occurred shortly after March 27, 1993, when Public Security Bureau officials broke up a religious meeting of Protestants in Shaanxi province by beating with truncheons those who had gathered. A nine-year-old boy present was thrown against the wall. PSB officials arrested Lai and four other Protestants and tortured them while in custody by beating them on their bare backs and genitals, sometimes while

they were being hung by their arms. About 90 Christians in the area have been arrested since the original incident, in what is believed to be an attempt to keep news of it from spreading.

### **Official Orders to Eliminate Underground Churches**

Suppression of "illegal" religious activity in China continues to be an official goal both of the central and of some local governments in China. In January 1992, China's Minister of Public Security called religion one of six "hostile forces" that could undermine the government. The year before, the Central Committee of the Chinese Communist Party issued a document urging that all illegal (i.e., independent) religious groups be eliminated and that anyone colluding with foreign forces to the detriment of the country's unity and stability be harshly punished. This document, entitled "Circular on Further Tackling Certain Problems of Religious Work" (Document No. 6), has guided religious policy throughout China since being issued. In a meeting with the Puebla Institute in early October 1993, the head of the Religious Affairs Bureau acknowledged the existence of Document No. 6, and did not deny its continuing validity as official policy.

Document No. 6 has also spawned an array of equally restrictive policy statements on the local level. "Completely Destroying the Organizations and Systems of the Underground Religious Force" was the title of a document issued in 1992 by the Religious Affairs Bureau in Hebei province, an area that has historically been a clandestine Catholic stronghold. This document attacks the Vatican for its anti-Communism and urges that religious leaders "must be reeducated and handled according to their attitudes," which in China implies imprisonment and forced labor in a "reeducation through labor" prison camp.

This document is probably at least partly responsible for ongoing persecution of Catholics in Hebei province. The most recent information coming out of China indicates a continuation in 1992 of the pre-Christmas raids that have become routine in the last few years, as officials seek to prevent the celebration of Christmas Mass and to subvert the influence of Catholic leaders. In four separate incidents occurring on a single day, December 21, 1992, authorities of the Baoding area rounded up a number of priests, a group of Salesian sisters, and a group of sisters of the Mother Auxiliatrix Congregation.

Another local government to issue its own harsh guidelines for suppressing illegal religious activity is that of Guandu District, Kunming City, in Yunnan province. Its May 1992 directive focuses on the elimination of Protestant house churches: "Private home meeting points are regarded as illegal religious activity venues," the document states, "so it is necessary to instruct the person in charge of the meeting points to announce their abolition and educate the masses not to attend the gatherings. . . . Any such person who does not abolish his activities should be summoned for investigation. . . . A deadline should be set according to regulations on illegal buildings for demolishing and banning privately built churches and meeting points."

### **VIETNAM**

Vietnam ranks among the worst abusers of human rights in the world today. It severely curtails the universal rights to freedom of conscience and freedom to practice religion, as well as freedoms of expression, association, and assembly. Vietnamese citizens do not have the right to change their government. Citizens are subjected to pervasive surveillance by secret police who possess the authority to search homes and make arrests for any perceived ideological lapse. The government

also communes to forcibly relocate segments of the population to the country's "new economic zones" in sparsely populated areas where labor is needed.

A renewed effort to suppress "unauthorized" religious activity has been in effect in Vietnam since mid-1990, as part of a larger campaign to crush dissent that has also targeted journalists, intellectuals, and foreigners. The current crackdown on religion, which has been spurred by the Communist government's attempt to shore up power in the wake of the collapse of the Soviet Union (its main economic benefactor as well as ideological ally), has resulted in the arrests of hundreds of religious leaders.

Those arrested for religious reasons in Vietnam risk imprisonment in brutal "reeducation through labor" camps; torture, including electric shock, beating, and shackling; administrative detention; unfair trial; lengthy prison sentences (life sentences are not uncommon); and the arbitrary extension of sentences.

The Puebla Institute's data focuses on the situation of Vietnamese Buddhists, who by their own estimate make up 80 percent of Vietnam's 70 million people; Roman Catholics, who number about five million, or eight percent of the population; and Evangelical Christians and denominational Protestants (mainly Baptists and members of the Assembly of God), who number between 200,000 and 300,000, or less than one percent of the population. About Vietnam's indigenous Cao Dai and Hoa Hao sects, each of which has about a million followers, very little information is available.

Puebla has compiled a list of 133 Evangelical Christians, Roman Catholics, and Buddhists now imprisoned or otherwise deprived of liberties in Vietnam for religious reasons. Virtually the entire top level of the Buddhist leadership is in detention at this time.

Many more are being persecuted whose names we do not know. Since 1990, for instance, 24 unnamed Evangelical Christians belonging to the Jeh minority have reportedly been imprisoned in Dak Lai, Gia Lai province. The Vietnam Committee of Human Rights, a Paris-based group documenting Buddhist arrests, reports that since the second half of 1992 alone, the government has arrested, interrogated, and/or physically abused hundreds of Buddhist clergy and lay people. The last report received about the Cao Dai states that in June 1990 authorities arrested 3,500 members of the sect in Tay Ninh province and charged them with "harboring reactionary and counter-revolutionary troops," and that another thousand Cao Dai believers from the same province were arrested two months later. There is reason to believe that members of the Hoa Hao are also being persecuted, but no specific information is available about their situation.

## Background

The current crackdown on religion in Vietnam began in 1990, but the country's anti-religion policies go back much further. Before the fall of Saigon in 1975, Communist authorities had already sought to crush religion in the North, and when they gained control over the South, they immediately began to do the same there. Viewing religion as an ideological competitor, they labeled clergy of all faiths "subversives" and "reactionaries" and arrested them for "criticizing the political system," "fomenting unrest," and "possessing and disseminating counter-revolutionary propaganda" — charges similar to those being leveled against Vietnamese religious leaders today. Arrested clerics were commonly sentenced to lengthy terms in brutal "reeducation through labor" camps, often without benefit of trial. Although an amnesty declared in 1987 freed numerous religious prisoners, including many who had ties to the South Vietnam government or to the United States, some detained in the



1970s -- among them Buddhist monk Thich Thien Tan, arrested in 1978 and sentenced to life imprisonment -- remain imprisoned or under house arrest today.

The government expelled missionaries and foreign clergy, closed or destroyed places of worship, shut down religious presses, forced religious organizations to disband, and confiscated religious property. It also closed or nationalized church-run hospitals, orphanages, schools, and seminaries, including the large Evangelical Nha Trang Seminary, which it later reopened as a coastal defense installation.

### Official Policy Today

The renewed campaign against religion in effect today in Vietnam suggests that the Communist government still considers religion a threat to its supremacy. Members of religious groups continue to be persecuted for their independent beliefs as enemies of the state. Although Vietnam's new Constitution, put into effect in 1992, guarantees religious freedom, calls for respect for human rights in general, and stresses the rule of law, it also permits the government to restrict rights on grounds of national security. In fact human rights and the rule of law are routinely violated by Vietnamese authorities:

In 1977, Hanoi adopted Resolution 297, which formally subjected all religious activity to rigid government control. In the early 1980s, it formed two state-run religious associations, the Vietnam Buddhist Church and the Committee for the Solidarity of Patriotic Vietnamese Catholics, and required clergy to become members. The government also took control of the Tin Lanh Church (Evangelical Church of Vietnam), the country's major Protestant church. Given this overall pattern of repression, Puebla concludes that the Communist leadership's aim was to eradicate religion to the extent possible and to ensure that the vestiges of religion served the state.

The political grip over religious groups was tightened in 1991, when Hanoi adopted a harsh new law religious law, Decree 69, to replace the already oppressive Resolution 297 of 1977. Although the new law purports to guarantee freedom of belief, it allows the government to punish religious activity construed as a threat to the regime. Article 5 of the law states: "Any activity which uses religion to sabotage national independence. . . (or) to oppose the State. . . will be liable to prosecution, according to the law." This article has no doubt fueled religious arrests in the last two years. Decree 69 also requires that the government approve travel by clergy outside the country, visits to Vietnam by leaders of foreign religious organizations, and nominations to religious office. It subjects the establishment of religious schools and seminaries, as well as seminary enrolment, training, and graduation, to state approval. Article 18 of the law makes the government responsible for checking the "ideological education" of seminarians, and last June, the government arbitrarily prevented the ordination of more than half of 43 Catholic seminarians enrolled in a Ho Chi Minh City seminary, reportedly because they failed to meet certain political criteria.

### Torture and Inhumane Treatment

Although it is prohibited by the Constitution, torture is commonly used by police to extract confessions and by guards in "reeducation through labor" camps to intimidate and punish inmates. According to the Vietnam Committee on Human Rights, a 28-year-old Buddhist monk, Thich Thien An, was tortured to death in Ho Chi Minh City in September 1992 while being interrogated. Catholic priest Father Andrew Nguyen Huu, who spent 13 years imprisoned in Vietnam before his release in 1988, was beaten so severely by camp guards (who had discovered that he was trying to tunnel his

way out of the camp with a spoon) that one lung sustained permanent damage. He was also kept naked and with shackled feet for a three-year period. Another 13-year veteran of Vietnam's reeducation camps, Buddhist monk Yoshida Ganshin, lost the use of his legs as a result of repeated electric shocks.

Conditions in Vietnam's "reeducation through labor" camps, which were established "to educate the enemy of the proletarian class," have reportedly improved somewhat since 1989, but religious and other prisoners incarcerated there continue to report torture and other physical abuse. Even those inmates who manage to evade physical mistreatment at the hands of their jailors suffer under the camps' brutal combination of hard labor, poor medical care, and grossly inadequate food. According to the report of the U.N. Special Rapporteur on Religious Intolerance, prisoners who are ill or handicapped -- and whose capacity to work is therefore reduced -- are given reduced rice rations. As an additional, arbitrary form of punishment, prisoners are frequently prevented from receiving food packages sent by their families.

### **Lengthy Prison Terms**

At least 20 Buddhists, including Nguyen Tan Phat, who was only 13 years old at the time of his arrest in 1985, are now serving life sentences. Twenty-eight Buddhists and two Catholics on Puebla's list are serving 20-year sentences. Thich Tue Sy and Thich Tri Sieu, two Buddhists arrested in 1984 reportedly because the government wanted to quell their growing popularity among Northern intellectuals, are serving 20-year sentences after their death sentences were commuted following an international protest.

Prisoners who have completed their terms of "reeducation" are by no means certain of being released from detention. The Evangelical rights group Jubilee Campaign reports that house-church Pastor Tran Xuan Tu, who was arrested in 1985 and sentenced to three years' imprisonment, had another three years added to his sentence in 1988 because he was deemed not to have learned enough about Communism while in prison. Pastor Tu was finally released in 1992. Buddhist Vo Dang Phuong has not been so lucky: sentenced to 10 years' imprisonment in 1975, he remains incarcerated today.

### **Administrative Detention**

Although the rights of detainees are protected under Vietnam's 1989 Criminal Procedure Code, authorities continue to make use of older administrative procedures to hold prisoners incommunicado without charge or trial for indefinite periods. The Vietnamese have even publicly defended the "leniency" of administrative detention: a 1990 letter to Amnesty International from the Ministry of Foreign Affairs states that administrative detention enables those charged with "serious crimes" to escape "heavy sentences by the court and spontaneous revenge by the people," and that it allows them -- after a period of "self-education" -- to be reintegrated into society.

There is evidence that 19 prisoners on Puebla's list are being administratively detained. Evangelical house-church leader Pastor Vo Minh Hung, following an "invitation" by authorities in December 1989 or January 1990 to attend reeducation and interrogation sessions for seven days, was detained without trial in reeducation Camp A-20, Dong Xuan, Phu Yen province, until January of this year. At least three Evangelical Christian religious prisoners -- house-church Pastor R'mah Boi and two others of the Jera tribe -- are reported detained under Directive 135, which calls for the detention of government opponents and supporters of political pluralism.

and so silence its opposition to the regime.

But even clergy or church leaders engaged simply in carrying out their religious duties, particularly those with sizeable or growing popular followings, risk being charged as enemies of the state. In 1987, for example, authorities arrested 22 members of the Congregation of the Mother Co-redemptrix, an indigenous Catholic order, on charges of counter-revolution and terrorism, when in fact their only "crime" was to provide religious education and other social programs for the community. Thirteen members of the order remain imprisoned at this time, including a brother arrested as recently as October 1992.

Another Catholic priest, Father Nguyen Van De, was arrested in October 1987, at My Tho, Tien Giang province, after translating and distributing spiritual literature from abroad. He was tried with Sister Nguyen Thi Ni and nine other Catholics in August 1990 and convicted of "spreading propaganda aimed at falsely portraying Vietnam's religious policy." Initially sentenced to 10 years, Father Nguyen Van De was transferred to house arrest some time after November 1992. The Catholics arrested with him received sentences of between two and 10 years.

Leaders of Vietnam's growing Evangelical Christian house-church movement, whose illegal meetings in homes are construed by Vietnamese as dangerous defiance of the regime's attempts to control religion, have also recently been targeted for arrest. Since 1990, Reverend Phan Quang Thieu and at least eight other house-church leaders have reportedly been charged with "opposition to the policy of the government under the guise of religion," along with "illegal preaching," "pursuing religious practice without permission," and "disturbing the peace." In every case, the "crime" that elicited these charges was organizing and leading unauthorized worship services. Reverend Dinh Thien Tu, a Ho Chi Minh house-church leader with over 2,000 followers, was arrested in 1991 and held for over two years for "propagation of religion under the guise of social work, abusing religious duties, being involved with social work without permission, and political ambition." These charges, in particular that of "political ambition," make clear Vietnam's fundamental intolerance for religious groups' independent beliefs.

### **Punishment of Western Ties**

In the past few years, Vietnam has increasingly presented a conciliatory face to the West, and in particular to the United States. Following the steps outlined in the U.S. "road map" for lifting the trade embargo, Hanoi has participated in efforts to resolve the Cambodian conflict and has cooperated with U.S. attempts to resolve cases of American soldiers still listed as missing in action in Vietnam. Driving this cooperation is Vietnam's moribund economy, which Hanoi hopes to revive with U.S. dollars gained from trade.

Yet even while Vietnam seeks government-to-government ties with Western powers, it is punishing church members who have contacts with or receive aid from private civic or religious groups in the West. Vietnam has felt increasingly isolated since the collapse of Soviet Communism, and its mistrust of groups with links to the West has intensified. This situation has had severe repercussions for Evangelical Christians, whom Hanoi sees as linked to the United States both by the presence of American Evangelical missionaries in Vietnam from early in this century through the Vietnam War, and by ongoing financial support from American Evangelicals. It has had particularly severe repercussions for the Montagnards, the ethnic minorities living in Vietnam's southern and central highlands, among whom American missionaries continued to be active throughout the Vietnam War.

Clergy and religious leaders who eventually do have trials may be kept in prison for years beforehand. Jesuit priests Father Le Thanh Que and Father Joseph Nguyen Cong Doan, arrested in December 1980 for having published their religious beliefs in a religious journal, were held for two and a half years without trial before being sentenced to 15 and 12 years' imprisonment, respectively. (Both were released in 1990, possibly for reasons of ill health; Father Le Thanh Que was known to be suffering from diabetes, high blood pressure, and mental disorders some time before his release.)

### Unfair Trials

The little evidence available indicates that Vietnamese trials fail to conform to internationally accepted standards of fairness. Vietnamese authorities do not consider defendants innocent until proven guilty, and judicial authorities appear in some cases to have prepared verdicts in advance of the trial. During the trial of Buddhist scholars Thich Tue Sy and Thich Tri Sieu, who were arrested in April 1984 and detained in Phang Dang Luu Prison in Ho Chi Minh City for nearly four and a half years before being tried, there was no pretense of impartiality: the government launched a media campaign that denounced the two as "reactionaries under the cloak of Buddhism" who had attempted to "sow doubt and division among the people."

Under Vietnam's 1989 Criminal Procedure Code, legal counsel may be present from the beginning of a prisoner's interrogation. But few prisoners are aware of this right. For religious prisoners and others charged with crimes against national security, moreover, the government appoints lawyers whose role is usually limited to pleading mitigating circumstances. Trials of suspected security criminals are generally closed to the public or open only to a carefully selected audience, and in no known instance have foreign observers been allowed to attend such trials.

### Special Targets of Religious Repression

The government especially seeks to repress those who speak out against Hanoi's abuses of religious freedom or who are unwilling to follow a more accommodationist stance adopted by some high-ranking religious leaders. Catholic priest Father Chan Tin was placed under house arrest in 1990 after he criticized the government's religious policies and urged the Church hierarchy in Vietnam to show greater independence. When Venerable Thich Huyen Quang, the monk who heads Vietnam's Buddhist church, last year issued a document protesting the government's religious policies and other violations of human rights, authorities responded by rounding up and interrogating monks and nuns who had helped to distribute the statement. The Venerable Quang has been under house arrest in his native village since 1982, for Ho Chi Minh City authorities had considered his presence "too dangerous for the safety and well-being of the people." Another Buddhist monk, Thich Khong Tanh, was arrested in October 1992 after he distributed a document protesting the government's attempts to suppress Buddhism; he was charged with "circulating anti-socialist propaganda" and imprisoned.

Buddhist leaders have historically been vocal in their criticism of the government, specifically its efforts to control Buddhism and to curtail human rights. Widening protests by Buddhists since mid-1992, sparked by the government's efforts to organize the funeral of Buddhist Patriarch Thich Don Hau, have resulted in increased repression of Buddhists in recent months. According to a Vietnamese monk living in exile in the United States who maintains close ties with his coreligionists in Vietnam, authorities have arrested over 300 Buddhists since May 1992. Government documents smuggled out of Vietnam suggest that the aim of this crackdown is to undermine the Unified Buddhist Church, the group formed in the South in 1964 to unite Vietnam's various Buddhist sects.

It is among the Montagnards, reports the Evangelical group Voice of the Martyrs, that the house-church movement in Vietnam is today growing most rapidly, and it is they who are feeling most keenly the government's attempts to undermine the house-church leadership. Over half of the names on Puebla's list of imprisoned Evangelicals are members of the Jeh, Jerai, Koho, or other tribes. Pastor A Uot, for example, a member of the Jerai tribe, and Pastor Ya Tiem, a member of the Koho tribe, were both arrested in 1990 and reportedly sentenced administratively to three years' imprisonment for "illegal preaching," "pursuing religious practice without permission," "opposition to the policy of the government under the guise of religion," and "disturbing the peace."

Puebla knows of a number of house-church Christians who have been persecuted because of real or supposed contacts with the U.S. or other Western nations. Pastor Tran Mai was arrested in October 1991 and administratively detained for a year and a half after authorities found documents in his possession indicating that he had received funding from private church groups in the United States. A local People's Committee statement drawn up about Reverend Nguyen Chu, an Evangelical pastor arrested while preaching in May 1990, lists as one indication of his guilt that "the Evangelical Church is led by Americans." Tran Dinh Ai, a house-church pastor arrested in February 1991, was sentenced to three years' administrative detention because he had "illegal" correspondence with Westerners. (Ai was reportedly released in April 1993).

Since 1986, Vietnam has been instituting Western-style economic reforms, including privatization and the introduction of free markets, under the program of *doi moi* or renovation. But no sustained political reforms have accompanied the economic ones. An initial loosening of the press in 1986 was quickly abandoned after papers not only printed the complaints about government corruption anticipated, but also launched what the exiled Vietnamese human rights activist Vo Van Ai termed "a concerted critique of fundamental party politics." Hanoi, Ai believes, clings to the Chinese model of "economic liberalization coupled with political intransigence. Thus, each time it allows a 'loosening up' in the economy, the regime tightens its political grip."

### **Illusory Easing for Catholics**

Government attempts to suppress Catholicism, which has been a presence in Vietnam since the sixteenth century and which was well established in the country by the seventeenth, stem at least in part from the Vatican's anti-Communism. According to the Aurora Foundation, one Communist Party pamphlet refers to the Vatican as "a group based on large-scale exploitation which has always had links with anti-revolutionary and anti-Communist imperialism."

But in the past few years, the Vietnamese Catholic hierarchy has softened its stance in relation to the government, and there have been increasing negotiations between the Vatican and the Vietnamese government. As a result, in 1991 Hanoi allowed the first ordination of a Catholic bishop since 1975 and permitted the Vietnamese bishops to make their first *ad limina* visit to the Pope. Just a year later, however, the government denied Archbishop Francis Xavier Nguyen Van Thuan permission to return from Rome to his Ho Chi Minh City bishopric.

A Catholic source reports that Hanoi recently appears to have indicated a willingness to ease some ongoing violations of Catholics' freedoms, such as preventing priests released from reeducation from serving as priests; preventing priests from studying abroad; and denying priests returning from abroad their civic rights. At a March 16-17, 1993, meeting with the Vietnamese Bishops' Conference, the state-run Committee on Religious Affairs reportedly announced itself ready to ease these restrictions. Another positive development for Catholics, this same source reports, is the establishment

of the National Catholic Migration Commission in March 1993. The Commission, which will help integrate returned refugees into society, is the first Catholic organization whose creation the government has permitted since 1975.

Yet welcome as these developments are, they may represent a one-step-forward-two-steps-backward strategy by the government rather than a genuine easing of repression for Catholics. Puebla knows of 24 Catholic clergy and lay leaders who remain imprisoned or otherwise persecuted for religious reasons in Vietnam. Moreover, government control of clerical appointments and training -- reaffirmed as law in 1991 with the adoption of Decree 69 -- continues to take a heavy toll on Vietnamese Catholicism. Although Hanoi, unlike Beijing, does not name its own government-loyal bishops to leadership positions in the Catholic Church, it has consistently opposed clergy suggested by the Vatican. This insidious strategy has left many Vietnamese dioceses without bishops. Government limits on seminary enrolment, moreover, combined with the arrest or exile of clergy in the last two decades, has created an acute shortage of priests in some parts of the country. In Haiphong, the U.S. State Department reports, 15 priests serve 150,000 Catholics. Finally, the most recent concessions by the government may stem less from a substantive change in policy than from an attempt to appease the Christian West, or -- at a time when Buddhist protests are spreading -- Vietnamese Catholics themselves.

## CONCLUSIONS

China and Vietnam in 1993 may be less doctrinaire in Communist ideology than they once were. They are introducing free markets in an effort to recover from the damage done by years of command economies. But they remain committed to one-party rule and continue to persecute citizens for the peaceful expression of their beliefs. The governments of China and Vietnam see no contradiction in liberalizing the economy while doing whatever is necessary to silence perceived opponents. The trend in both Chinese and Vietnamese policy remains the eradication or control of independent religious belief and activity.

Puebla recommends that the U.S. pursue human rights in China on as many fronts as possible: the U.S. should urge U.S. companies doing business in China to adhere voluntarily to a minimal code of conduct; as the U.S. moves closer to reinstating trade with Vietnam, it should use the opportunity during negotiations to raise prisoner cases with authorities and stress that relations between the two countries would be greatly improved by their release; it should use all available leverage on behalf of those persecuted for religious reasons, and in both bilateral relations and multinational forums should press for the genuine release of religious and other prisoners of conscience; and finally, it should support the efforts of Chinese and Vietnamese democracy and human rights activists, in particular by establishing a Radio Free Asia to broadcast objective news of domestic events into China and Vietnam as a means of showing solidarity with the oppressed and nurturing democratic sentiment.

## NINA HOPE SHEA

- Feb.-Mar. 1993      Appointed by the Clinton Administration to serve as a U.S. delegate to the 49th Session of the UN Commission on Human Rights in Geneva; helped work on resolutions concerning East Timor, Sudan, religious intolerance, and helped coordinate U.S. recommendations for new special rapporteurships.
- 1988 - Present      President of the Puebla Institute (a non-profit, human rights group that defends religious freedom for peoples of all creeds in all parts of the world. Puebla works internationally to stop repression by documenting and publicizing restrictions on religious freedom and other human rights, and by helping to strengthen democratic institutions).
- 1986 - 1988          Washington Director, the Puebla Institute.
- 1979 - 1986          Program Director, International League for Human Rights, New York, NY. (Founded in 1946 by Roger Baldwin, the League is one of the world's oldest rights groups).
- 1979                  Law Clerk for Judge Walter Yeagley, Court of Appeals, District of Columbia.
- 1979                  J.D. from the Washington College of Law, American University; a senior editor of the law review.
- 1976                  Economist, International Trade Division, US Dept. of Labor.
- 1975                  Graduated cum laude, Smith College.

Published in: The New Republic, New York Times, Wall Street Journal, Los Angeles Times, and elsewhere.

**DEMOCRACY-BUILDING & HUMAN RIGHTS ACTIVITIES INCLUDE** (Unless otherwise noted, the following activities prior to Sept. 1986 were performed in the course of carrying out responsibilities with the International League for Human Rights; those after that date relate to work done for the Puebla Institute.)

## NICARAGUA

In Feb. 1993 testified before the House Subcommittee about need to encourage strengthening of democratic institutions through U.S. foreign aid programs. Organized and led bi-partisan "Democracy Commission" to Managua in March 1991 to examine status of democratization one year after free elections (Commission members included Peruvian novelist Mario Vargas Llosa, former U.S. House Speaker Jim Wright, and other democracy experts from throughout the hemisphere); wrote report of the Commission. Helped strengthen Nicaraguan civic group defending civil liberties (Permanent Commission on Human Rights) by organizing award ceremony presided by Senator Bill Bradley in U.S. Senate in 1987; and by administering grant from the National Endowment for Democracy. Led election observer delegation and six fact-finding missions. Wrote rights reports and articles. Briefed Pres. Reagan on human rights in private meeting in 1987.

## EL SALVADOR

Led fact-finding mission for the International League for Human Rights with National Academy of Sciences and its Institute of Medicine. Co-authored 1983 book, Human Rights Report in El Salvador, sponsored

by ACLU and Americas Watch; published by Random House. Testified in Congress, wrote press articles, participated in TV debate programs (1983-87). Spoke at Harvard Law School, 1983.

#### HAITI

Wrote briefing paper on need for democratic institution building at the request of Clinton transition team, November 1992. Testified on need for U.S. aid to strengthen democratic institutions in House of Representatives, Feb. 1992. Administered civic education broadcasting, and a get-out-the-vote campaign on Haiti's Radio Soleil under grant of the National Endowment for Democracy, 1990-1991. Organized election observer mission in 1990 and led two fact-finding missions. Wrote two major human rights reports and numerous articles.

#### CUBA

Directs program of National Endowment for Democracy to support two Cuban human rights groups, 1991-Present. Led delegation of dissident Cuban intellectuals to the United Nations Human Rights Commission in Geneva in 1992, and helped organize historic reception for them, sponsored by Russian Ambassador. Directed writing, editing and publishing of 45-page report on religious persecution, 1991.

#### USSR

Under the auspices of the International League for Human Rights, represented and accompanied the family of Soviet dissident and Nobel Peace Laureate Andrei Sakharov in 1985 to the UN Human Rights Sub-Commission in Geneva to press for the rights of Sakharov when he was being forcibly detained incommunicado in a hospital in Gorky. Edited and published report on religious repression, 1987. Organized award ceremony for long-term prisoner of conscience and Lithuanian priest in the U.S. Senate with participation of Vice President Dan Quayle and Democratic and Republican members of Congress, 1989.

#### CHINA

Directs compilation and publication of listing of imprisoned Catholic and Protestant clergy -- China's oldest independent groups; edits annual 55-page report on status of religious freedom, 1989 - 1993. Has directed Puebla testimony in House and Senate on MFN annually since 1989. Testified before special Presidential commission in support of Radio Free Asia, 1992. Consultant for The Readers' Digest on its Aug. 1991 article, "China's Daring Underground of Faith." Briefed Pres. Bush in a White House meeting on religious imprisonment. Organized Puebla fact-finding mission in 1989, and authored press articles.

#### SUDAN

In May 1993, organized briefings for the Senate Foreign Relations Committee, the State Department and the press with Sudanese Catholic Archbishop Macram Max Gassis, spokesman for the Sudanese Catholic Bishops' Conference, and Dr. Bona Malwal, publisher of The Sudan Democratic Gazette.

#### ORGANIZATION OF AMERICAN STATES

In 1980, prepared and presented the first amicus brief before Inter-American Court on Human Rights in Costa Rica regarding procedure. Testified numerous times before Inter-American Human Rights Commission.

#### UNITED NATIONS

Testified numerous occasions before Commission and Sub-Commission on Human Rights in Geneva, Switzerland, 1981 - 1992.

#### WORLD CONFERENCE ON HUMAN RIGHTS, VIENNA, AUSTRIA, June 1993

Coordinated statement before the Plenary Session, affirming universality of human rights under auspices of the Puebla Institute with the co-sponsorship of over 50 Asian non-governmental organizations.



**WRITTEN STATEMENT OF  
AMNESTY INTERNATIONAL USA  
ON**

**RELIGIOUS INTOLERANCE**

**BEFORE THE HOUSE  
FOREIGN AFFAIRS COMMITTEE'S  
SUBCOMMITTEE ON  
INTERNATIONAL SECURITY,  
INTERNATIONAL ORGANIZATIONS AND  
HUMAN RIGHTS**

**OCTOBER 28, 1993**

## 1. 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.

## II. 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.

### III. CHINA

In China, official control over religious practice intensified in 1991 as new regulations and official directives restricting religious freedom were issued at national and local levels. Many Roman Catholic priests, bishops and lay leaders were arrested in north China, particularly in Hebei province, where scores of Catholics were detained.

Wide-scale arrests of Protestant "house-church" members were also reported in several provinces during the early 1990s, as well as numerous incidents in which religious services were disrupted and Christians harassed, detained for interrogation or fined by police. One such incident occurred in mid-September 1991 in Wench, Shebang province, when police armed with pistols and electric batons, reportedly surrounded 2,000 Christians attending a baptismal service, and violently beat several preachers before taking them away to a detention center. Though the preachers were released soon after, several of them were said to be in poor condition.

In China the arbitrary detention of religious believers is facilitated by the use of laws and regulations which provide for various forms of administrative detention. One such form of administrative detention, known as "shelter and investigation," gives police the authority to detain people for long periods without charge merely on suspicion that they may have committed crimes. Another form, called "re-

education through labor" provides for the detention without charge or trial for up to four years. Detention orders for those subjected to "re-education through labor" are issued outside the judicial process.

Shah Wheiming, a 51 year-old Catholic intellectual from Baoding, Hebei province, was held without charge for "shelter and investigation" following his arrest in Baoding in December 1990. His arrest was part of a crackdown on Catholics loyal to the Vatican carried out in Hebei province at that period. For over a year he was held incommunicado and denied any contact or communication with his family. Eventually, in January 1992, Zhang Weiming was sentenced without trial to two years of "re-education through labor" and moved to a labor camp in Shijiazhuang.

Religious believers in China also suffer torture and ill-treatment while in detention. Zhang Lezhi and seven other members of a Protestant congregation, the New Testament Church, were arrested in September 1992 for their peaceful religious activities. Shortly after his arrest, Zhang Lezhi was assaulted by two police officers with an electric baton. After he was beaten, his legs were manacled with fetters and tied together with a short chain so that Zhang Lezhi had to bend at a 180 degree angle. He remained chained in this painful position for three months without the chains ever being removed.

The scale and intensity of the persecution of Tibetans is the subject of a much larger tragedy than can be conveyed in brief testimony. They have been subjected to torture, killings and imprisonment in the exercise and expression of their faith and their culture. The delicate intertwining of their Buddhist faith and their unique culture has been constantly under assault by the Chinese authorities and military. His Holiness the Dalai Lama seems to embody their profound attempts to demand a non-violent resolution to their plight: as we speak there are Tibetan Buddhist clergy who are prisoners of conscience and, despite torture and harsh prison conditions, they refuse to espouse anything but the way of non-violence.

**RECOMMENDATION:** Amnesty International is concerned that some of the existing administrative laws in China permit the detention of people who merely exercise their fundamental rights to freedom of belief or opinion. Amnesty International urges the Chinese authorities to release all prisoners of conscience held under such provisions.

**RECOMMENDATION:** Amnesty International considers that administrative detention should not be used as a substitute for, and a means of avoiding safeguards of, the criminal justice system as in the case of the system of re-education

through labor. Amnesty urges Chinese authorities to end the system of administrative detention without charge or trial.

**Recommendation:** The United States Government is presently in dialogue with the Chinese authorities concerning human rights issues. This sub-committee should seek to ascertain to what extent the issue of religious persecution is a part of this agenda. In the upcoming meeting between President Clinton and Chinese leaders it is imperative that he raise these concerns.

#### IV. GREECE

In Greece, at any given time some 400 young men are in Greek prisons for exercising their right to object to military service on grounds of religion and conscience. This is true despite the fact that the United Nations Commission on Human Rights, the European Parliament and the Conference on Security and Co-operation in Europe have called on member states who have compulsory military service to introduce alternative civilian service.

Amnesty International considers all conscientious objectors imprisoned in Greece to be prisoners of conscience.

Conscientious objectors are tried in military courts. The majority are sentenced under Article 70b of the Military Penal Code which still carries a possible death sentence, although no such sentence has been passed since 1971. Conscientious objectors face four-year prison sentences for their refusal to perform compulsory military service.

In addition Jehovah's Witness religious ministers have faced discriminatory treatment by the military authorities. Legislation passed in 1988 permits religious ministers of recognized religions to be granted exemption from military service. The military authorities, however, have refused to grant exemption to Jehovah's Witness ministers, arguing that according to the Greek Orthodox Church, they are not religious ministers of a recognized religion.

Until recently virtually all Greek conscientious objectors were Jehovah's Witnesses. However, over the past few years a small but growing number of men who are not Jehovah's Witnesses have declared themselves to be conscientious objectors. At the end of March 1993 more than 50 such men had publicly declared themselves to be conscientious objectors to military service.

**RECOMMENDATION:** Amnesty International urges the Greek Government to comply with international recommendations to introduce alternative civilian service of non-punitive length for conscientious objectors.

**RECOMMENDATION:** Amnesty International calls for the immediate release of all conscientious objectors imprisoned in Greece.

**RECOMMENDATION:** The United States Government should raise the treatment of Jehovah's Witnesses in its bilateral contact with the Greek Government.

## V. IRAQ

Shi'a Muslims represent Iraq's largest group composing an estimated 60 percent of its 14 million population. Despite this numerical supremacy, Shi'a Muslims traditionally have not enjoyed an effective role in government or society. Their fate has been tied to the state of Iraq's relations with its predominantly Shi'a neighbor, Iran. The Islamic Revolution in Iran and the coming to power of Ayatollah Khomeini in February 1979 increased fears in Iraq that these developments would incite its own Shi'a Muslim population to revolt. In the early 1980s, following the outbreak of the Iran-Iraq war, at least 200,000 Iraqi Shi'a Muslims were expelled to Iran on the grounds that they were of Iranian origin.

More recently, in the weeks following the defeat of the Iraqi army in the Gulf War, the Iraqi Government stepped up its efforts to terrorize the Arab Shi'a Muslim population of Iraq's major southern cities and towns and the local population of the southern marshes.

On March 20, 1991 the Grand Ayatollah Abu al-Qassem al-Kho'i, Shi'a Islam's most senior cleric, was taken into custody by Iraqi government forces following an armed raid on his residence. During the following days a total of 108 people, including theology students, aides and staff of the Grand Ayatollah were also detained.

The Grand Ayatollah was effectively placed under house arrest until his death on August 8, 1992. Of the 108 people arrested at the same time, only two have been released. There has been no news about the fate or whereabouts of the other 106 detainees and Amnesty International believes that they have "disappeared" while in custody.

The arrest of the clerics, students, the Grand Ayatollah and members of his family took place in the context of the

brutal suppression by Iraqi forces of the uprising which swept across the country in the weeks following the defeat of the Iraqi army in the Gulf War. The uprising began in March when Arab Shi'a Muslims in southern Iraq rose in revolt against the government. It then spread to the Kurdish towns and cities in northern Iraq the following days. By mid-to-late March government forces had largely succeeded in crushing the uprising in this area. Thousands of people suspected of taking part were arrested, some of whom were subsequently summarily executed, while the fate of others remains unknown.

The Iraqi Government has also taken measures aimed at undermining spiritual and ritual aspects of Shi'a faith and culture. These measures have taken various forms including the destruction or desecration of holy sites or shrines. In Karabala', for example, approximately 80 centers for religious instruction and rites, libraries and mosques were destroyed during and after the 1991 uprising. Despite offers from Shi'a religious institutions and private individuals to bear the costs, the government has so far refused to allow reconstruction of most of these sites.

**RECOMMENDATION:** Amnesty International urges the Government of Iraq to confirm as a matter of urgency that the 106 detainees arrested in March 1991 are alive and in custody. Immediately and unconditionally release any of the detainees held solely for their non-violent religious or political beliefs. Make it clear to all members of the police, military and other security forces that "disappearance" will not be tolerated.

**RECOMMENDATION:** It calls on the United Nations to implement the recommendations of the Special Rapporteur on Iraq and insure that UN human rights monitors are posted in Iraq, particularly in the South where there is serious persecution of the Shi'ite population. The United States Government should recognize that it must fulfil its obligations to help prevent the persecution of the Schistose

## VI. NEPAL

Nepal is the world's only "Hindu Kingdom," so defined in both the 1962 and the 1990 Constitutions. Hindus are in the majority, but animist beliefs and other religions, including Buddhism, Christianity and Islam, are held by significant minorities, and there has been considerable cross-fertilization between some of these faiths. Under the previous, Panchayat constitution and under Nepal's legal code, religious proselytizing was prohibited, as was religious conversion of oneself or others, and scores of Christians, as well as Muslims, were imprisoned for

preaching or practising their faith. Amnesty regarded these people as prisoners of conscience, detained in contravention of rights enshrined in various international human rights instruments. Amnesty welcomed, therefore, the release by the interim government in June 1990 of all people then detained on religious grounds, and the dropping of all pending cases.

However, Amnesty International is concerned that prohibition against religious conversion of others remains in the new constitution (Article 19.1) and in the legal code, and that there is a possibility that in the future this may result in the imprisonment of people solely for the non-violent expression of their religious beliefs, contrary to international human rights standards.

**RECOMMENDATION:** The government of Nepal should consider amending Article 19.1 of the Constitution to ensure that people cannot be imprisoned for the peaceful exercise of their right to freedom of religion. There should be no restriction on religious freedom.

## VII. PAKISTAN

Amnesty International is concerned about reports that members of the minority Ahmadiyya community in Pakistan continue to be charged and sentenced to prison terms solely for the peaceful exercise of their religious beliefs. Changes in the Pakistan Penal Code introduced in recent years make it a criminal offense for Ahmadis to profess, practise and propagate their faith. In the most recent amendment to the Pakistan Penal Code the death penalty had become the mandatory punishment for defiling the name of the Prophet Mohammad. The Ahmadis' reference to the Prophet Mohammad is by orthodox Muslims considered a defiling of his name.

The Ahmadiyya movement was founded in the late nineteenth century by Mirza Ghulam Ahmed, who is regarded as a prophet by Ahmadis. Ahmadis consider themselves to be Muslims but they are regarded by orthodox Muslims as heretical because they call the founder of the movement "The Messiah." This is taken to imply that Mohammad is not the final "seal of the prophets" as orthodox Islam holds, that is the prophet who carried the final message from God to humanity. As a result of these differences, Ahmadis have been subjected to discrimination and persecution in several Islamic countries. They are banned in Saudi Arabia.

There are an estimated 10 million Ahmadis throughout the world with more than three million currently living in Pakistan. The Islamization policy of the last few Pakistani governments was accompanied by a process of introducing legislation which progressively restricted the freedom of



the Ahmadis to practice their faith. The earlier government of Benazir Bhutto, in spite of its promise to restore and respect human rights, did not repeal any of the laws violating the freedom of religion of the Ahmadis.

Amnesty International is seriously concerned that three people, including a 13 year-old-boy, may be sentenced to death in Pakistan. They are currently detained on charges of religious blasphemy, which carries a mandatory death penalty. AI believes the real reason for these charges may relate to the Christian faith of the prisoners.

The offense of blasphemy is classified as non-bailable and detainees must remain in custody until brought to trial, which may take a year or longer. Two others have been sentenced to death so far this year under the same legislation and there are several cases of alleged blasphemy pending. Salamat, the thirteen-year-old, and the two others were arrested after a period of sectarian conflict. Since their arrests their families have reportedly been harassed, attacks have been carried out on a Christian church and demonstrations by the Moslem community demanding executions.

**RECOMMENDATION:** Amnesty International calls on the Pakistani Government to immediately release all Ahmadi prisoners of conscience.

Amnesty urges the Pakistani Government to reconsider Section 295-C of the Pakistan Penal Code and delete the provision that makes the death penalty mandatory for some forms of exercise of the right to freedom of religion, and withdraw all laws punishing the free exercise of religion.

**RECOMMENDATION:** The United States Government should urgently contact Prime Minister Bhutto and ask her to repeal this repressive legislation and release all prisoners of conscience.

#### VIII. SAUDI ARABIA

In Saudi Arabia, where the vast majority of citizens are Sunni Muslims, a clear pattern of discrimination against religious minorities, particularly Christians and Saudi Arabian Shi'a Muslims, has emerged since the Gulf Crisis in August 1990. Hundreds of men, women and children have been arrested and detained, most without charge or trial, solely for the peaceful expression of their religious beliefs. Scores have been subjected to torture, flogging or other cruel, inhuman or degrading treatment while in detention.

While there are other non-Muslim expatriate workers in Saudi Arabia, including Hindus and Buddhists, it is the relatively large community of Christians which has attempted to organize clandestine fellowships and groups for worship and,

as such, have found themselves the target of arrest, detention and torture or ill-treatment at the hands of Saudi Arabia's security and religious authorities.

Furthermore, while Christians of all nationalities are potentially at risk of arrest for practising their religion, Christians from developing countries, especially those from south and east Asia, appear to be at greater risk of arrest and ill-treatment than North American and European Christians. Of the 324 Christian worshippers known to have been arrested in Saudi Arabia since August 1990, most are nationals of Asian countries, one is an Egyptian citizen, two are United Kingdom citizens and two are United States of America citizens.

Saudi Arabia's Shi'a Muslims who constitute an estimated 7 to 10 per cent of the population, have also been subjected to political, economic, social and cultural discrimination solely on the basis of their religious beliefs. Officially sanctioned discrimination against Shi'a Muslims has resulted in the politicization of the expression of their religious beliefs. In other words, the expression of religious beliefs by Shi'a Muslims in Saudi Arabia has in many instances become an act of political dissent. Consequently, they have been arrested, detained and tortured for advocating freedom of religion and thought and equal rights for members of their community. On September 3, 1992 Sadiq 'Abdul-Karim Malallah was public beheaded after being convicted of apostasy and blasphemy.

Saudi Arabia does not have a written penal code. The main source of legislation is the Shari'a (Islamic law) as defined by the Wahabi interpretation of the Hanbali school of Sunni Islamic jurisprudence. The Shari'a is not codified in written statutes and the ultimate authority entrusted with its interpretation in Saudi Arabia is the Council of Senior 'Ulama, the highest religious body in the country which is composed of 18 'Ulama appointed by the King.

The judicial punishments embodied in the Hanbali interpretation of the Shari'a are formally enforced in Saudi Arabia. Public flogging, amputation and beheading are prescribed by the Saudi Arabian legal system as punishments for a variety of crimes. These rulings are applicable to both Muslims and non-Muslims resident in the Kingdom. For example, Muslims convicted of apostasy, i.e. those deemed to have renounced Islam, may be sentenced to death. Other methods used to punish religious minorities in Saudi Arabia include arrest and detention, often without charge or trial; the torture or flogging of detainees and, in cases of expatriates, deportation.

**RECOMMENDATION:** Amnesty International urges the Government of Saudi Arabia to enact legislation to combat religious

intolerance and protect the right to freedom of religion as recognized in key international instruments and amend or repeal legislation which is inconsistent with the guarantees in these instruments. The Government of Saudi Arabia is urged to release immediately all persons who have been detained for the peaceful exercise of their right to freedom of religion.

**RECOMMENDATION:** The United States Government clearly has a special relationship with the Government of Saudi Arabia and we recommend that the issue of serious religious persecution be raised by senior US officials in bilateral contacts and in multilateral fora. The scale of the problem requires action by the United States at the next session of the United Nations Human Rights Commission.

**RECOMMENDATION:** The United States Government should use its special influence to promote a visit by the UN Special Rapporteur on Religious Intolerance to Saudi Arabia.

## IX. SUDAN

In the Sudan nearly three million people are displaced from their homes as a result of the civil war which began in 1983. Gross human rights violations continue to be committed in the continuing armed conflict in southern and western Sudan between the ruling National Salvation Revolution Command Council headed by President Omar Hassan al-Bashir and the armed opposition Sudan People's Liberation Army (SPLA). The displaced are congregated around towns and cities providing food and some security, around feeding centers established by the United Nations and humanitarian organizations and in refugee camps in neighboring countries.

Torture of suspected political opponents has been rife. A pattern of arrests, killings and "disappearances" which became apparent in late 1990, intensified in 1991. The war has now continued for ten years, destroying hundreds of thousands of lives.

Although at root the war is not a religious war, bigots on all sides, Muslims and Christians alike, are exploiting religion, making it a significant factor in the continuing fighting. The imposition of Shari'a (Islamic) law in September 1983 fuelled the conflict, causing many non-Muslims, who comprise at least one-third of the population, to argue that they were henceforth second class citizens in the eyes of the law in their own country.

The current government, which seized power in a military coup on June 30, 1989 and which professes an ideology of militant Islam, has sought to impose its own interpretation of Islam by introducing a new version of Shari'a law in

northern Sudan and by implementing strict codes of public morals. The government states that these measures do not apply in the south, the home areas of the majority of non-Muslims, but, with nearly 1.75 million displaced Southerners in northern Sudan, with Khartoum the center of political power, and some government authorities talking of the war as a jihad (holy war against unbelievers in Islam), few non-Muslims find this reassures them about their position in society.

Since June 30, 1989 the government has sought to suppress any form of independent political activity and to destroy the institutions of civil society in all parts of Sudan. Political parties are banned. The media is entirely dominated by the government. The judiciary, the prisons service, the police force and the army have been purged of anyone suspected of opposition to the ideology of the state. In May 1993, the government even expropriated the holy centers of the three main orders of traditional Islam in Sudan, the Ansar, the Khatmiya and the Ansar Sunna.

**RECOMMENDATION:** Amnesty International urges the international community to support the re-appointment of the Special Rapporteur to the Sudan (charged with investigating and reporting on the human rights situation) and ensure that he be provided with all the support necessary to discharge his mandate thoroughly and effectively.

In addition, the international community of nations should seek additional ways to support those in Sudan attempting to monitor human rights issues on the ground.

Amnesty International calls on both the Sudan Government and the SPLA to allow immediate access by qualified, independent inspectors from internationally recognized humanitarian organizations to all places of custody on a regular basis.

#### **X. UNITED STATES OF AMERICA**

American Indians were granted citizenship of the USA in 1924 but the government continued to ban their right to worship until 1934. In 1978, in an effort to clarify the status of American Indian religious practices, the United States Congress passed a joint resolution, "The American Indian Religious Freedom Act" (PL 95-34). The act explicitly recognized the need to protect American Indian religious freedom, including worship, but it lacked enforcement measures.

In 1987 the US Supreme Court held that prison regulations are valid if they are reasonably related to legitimate prison interests, even when the regulations destroy a religious practice. This ruling had serious implications for American Indian prisoners wishing to engage in religious

practices that required special exceptions, such as pipe ceremonies, sweat lodges and wearing long hair.

For example, American Indian prisoners in Oklahoma filed suit against the state Department of Corrections after a new "grooming code" introduced in February 1986, banned below the collar-length hair, beards and headbands. The author of the suit, Ben Carnes, explained, "To the Native Americans, the growth of hair represents many things that are spiritual, and it is against our beliefs to cut our hair unless we are in mourning." Before the suit was resolved at least ten inmates were placed in disciplinary segregation for refusing to have their hair cut. One prisoner, Joe Gaines (Choctaw), was restrained by guards while his head was forcibly shaved.

On January 7, 1992 a US District Court judge ruled that the Oklahoma Department of Corrections was wrong to force American Indian inmates who wore their hair long for religious reasons to have it cut.

**RECOMMENDATION:** Amnesty International has written to Senator Daniel Inoyue, Chairman of the U.S. Senate Committee on Indian Affairs, and sponsor of the Native American Free Exercise of Religion Act 1993, in support of this proposed legislation. Amnesty International USA's support of NAFERA '93 affirms the right to freedom of worship of all peoples and acknowledges, in particular, the traditional, spiritual worship of Indigenous peoples.

## **XI. VIET NAM**

Under the Constitution of the Socialist Republic of Viet Nam, the rights to freedom of worship and religious practice are guaranteed. However, the Constitution also provides that "no one may misuse religion to violate state laws and policies." Government efforts to regulate religious activities and to "unify" religious groups have resulted in restrictions on the full exercise of these freedoms.

In May 1991 a new decree was passed which applies to all religions practiced in Viet Nam. The new law states that "any act which, posing as religion, attempts to sabotage national independence and go against the state will be punished according to the law." The new law further stipulates that any nominations to religious office in Viet Nam, travel abroad by Vietnamese clerics and visits by representatives of foreign religious organizations to Viet Nam must be approved by the government. It also states that any religious meetings such as regional and national

conferences as well as the opening of religious schools and seminaries require the approval of the government.

This law has been the basis for a recent crackdown on religious activism in Vietnam and resulted in scores of arrests in recent years. The protests by Buddhist clergy who reject the government's insistence on controlling Buddhist organizations have increased in recent years. In May of this year Dao Quang Ho immolated himself : monks apparently claimed he did it to protest official persecution of the Buddhist leadership.

More than 60 percent of the Vietnamese are Buddhists and are represented by an officially recognized body, the Viet Nam Buddhist Church (VBC). Some of the Buddhists who have been under house arrest since 1982, criticized the authorities over alleged persecution, human rights violations and state control over Buddhist institutions. These prisoners also are prisoners of conscience.

Most of the Protestant community in Viet Nam is situated in the south and in the central highlands of Viet Nam where there are reportedly some 200,000 to 300,000 Protestant Christians. In 1991, at least 11 Protestant pastors were reportedly arrested in Ho Chi Minh City and in the central highlands. Some of those arrested have been accused by the authorities of "illegal preaching," "pursuing religious practice without permission," and "opposition to the policy of the government under the guise of religion." Amnesty International believes that they are all prisoners of conscience held for the peaceful expression of their religious beliefs. It does not have accurate figures for the total number of protestant pastors who are currently being held as prisoners of conscience.

In 1983 the Committee for the Solidarity of Vietnamese Catholics was established to control and set guidelines for the activities of the members of the Roman Catholic church in Viet Nam, estimated to number six million. Currently at least 17 Roman Catholic priests and monks are held in detention. Amnesty International believes they are all prisoners of conscience held for the peaceful expression of their religious beliefs.

**RECOMMENDATION:** Amnesty International calls on the Government of Viet Nam to release members of religious organizations that have been detained without charge or trial solely on the basis of the peaceful expression of their religious beliefs.

**RECOMMENDATION:** The US Government has begun to initiate more contact with the Government of Vietnam. We hope that in these contacts lists of prisoners of conscience will be handed to the Vietnamese authorities and that every effort

will be made to secure their release. The US should seek the repeal of legislation in Vietnam that prohibits the free and open expression of religious views and which restricts freedom of association.

## XII. IRAN

Detailed information on human rights violations in the Islamic Republic of Iran remains difficult to gather and verify. Amnesty International has not been allowed access to the country to research or discuss its human rights concerns for more than ten years. However, Amnesty has interviewed many former political prisoners who suffered physical and psychological torture and continues to receive reports from a variety of sources that indicate continued religious intolerance and persecution.

Several former prisoners interviewed by Amnesty International described how they survived the massacre of political prisoners in 1988. A group of prisoners found out about the fate of some of their companions when through a window they caught sight of a pile of plastic sandals the prisoners had worn lying in the courtyard. Prisoners held at that time have recounted how they were interviewed by a panel of clerics regarding their religious beliefs and their performance of prayers, apparently after a fatwa was issued sanctioning the execution of those who failed to fulfill their religious obligations.

After the first mass executions took place in Ghoardasht, prisoners in one block were able to communicate messages to other prisoners about the interviews, the identity of the panel members, the questions asked and the executions, through a series of morse signals communicated at great risk using the electric light switches. Another prisoner interviewed by Amnesty International said that he owed his life to those warning signals.

Some women political prisoners who refused to perform their prayers in 1988 were subjected to five lashes every pray-time (i.e. 25 lashes a day); they were told this would continue until they died or agreed to pray. One former female prisoner told Amnesty International: "We were aware of the massacre of the men prisoners and assumed that the Mohajhedin women prisoners had also been executed...We thought at the time that we were in a world of death. There was no contact with the world of the living."

Reports of people executed because of their religious or ethnic backgrounds have continued to reach Amnesty. In December 1990 a Christian pastor, the Reverend Hossein Soodmand, was executed in Mashhad apparently on charges of apostasy. He had converted to Christianity more than 20 years ago.

Members of the Baha'i faith continue to be persecuted. There has been a persistent pattern of grave violations against the Baha'i community: executions spanning over a decade of Baha'is because of their faith, and legislation that has excluded them from full participation in society. Iranian Baha'is are classified as "unprotected infidels" who have almost no civil rights as so defined. A recent news report (AFP) indicated that on October 24 the Iranian parliament banned membership in religious cults and freemasonry groups and other repressive measures which may increase the isolation and threat to this community which ironically promotes religious tolerance as a fundamental tenet.

Bahman Samandari, a businessman and member of a prominent Baha'i family, was reportedly summarily executed in secret in Evin Prison on March 18, 1992 after he had been summoned there to sign some documents. Amnesty International believes that Bahman Samandari was a prisoner of conscience. There have been no executions of Baha'is since then that Amnesty International is aware of.

**Recommendation:** Every effort should be made through United Nations bodies to demand an end to religious persecution in Iran.

The United States Government should raise this concern with Iran's allies and its trading partners.

### XIII. CONCLUSION

Religious persecution is widespread in many countries and this testimony has not attempted to be comprehensive. But the plight globally of indigenous people which reflects massive ignorance on the part of the developed world about the profound spiritual heritage and traditions of many indigenous groups must be noted. There is an appalling lack of understanding of the spiritual relationship of these peoples to their land and the special sacredness of certain sites. This has given rise to unspeakable levels of brutality committed against indigenous people in Guatemala and other Latin American countries and in many other parts of the world. In this The Year Of Indigenous People I would hope that the US Congress would pass the International Indigenous Peoples Protection Act and that US missions abroad would take a more active interest in this issue and aggressively raise violations against indigenous people with offending governments.



There are so many countries in the world where inter-religious hostility boils over in to rioting and killing which governments have been found to have done little to try to prevent. There are equally a number of situations where the complex and volatile mixture of religion and other political interests, issues of self-determination or demands for independence result in massive violations: Bosnia and Kashmir are examples of this. Such is the case regarding certain Islamic groups in North Africa and elsewhere who are deemed a political threat to the current regimes. There are also numerous examples of people acting, from religiously inspired convictions, to defend minorities, indigenous people, or other vulnerable groups who are killed or tortured by government forces or related death squads. We have not been able to cover these areas in our testimony but they deserve attention.

**Recommendation:** It is imperative that the United States work to ensure that the United Nations Special Rapporteur on Religious Intolerance be given adequate resources to carry out his work effectively. Currently, the work of this and other UN Rapporteurs is seriously underfunded. Finally, the United States should have as part of its lobbying strategy at the General Assembly and at the Human Rights Commission a plan to make it clear that governments, such as described in this testimony, are pressured to invite the Special Rapporteur to conduct on-site visits.

## JAMES O'DEA

James O'Dea is presently Director of the Washington office of Amnesty International USA. In this capacity, he coordinates efforts to involve the United States government in human rights work pertaining to Amnesty International's mandate. He also represents Amnesty's concerns to the representatives of foreign governments who visit or reside in Washington.

He meets regularly with Administration officials at the Department of State and the National Security Council and Members of Congress and their staff to raise Amnesty's concerns. He also meets regularly with both US and foreign ambassadors on specific country issues. He oversees the work of the Washington Office whose staff energetically lobby the US and foreign governments on a range of critical human rights concerns.

Previous to this position, Mr. O'Dea was the Director of the Mid-Atlantic Regional Office of Amnesty International USA. He was also formerly the Acting Director of the Northeast Regional Office located in Boston, Massachusetts.

Before coming to Amnesty International, Mr. O'Dea spent seven years in the Middle East in a variety of capacities. He was a teacher in Izmir, Turkey and later Senior Administrator of the Tarsus American School in Turkey during 1976-1981. During that period he witnessed the civil strife that led to a military coup in 1980.

Mr. O'Dea co-founded and directed the Ecumenical Travel Office for the Middle East Council of Churches in Beirut which served to introduce Western people to the peoples of the Middle East and their various struggles for peace and dignity. He was in Beirut in 1982-1983 during the war and the subsequent communal fighting.

In 1984, Mr. O'Dea returned to Turkey to pursue community development work with the Suryani in the mountainous plateau of Southeast Turkey.

Mr. O'Dea was born in Ireland and attended high school and college in England. He holds a Masters degree in International Administration from the School for International Training in Brattleboro, Vermont. He lives in Burke, Virginia with his wife Kathleen and their three sons.

**The Reverend Keith R. Roderick**  
**Secretary General**  
of  
**The Coalition for the Defense of Human Rights in Islamic Countries**

My name is Fr. Keith Roderick. I am the Secretary General of the Coalition for the Defense of Human Rights in Islamic Countries. The Coalition consists of over 30 human rights and ethnic national organizations who, in response to escalating oppression, violence, and in some instances, genocide, perpetrated against Christian minorities in Islamic countries, are working cooperatively to defend human rights and advocate the principles proclaimed in the Universal Declaration of Human Rights, articulated in the International Covenant on Civil and Political rights, and expressed in the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief.

The testimony that I am presenting on behalf of the coalition is the product of their diligent monitoring of events and policies in many countries. I will summarize for you five specific problem areas for non-Muslim minorities, give examples, focusing on the countries of Egypt, Pakistan and Sudan, and then offer for your consideration recommendations on how our government can assist in lessening the problem.

From Mauritania to East Timor non-Muslim minorities, primarily Christians, have begun to suffer increased social coercion, intolerance and violence at the hands of Islamists whose goal is to establish theocratic regimes based upon the *Shari'a* (Islamic religious law). The application of *Shari'a* as the supreme law of the land and its imposition on non-Muslims not only poses particular problems for religious freedom, it produces a condition of apartheid based on conscience. The concept of *dhimmis* (tolerated minority) as it is related to *Shari'a* and extended to the social policy of Islamic countries does not protect the fundamental human rights of religious minorities, but justifies discrimination and segregates them into a powerless class with no inviolable rights outside the right to remain in the country and to teach the faith within their family.

There are five problem areas which contribute to this condition of religious apartheid. Examples are drawn from the countries with the largest Christian populations, Egypt, Sudan, and Pakistan. The dynamics of these problem areas are consistent with the condition that non-Muslim minorities suffer in other countries where there is an active movement towards implementation of policies based on *Shari'a* where those movements are tolerated. The problems

posed by the fundamentalist regimes of Saudi Arabia and Iran are covered fully by the testimony of other panel members.

### Problems related to Apostasy Laws

Muslims who convert to other faiths face legal problems and social pressure. The legal problems include the following:

1) It is impossible to officially change one's religious status on identity papers. An Islamic name can not be changed to a Christian one to reflect one's new status. The existence of a policy of registering individuals by religion can be and is used by governments to discriminate in a number of areas including employment and travel. Refusal to legally recognize a person's change in religious status puts the person into an untenable condition of being a "non-person."

2) A female *apostate* (someone who has chosen to leave Islam and embrace another religion) is prohibited from marrying a Non-Muslim man. On the level of social relationships one is always identified as Muslim by his/her legal identity.

3) Children born to the marriage of two apostates are legally considered Muslim. In some countries of the Middle East family law permit the state of any marriage to be challenged on religious grounds by a third party. The integrity of the family of those considered apostate is uncertain.

4) Summary arrests of apostates and intimidation through social violence are in contravention of the International Covenant of Civil and Political Rights, Article 18.

In the Middle East, only Lebanon and Turkey are the exceptions to the prohibition against changing one's legal status to reflect one's change in religion. On October 13, 1992, Pakistan's government adopted this practice. The identification is necessary to apply for a driver's license, voter registration, to buy or will property, to apply for a government job, to open a bank account and to have one's case filed in civil court. Only at the last minute and after the cards had been printed did the government reverse itself. Internal pressure from the Christian minority contributed to the decision. The new administration of Mrs. Bhutto appears unlikely to advocate the implementation of this law. In Egypt, a memo issued by the director of the Egyptian Military Intelligence Service in response to an application for travel abroad, stated: *"Inasmuch as he is an apostate from the sublime Islamic Law, he has no civil rights whatsoever before the government with all its regulatory agencies. In view of the preceding, ...it is not permitted for him to travel abroad."*

The Alexandrian Court of Personal Statutes on 26 June 1972 established a precedent in Egypt deciding that Christians can marry according to the personal statutes of their own confession, as long as this does not threaten public order. But, in regards to the marriage of converts from Islam to Christianity Islamic law must be applied because conversion is a matter of public order. Apostates, because their new religious status is never recognized legally, are subject to Islamic family law rather than Christian family statutes.

During the last seven years, the government of Egypt has become progressively more aggressive towards Christian converts. Christian converts have been summarily detained under the Emergency Powers addenda 98w to the Criminal Code, Law 98 of 1982. In most cases torture within the first 72 hours of detention was applied to the prisoners. Many of the cases of the detention of apostates were a result of investigations initiated by the office of the Minister of Interior. Within the Ministry of the Interior there exists a hierarchy of security persons who have great control over the Prosecutor's Office. Under the Director of the General Security Police, there is a religious section. Under the Religious Section Director of All Egypt there is a director for each regional governmental division. The Director of Cairo has under his office two staff persons responsible for monitoring activities of Christians. Their office is in the La Zougli Interior Ministry Office Building where initial interrogation and torture normally takes place. The religious section often take an active role in the deliberation of the justice process. One prisoner said that he observed the Prosecutor writing out the official complaint and seeing it torn up by the Security Police officer present who found it unacceptable and forced the Prosecutor to rewrite to his instructions.

The Egyptian Organization for Human Rights called the testimony this past June of Sheik Muhamad El-Ghazali, a prominent Islamic leader, which stated that "any person or group of people who kill an apostate should not be liable for punishment," an invitation to murder. Only Iran and Saudi Arabia impose the full penalty for apostasy. In other countries retribution may also be imposed most severely by extended family.

#### **Problems related to Blasphemy Laws**

Blasphemy laws (laws prohibiting derogatory remarks against the Prophet Mohammed and Koran) are a threat to freedom of expression and conscience. The problems include:

- 1) Arbitrary accusations of blasphemy allow exploitation and intimidation of non-Muslim minorities. Arrests, detention and, in some cases, the death penalty may be imposed by courts on the mere testimony of one witness. In Pakistan a 10 year old boy is awaiting trial on charges of blasphemy.

2) The existence of blasphemy laws create a condition of insecurity for non-Muslims who do not enjoy the same criteria of justice as Muslims. A climate of hate exacerbates the insecurity because anyone can accuse one at any time with little or no evidence or witnesses. Every non-Muslim lives under constant fear-of being accused falsely.

Pakistan has required the death penalty for Blasphemy since 1991 under its Penal Code, Section 295-C. Saudi Arabia has beheaded a number of citizens under similar charges and sentenced foreign workers under these charges. The presence of the law in Pakistan has encouraged Islamists to take the law into their own hands commit acts of violence against victims of rumor. In Malaysia, the use of certain words in public texts is prohibited. The law makes it illegal for some non-Muslim books to be published and owned by its citizens.

### Problems related to Laws of Inequality

A number of laws have been enacted and policies followed which create a substantial inequality between Muslims and non-Muslims in Islamic countries. Specific examples of these kinds of laws which are based on Shari'a are:

1) Laws of evidence which prohibit non-Muslim advocates in Shari'a Court. In some cases women and non-Muslims are not admissible as witnesses.

2) Policies and laws which insure inequality in government representation and employment discrimination of non-Muslims.

3) Policies which prohibit or strictly control non-Muslim places of worship are a detriment to the free expression of religion and create difficulties not faced by the Muslim population.

The 1992 State Department Report on Human Rights in Egypt notes that the government sponsors discriminatory practices which include deliberate under-representation of the size of the Coptic population. There are no Coptic Christians in the higher echelons of government. It has been reported that few of Coptic college graduates receive employment in the professions for which they have trained.

In Pakistan, the 24 million non-Muslims are still restricted to 1/5 of the number of National Assembly seats that they are entitled to by law. The Law on Separate Electorates

incorporated into the constitution in 1985 discriminates against minorities and violates the International Covenant on Civil and Political Rights.

The ability to construct and maintain public places of worship vary from country to country. In Saudi Arabia and Qatar church buildings are not allowed. The Muttawa suppress worship in informal settings and private apartments. In Egypt construction and maintenance of church property is tightly controlled under the Hamayouni Decree of the Ottoman law of 1856 as amended by Egypt's Ministry of Interior in 1934. All petitions by Christians for any form of building, rebuilding repair or renovation of church buildings must be submitted to the Egyptian President through the Ministry of Interior. In addition to the Presidential Decree, approval is also required from the relevant local authority and the State Security Bureau. The total number of permits granted from 1981-1990 were 35. Since President Mubarak took office 8 churches have been closed for noncompliance to building regulations, 4 permits were denied and another 5 are pending after up to thirty years since application was made. In contrast, 80,000 mosques were opened since 1981. Even adding restrooms or repair of a roof are subject to permit approval.

### Problems related to Ethnic Cleansing and Violence

The radical supporters of Islamisation increasingly view Christians as the main barrier to the accomplishment of their goals.

1) A brutal process of Islamisation is taking place in Sudan against the non-Muslim minorities of South Sudan. The goal is to absorb the non-Muslim South Sudan into the Muslim North

Upwards of 1 million non-Muslim people have been displaced by fighting in the south. The displacement camps of Jebel Awelia, Dar Al-Salaam and Souq Libya are considered to be no less than concentration camps in the desert. The relief agency Da'wa Al-Islamiyya, the largest Islamic relief agency, requires non-Muslims to convert to Islam in order to qualify for food.

During the summer of 1992 the Nuba people were targeted for forcible removal and relocation. The Mujahideen, Amn Dakhil (Internal Security) and Amn Thawra (Revolutionary Security) continue to follow a policy of unlawful detention, torture and assassination of Nubian leaders.

At least 2,000 people from the Juba area were interrogated in *ghost houses*, places where victims are taken for questioning and have suffered such tortures as electric

shock, drowning, and "ironing" (the application of hot irons to the body causing the skin to peel off) during the Summer of 1992. During the earlier part of this year there were wide reports of crucifixions of Christian men in the Nuba Mountains.

In Egypt, Coptic Christians provided the largest single group of victims of assassination, 66% by Al-Gama'a Al-Islamiya (radical Islamists). Just last week, a doctor was assassinated and two pharmacists were wounded in Dairout. Two weeks ago, 3 priests, 2 laymen and the bishop in Maufalout had their car forced off the road into the Ibhamaya Canal by Islamic terrorists. Everyone, except the bishop, were killed.

2) In other areas of the Middle East the expatriation of the Christian minority is promoted as a form of ethnic cleansing. Ahmad Doudar, writing in the Beruit Times in September, echoed the sentiment of many Islamists when he called the exodus of Christians from the region, "a form of bloodless ethnic cleansing, weeding away the poor minded." The expatriation of the Christian minority is viewed by many Islamists as one half of the Islamic final solution, the other half, the elimination of Israel.

3) The climate of discrimination and persecution has forced the departure of a disproportionate number of Christians from countries where the process of Islamisation has made them vulnerable and disfranchised. These refugees include not only converts to Christianity, but also ethnic national groups such as the Assyrian Christians fleeing Iraq. Lebanese Christians, a very large ethnic national group are coming under increased pressure by Islamists who advocate a fundamentalist region bordering Israel. The growing number of refugees from religious persecution has created the need for the United Nations High Commissioner for Refugees and our own consulates to adopt an appreciation for difficult plight that this group faces. Concluding that religious conversion is not grounds for granting refugee or asylum status fails to recognize the religious-political context in which the converts find themselves. Religious conversion in the Middle East is not merely a matter of personal conscience, it is a decision that has legal and political consequences.

4) A significant number of Christian applicants for U.S. Visas in Muslim countries report being refused before the application reaches the proper office. They fear that nationals employed in clerical staff positions in the U. S. consulates are discriminating against Christian applicants.



## Conclusions

The suffering of Christians in the face of a growing Islamic militancy can only be exacerbated by the continued indifference of the international community. Many of the countries which either have institutional discrimination or permit campaigns of hate and intolerance receive large amounts of foreign aid from our government. In not requiring accountability of these countries for their abuse of universally accepted standards of human rights, the United States gives tacit permission for it to continue. Foreign policy must not only be expedient, it must be moral. The following recommendations are offered:

- 1) The problems outlined in this report contribute to a condition for non-Muslim minorities of religious apartheid. Our political and economic relations with the countries where an advanced process of Islamisation is occurring to the detriment on non-Muslim minorities should be defined using the same or similar criteria as used to define our relationship with countries practicing ethnic cleansing or racial apartheid.
- 2) Our government may not have the power to change the laws of Islamic countries, however we can express the standards that we expect as necessary for normal relations. The following would greatly foster an in environment where one's freedom of conscience is respected:
  - The elimination of the inclusion of one's religious orientation on legal identity papers.
  - The reversal of inequality laws.
- 3) Countries that adopt extreme laws such as the Blasphemy law in Pakistan create a condition of constant terror and intimidation. These nations should be liable through economic sanctions for nurturing religious based hatred.
- 4) Nationals hired as clerical staff in consulates should be monitored to insure that they are not interfering in the visa process and discriminating against people on the basis of their religion, race or ethnic group. Non-Muslims should be included in the staff of nationals employed in our embassies in a representative number proportionate to their numbers in society. And impartial surveys should be conducted to determine whether the same proportion of non-Muslim applicants are granted visas as Muslim applicants. At the very least, our staff persons in these embassies should be sensitized to the urgency that those who have been victims of persecution feel to find security.

5) The basic human right of religious freedom can only be enhanced by the initiation of an instrument of dialogue and monitoring human rights in the countries of the Middle East as part of the ongoing process of establishing peace. A successful model is the CSCE. The Coalition would support any action by Congress to advance such an instrument for the Middle East. The

6) We urge our government to draw into the next level of peace talks representatives from the non-Muslim national ethnic groups, such as, the Lebanese Christians, Assyrians, Copts, and South Sudanese. The concerns of these groups for their cultural, religious and political self-determination is a necessary part of the equation for establishing a truly just peace.

I have attempted to summarize and build a framework for understanding the difficulties that non-Muslims face in regards to preserving a sense of religious freedom. The real contribution that can be made to advance the basic human rights of religious liberty is to begin to understand the personal cost of conscience for the individuals who suffer persecution and face the burden of the problems outlined in this presentation. They are not mere statistics or case studies. They are people trapped between a society that marginalizes and sometimes brutalizes them, and, an apparently indifferent world. Their dilemma is not just an inter-religious problem, it is a profoundly human problem that begs our attention and compassion.

#### **Biographical Summary:**

Fr Keith Roderick, 40, is an Anglican priest in the Episcopal Church, Diocese of Quincy. He serves as Vicar of St. George's Episcopal Church, Dean of Quincy, Chaplain to Western Illinois University. He teaches Philosophy and World Religion at Spoon River College.

He is the General Director of the Society of St. Stephen, Co-Director of the National Interreligious Task Force, and Secretary General of the Coalition for the Defense of Human Rights in Islamic Countries.

He is married to MaryBeth Roderick and has 5 children. He resides in Macomb, Illinois.

**After Euphoria:  
Emerging Challenges for Religious Liberty in Europe**

Testimony Before

The House Committee on Foreign Affairs  
Subcommittee on International Security,  
International Organizations and Human Rights

October 28, 1993

By

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After Euphoria:  
Emerging Challenges for Religious Liberty in Europe

--W. Cole Durham, Jr.

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After Euphoria:  
Emerging Challenges for Religious Liberty in Europe

--W. Cole Durham, Jr.\*

I. Introduction

One of the recurrently forgotten stories of the Christian tradition is recorded in the fifth chapter of Acts in the New Testament. Peter and the other apostles had been called before the high priest and the Sanhedrin because they insisted on proclaiming their beliefs, despite being commanded not to do so. Some of the Jewish leaders "took counsel to slay them."<sup>1</sup> But the wise Gamaliel, a "doctor of the law," advised caution. "Refrain from these men," he said, "and let them alone: for if this counsel or this work be of men, it will come to nought: But if it be of God, ye cannot overthrow it; lest haply ye be found even to fight against God."<sup>2</sup> The proceedings that followed were not exactly a model for religious liberty. The apostles were beaten and "commanded that they should not speak in the name of Jesus."<sup>3</sup> But they were in fact allowed to go about building up their new faith.

One of the greatest achievements of the past two centuries has been the anchoring of the wisdom of Gamaliel in international and constitutional norms throughout much of the world. Over the course of the two centuries that have intervened since the founding of our Republic, ideals of religious liberty that were first enshrined in the First Amendment have increasingly become part of the common heritage of all human beings. The collapse of communism, triggered by events that occurred almost exactly four years ago, brought with it a deep sense of euphoria—a hope that the constellation of rights and freedoms we have long enjoyed could be shared by

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<sup>1</sup> Acts 5:33.

<sup>2</sup> Acts 5:38-39.

<sup>3</sup> Acts 5:40.

the peoples of the former communist bloc, and that this tide in human events would ultimately lead to a broadening and deepening of human rights, including religious liberty, throughout the world. Unfortunately, as time passes, there is increasing evidence that the hopes of the initial period of euphoria may go unfulfilled. This is particularly true with respect to that aspect of religious liberty most central to the Gamaliel account: the right to discuss one's religious beliefs with others.

There are many reasons for this. Economic travail, rising crime rates, political uncertainties, and in many areas, outright warfare, are undermining the basis for stable societies in which religious liberty can flourish. Ethnic tension and rising tides of nationalism exploit and exacerbate religious differences. Religious organizations that played a vital role in the events of 1989 now seek to consolidate their positions in the building of new social orders, without always being adequately sensitive to the rights of other religious groups. At the same time, increased openness has led to vastly increased cultural interchange, which is experienced in some quarters as unwanted cultural invasion. Instability and poverty throughout the former communist bloc is contributing to massive new immigration and refugee problems. In many countries, there is a mood of restoration that seeks to turn back the clock to the period before the communist takeover. Leaders who would never think of pressing for a restoration to the technological niveau of a the pre-communist era call for precisely that in the religious sector, overlooking the fact that vast strides have been made in religious freedom as well. All of these factors combine to darken the prospects for religious liberty in Europe.

Yet a vital window of opportunity remains open to solidify important gains in the area of religious liberty. This window of opportunity is open not only because of the events in the former communist bloc, but also, interestingly, because at least some predominantly Muslim countries are recognizing religious liberty values as an aid to dealing with rising problems of Islamic fundamentalism. I believe what we are seeing in Europe is not, or at least need not turn out to be, an abandonment of new hopes for freedom born in the initial euphoria of 1989. Rather, we are seeing countries gradually coming to terms with the sometimes painful complexities of religious differences. These problems can sometimes seem daunting, but in the last analysis, principles of religious liberty provide a better and deeper solution to problems of social difference and disintegration than any alternative arrangement.

In this area, as in so many others, there is a great need for increased "technical assistance" to facilitate the transformation to more open and free societies. But such assistance must be particularly sensitive in the religious liberty domain, because there are greater risks here than in business, financial or technological areas that recommendations will be perceived as a disguised form of cultural imperialism. It is important for Americans to understand that there is a range of church-state configurations in modern societies that have proved to be compatible with religious liberty. We too readily assume that the particular scheme of church-state separation that has evolved under our Establishment Clause is the only, or at least the premier method for maximizing religious

freedom. As I have argued in a paper that I am submitting as an attachment to my testimony,<sup>4</sup> possible church-state arrangements constitute a continuum, ranging from absolute theocracy through established churches exercising various degrees of toleration, endorsed churches, cooperationist regimes, accommodationist systems, various forms of separationism, regimes that are hostile to religion, and regimes that are rigorously anti-religious to the point of engaging in overt prosecution. As the diagram in Figure 1 suggests, it is the ends of this continuum that correlate with lack of religious freedom. We now have substantial historical experience that demonstrates that high levels of religious liberty can be actualized within a broad range of regimes of the more moderate, intermediate types. Within any particular culture, different church-state configurations may be optimal, and in open societies, there is likely to be healthy dialogue and disagreement on such issues.

My hope is that in the days ahead, we as Americans and as human beings can find sensitive ways to contribute to processes that will expand and more firmly anchor the principles of religious liberty throughout the world. In my testimony today, I will focus on a number of representative developments. My aim is not to provide a comprehensive catalogue of problems. These are legion, and no country or religious tradition is without problems. Rather, I want to describe some of the more significant developments as case studies, and then to suggest possible actions that can be taken to strengthen religious liberty throughout the world.

## II. Russian Legislation on Freedom of Conscience and Religious Associations

On July 14, 1993, the Supreme Soviet passed the Law of the Russian Federation on Changes and Additions to the RSFSR Law on "Freedom of Religion" (hereinafter the "1993 Amended Law") by a 166-1 vote.<sup>5</sup> This measure was subsequently vetoed (returned to the Supreme Soviet with requests for revisions) by President Yeltsin on August 4, 1993.<sup>6</sup> In response, the Supreme Soviet drafted additional revisions of the law during August (the "August Revisions") in an effort to address some of the difficulties Yeltsin noted. (For convenience, the 1993 Amended Law and the August Revisions are referred to collectively as the "1993 Legislation.") The August Revisions made some improvements in the law, but left substantial difficulties unresolved.

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<sup>4</sup> W. Cole Durham, Jr., *A Comparative Framework for Analyzing Religious Liberty* (1993).

<sup>5</sup> James Rupert, *The Battle for Russian Souls: Orthodox Church Fears It Is Losing Ground to Slick Style of Evangelists*, *The Toronto Star*, July 27, 1993, Final Edition, p. A13. A copy of the 1993 Amended Law is attached as Appendix A.

<sup>6</sup> Gustav Spohn, *Missionary Law Rejected by Yeltsin*, *Chicago Tribune*, August 6, 1993, North Sports Final Edition, p. 7.

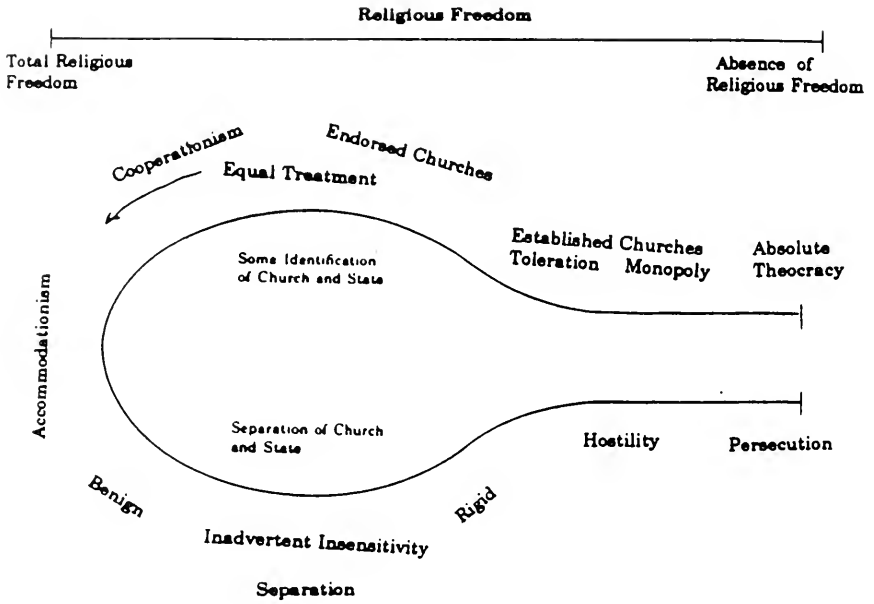


Figure 1



Passage of the law triggered an outpouring of opposition in Russia and throughout the world.<sup>7</sup> Yeltsin's dissolution of the Supreme Soviet has mooted the issue for now, but pressure from the Russian Orthodox Church and from the Islamic community in Russia makes it likely that similar issues could recur in the future. In an interview published in a leading newspaper in August, Fr. Vyacheslav Polosin (the Chairman of the legislative committee that drafted the 1993 Legislation) claimed that "The Patriarch [of the Russian Orthodox Church] has simply presented . . . [Yeltsin] with an ultimatum: if he does not sign the law, the ROC will go into opposition."<sup>8</sup> There is some question about whether Patriarch Alexi actually made this statement, inasmuch as it is out of character both for him personally and in terms of general Patriarchate policies of remaining non-political. But there can be little doubt that the Russian Orthodox Church is a powerful political constituency that Yeltsin can ill afford to affront. It is no accident that it was the Patriarch that attempted to mediate the conflict between Yeltsin and the hardliners in the Supreme Soviet in the days prior to dissolution on September 21. In short, the issues raised by the 1993 Legislation deserve careful ongoing consideration, although any legislation passed by a new legislative body after elections is likely to be more sensitive to human rights concerns.

The 1993 Legislation contained grave affronts to fundamental human rights in the areas of freedom of religion, freedom of expression, and equal treatment. Moreover, there were significant points at which the Legislation represented a substantial weakening of religious liberty protections previously adopted and implemented in Russia. Many provisions were ambiguous or vague, and opened up substantial possibilities for abuse of discretion on the part of government officials administering the law. The August Revisions softened some of the most problematic provisions, such as the outright ban on foreign proselyting, but gave the Ministry of Justice, the police, and other local authorities substantial discretion that could be exercised in ways that would impermissibly burden rights of freedom of religion and expression guaranteed both by the international human rights instruments that bind Russia and by the current Russian Constitution.

#### A. Background of the 1993 Legislation

On October 9, 1990, the former Union of Soviet Socialist Republics adopted a Law on Freedom of Conscience and Religious Organizations (the "USSR Law"). At the time of its adoption, prior to the subsequent dissolution of the former USSR, this legislation constituted major progress in the field of religious liberty within the USSR, although it contained a number of serious flaws. Later that same year, on December 25, 1990, the Supreme Soviet of Russia passed the Law of the Russian Soviet Federative Socialist Republic on Freedom of Religion (the "1990 Russian Law"). Although adopted at a time when Russia was still a subordinate republic within the USSR, this law

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<sup>7</sup> For representative letters, see Appendix B.

<sup>8</sup> "Svoboda i sovest zakona," *Moskovski komsomolets*, August 18, 1993, p. 2.

has been characterized as "one of the more progressive and democratic laws of the Russian Federation."<sup>9</sup> Its enactment was preceded by wide discussion of the draft legislation in the mass media and contributed in significant ways to the liberation of Russian society in the area of religious liberty.<sup>10</sup> A week after the new legislation was adopted, on January 1, 1991, the Russian government formally abolished the Council for Religious Affairs, which had been a source of religious oppression during the Soviet regime.<sup>11</sup>

Pressures for restricting the scope of religious liberty established by the USSR Law and the 1990 Russian Law began to emerge during the fall of 1992. In November, the head of the Russian Orthodox Church, Patriarch Alexei, wrote to Khasbulatov, Chairman of the Russian Parliament, suggesting that "rich foreign religious organizations" not be allowed to register for five to seven years,<sup>12</sup> but this idea was apparently not pursued. Proposals for amendments and additions to the 1990 law were first put to the Presidium of the Supreme Soviet of post-coup Russia on November 10, 1992 (the "1992 Draft").<sup>13</sup> Reactions to these proposals received over the next several weeks were highly critical. On December 25, 1992, the Supreme Soviet's Committee on Freedom of Conscience, Religion, Mercy and Charity (the "Committee on Freedom of Conscience") held an open meeting with the heads and representatives of religious denominations. While only 40 of the 200 denominations registered with the Department of Justice attended, most major denominations were represented.<sup>14</sup> At that time, it was proposed that a working group be established to revise the law. Mr. Sibintsov, a former union deputy who had headed a similar working group that helped develop the USSR Law, was asked to head this new working group. Father Polosin, an Orthodox Priest who chaired the Committee on Freedom of Conscience and Belief and was a primary architect of the recently proposed changes, described the activities of this working group as follows:

In this group there were all in all 5 lawyers. Sibintsov himself could be called an expert on religion. And from the very beginning there were 5

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<sup>9</sup> Anatoly Pchelintsev, Press Conference by RF Protestant Religious Representatives, Official Kremlin Int'l News Broadcast (Copyright 1993 Federal Information Systems Corporation)[hereinafter the "Protestant Press Conference"].

<sup>10</sup> *Id.*

<sup>11</sup> Religion and Law in Russia—A Timeline, 1 East-West Church & Ministry Report 4 (1993).

<sup>12</sup> Religion and Law in Russia—A Timeline, 1 East-West Church & Ministry Report 4 (1993).

<sup>13</sup> Vyacheslav Polosin, Press Conference of Vyacheslav Polosin, Chairman of the Supreme Soviet Committee on Freedom of Conscience and Religion (Russian American Press and Information Center, July 19, 1993, Official Kremlin International News Broadcast (Copyright 1993 Federal Information Systems Corporation)[hereinafter "Polosin Press Conference"].

<sup>14</sup> *Id.*

representatives of confessions who were personally invited but other people attended too with varying degree[s] of regularity. The group had worked from January to May, that is about 5 months, weekly and in some cases 2 and 3 times a week. It worked for 2, 3 and 4 hours discussing the various amendments.<sup>15</sup>

Elsewhere, Father Polosin has indicated that the confessions represented included the Russian Orthodox Church, Moslems, Catholics, Baptists and Adventists.<sup>16</sup> Polosin acknowledges that other than a Baptist representative, no Protestant representatives attended the working group meetings on a regular basis.<sup>17</sup> Polosin claims that others were invited but did not attend because of lack of interest.<sup>18</sup> In his words, they "must have found it boring to take part in this process and they just quit of their own free will."<sup>19</sup> In sharp contrast, Protestants, including a leader of the Adventists, maintain they never received notice of the meetings, and that the draft was prepared by a handful of people and without any substantial public discussion of the issues.<sup>20</sup>

On February 10, 1993, in a letter signed by Father Polosin, the International Academy for Freedom of Religion and Belief<sup>21</sup> was invited to co-sponsor a symposium on problems related to freedom of conscience and religion with the Expert and Consultative Council of the Supreme Soviet's Committee on Freedom of Conscience. A major motivation for the conference was international concern with various human rights and other problems with the 1992 Draft.

The symposium was held in Moscow from March 21-23, 1993. Because of the constitutional confrontation between Yeltsin and the Supreme Soviet occurring at the time, Father Polosin himself was not able to attend the symposium sessions, but most of the members of the Expert and Consultative did attend, as did experts from Europe and the United States and representatives from a range of Russian denominations and from various governmental bodies dealing with religious issues. Provisions of the 1992 Draft that provided for differential treatment of foreigners received harsh criticism from those

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<sup>15</sup> Vyachaslav Polosin, Protestant Press Conference, *supra* note 9.

<sup>16</sup> Polosin, Polosin Press Conference, *supra* note 11.

<sup>17</sup> Polosin, *supra* note 6.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Anatoly Pchelintsev and Mikhail Kulakov, Protestant Press Conference, *supra* note 9.

<sup>21</sup> The International Academy is a non-sectarian organization of leading experts on religious liberty from various parts of the world.

attending the symposium. During the final afternoon of the symposium, Dr. Yuri Rozenbaum, head of the Expert and Consultative Council, indicated that the 1992 Draft was not a viable draft in light of all the criticism it had received. He left the impression that the 1992 Draft was dead and that restrictions of religious liberty of the type it made possible had no future. The concluding resolution of the symposium provided, among other things, as follows:

Inasmuch as national legislation does not always correspond to international human rights, efforts should be made to bring national legislation and practice into accord with the ideals articulated in international human rights documents.

The Conference recommends that scholars and others be encouraged to study the compliance with international religious norms in all countries, as well as problems and comparative solutions in the area of religious liberty.

The Conference further encourages all religions and their adherents to work together in a spirit of cooperation and mutual respect to foster religious liberty on the basis of mutual equality.

The International Academy anticipated that there would be ongoing contacts regarding subsequent draft legislation dealing with religious organizations and other such issues. The Committee on Freedom of Conscience did not avail itself of this resource. Academy leaders learned of the new legislation passed in July only when news of the law emerged in the Western press.

Unfortunately, not only the results of the foregoing symposium, but more generally, the advice of the Expert and Consultative Council, was largely ignored in ongoing work on draft legislation. In an interview published in *Nezavisimaya Gazeta* on July 23, 1993, Dr. Rozenbaum reported that despite the fact that his Expert and Consultative Council had a statutory mandate to provide recommendations on legislation affecting religion, the Council "was not invited to contribute to work on the draft law and was not given it for expert analysis."<sup>22</sup> Had the advice been sought, it seems clear that the restrictive approach to religious liberty ultimately taken by Polosin's Committee would not have been recommended. In the same July 23 interview, Dr. Rozenbaum questioned the need to revise the 1990 Russian Law, noting that "this law has passed an international expert examination" and that the "law proved to be an act of historical importance" and that "[i]ts significance and results can hardly be exaggerated because it

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<sup>22</sup> Yuri Rozenbaum, *Freedom of Conscience in Russia: Amendments and Additions* (Comments by Yuri Rozenbaum (sic) of the State and Law Institute, *Nezavisimaya Gazeta*, 23 July), *Official Kremlin Int'l News Broadcast* (Copyright 1993 Federal Information Systems Corporation)[hereinafter "Rozenbaum Comments"].

has drastically transformed the life in this country."<sup>23</sup> With respect to the changes that ultimately emerged, Dr. Rozenbaum commented as follows: "Against the background of Russia's attempts to enter the community of civilized states it looks like a medieval anachronism, something like the government's fight against heresy."<sup>24</sup>

Apparently, during April, a delegation of religious leaders met with Yeltsin complaining of the "illegal activity of foreign churches and preachers."<sup>25</sup> The exact nature of the alleged illegal activity is not clear, but it is clear that various kinds of propagation of religious beliefs had struck cultural nerves. It is worth noting that in discussion of these issues at the international level, a distinction has emerged between the term "proselyting," which is taken to refer to coercive and manipulative efforts to attract adherents through use of economic incentives or other inappropriate means, and "evangelizing," which merely involves communicating the spiritual message of a religion. In any event, Russians have the feeling that they are being bombarded with both evangelizing and proselyting efforts from the West. Many Protestant groups in particular have inundated Russian media with TV programs, highly advertised revival-style meetings, and so forth. Russian church leaders are troubled by the magnitude of the sums being spent on such activities, and the inability of local institutions to compete with such unequal economic power. State bureaucrats face the pressures posed by new groups in very practical ways. Some city offices are facing requests from more than 300 religious groups for property sites. There is also distress about some of the smaller and lesser known groups such as the Unification Church, the Hare Krishnas, Scientology, particularly when normal family life is disrupted and parental rights are infringed. Moreover, there are legitimate worries about some groups that are outright frauds, and in Islamic areas, there are worries about religious terrorists.

As a result of the perception of massive evangelizing efforts, both Russian Orthodox and Islamic groups have faced mounting internal pressures from their own members to do something about this cultural invasion. Neither of these traditions has active evangelizing programs at present, and both traditions are more comfortable (historically speaking) with invoking state power to support their positions.

By June, Patriarch Alexy and Father Polosin, who had both seemed quite open and fair minded on religious toleration issues in the past, were actively supporting the restrictive Law of the Russian Federation on Freedom of Conscience and Religion, as amended by the Law of the Russian Federation on Changes and Additions to the RSFSR Law on "Freedom of Religion." This law (the "1993 Amended Law") was passed by the

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> David Filipov, Yeltsin Set to Enact New Churches Law, *Moscow Times*, July 16, 1993, p. 5.

Supreme Soviet on first reading on June 23<sup>26</sup> and on second reading on July 14, 1993.<sup>27</sup> Subsequently, it was vetoed by President Yeltsin on August 4, 1993.<sup>28</sup> At the time of the debates on the measure on July 14, the Patriarch spoke in support of the measure<sup>29</sup> and distributed a letter to all the members of the Supreme Soviet urging them to support the legislation.<sup>30</sup> Russian sources indicate that the Patriarch met with Yeltsin personally the weekend after initial passage of the 1993 Amended Law to urge Yeltsin to sign it.

## B. Contents of the 1993 Legislation

The 1993 Amended Law, like the 1992 Draft considered by the International Academy and the Expert and Consultative Council in March, consists of amendments to the 1990 Russian Law. The 1993 Amended Law does incorporate several of the recommendations that emerged from March discussions. For example, provisions that were viewed as recreating the old Council on Religious Affairs have been dropped. A number of ambiguous provisions have been removed. However, Article 14 of the July

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<sup>26</sup> British Broadcasting Corporation, Draft Law Banning Foreign Religious Organizations Approved (Summary of World Broadcasts, June 29, 1993). According to the BBC report, the first reading version of the draft law banned the "independent work of foreign religious organizations, their missions and individual religious leaders who have no Russian citizenship." Further, the ban extended "to the publication of religious literature and commercial and advertising activities." The references to "independent work of foreign religious organizations" was altered before the draft was approved in second reading on July 14, 1993.

<sup>27</sup> David Filipov and Pyotr Zhuravlyov, Parliament Puts Limits on Foreign Churches, *Moscow Times*, July 15, 1993, p. 1.

<sup>28</sup> Spohn, *supra* note 6, at 7.

<sup>29</sup> Filipov and Zhuravlyov, *supra* note 25, at 1.

<sup>30</sup> *The Supreme Soviet of the Russian Federation Solved the Problem of Proclitization (sic): The Russian Orthodox Church is Permitted to Change a Law of the Russian Federation*, Independent Newspaper (Moscow, Thursday, July 15, 1993 #131 (155)). The letter read, in pertinent part, as follows:

on behalf of ROC, to which the majority of Russian believers belong, I testify that the proposed amendments and additions correspond to desires and needs of Orthodox clergy and church people. . . . [The Patriarch understands] the intention of the authors of the draft law to put in order the activities of foreign religious organizations . . . [because] while strongly calling for the safeguarding of the spiritual freedom of each Russian citizen, for the right of every person to choose religion and views and also to change his or her choice, we, being Orthodox Christians, believe that this choice should not be imposed from the outside especially when they use the difficult living conditions of our people and rough pressure on personality thus depriving people of the freedom given by God."

*Id.* The Patriarch also approved "a 12 month consideration period for accrediting nontraditional religious associations which would allow the making of a 'well weighed approach' to them." *Id.*

version of the law is substantially worse than anything that had appeared in any other post-1989 Russian legislation. Among other things, it contained a provision indicating that

Foreign religious organizations and their representative offices and representatives, as well as persons not having Russian Federation citizenship, shall not enjoy the right to engage in religious-missionary, publishing or advertising-cum-publicity activities.

This provision affronts not only religious liberty principles, but freedom of speech as well.

Moreover, as Dr. Rozenbaum has noted, Article 14 was not the only problematic provision. "It is just more conspicuous than others because it [so] evidently contradicts international agreements on human rights and freedoms." The 1993 Amended Law deleted Article 10 of the 1990 Law, which contained very strong assurances that "All religions and denominations shall be equal before the law. No single religion or denomination shall enjoy any privileges or be subjected to any restrictions in comparison to others." Defenders of the new legislation maintained that this language merely repeated equality protections in Article 5, but the provisions there are not as clear and unequivocal. The new legislation would have permitted much closer ties between church and state, and would have assured greater access of the Russian Orthodox Church to education and the media. The legislation was problematic throughout in that it afforded protection only to citizens, thus failing to treat religious liberty as a fundamental right available to all persons, as contemplated by international human rights documents.<sup>51</sup> Provisions dealing with registration could have posed substantial obstacles for religious

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<sup>51</sup> With only a few exceptions, the protections of the 1993 Legislation as amended are extended only to citizens or in ways that discriminate in favor of citizens. See Amendments, Articles 1, 3, 4 (para. 2), 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 18, and 20. Human rights instruments, in contrast, consistently require that the rights of freedom of religion and freedom of expression be extended to all persons. See International Covenant on Civil and Political Rights ("ICCPR"), Article 18; Universal Declaration of Human Rights ("UDHR"), Article 18; European Convention of Human Rights ("ECHR"), Article 9. Under the Amendments, non-citizens of the Russian Federation are deprived of rights that belong to all persons. Principles articulated in the Helsinki process also do not countenance differential respect for freedom of religion and expression on grounds of citizenship. See Concluding Document of the Vienna Follow-up Meeting (Vienna, 19 January 1989), Principles 16 and 17.

The 1993 Legislation's failure to extend protection of freedom of expression and religion to all persons is also inconsistent with established principles of Russian constitutional law. Articles 43 and 44 of the existing constitution of the Russian Federation, as amended, extend freedom of expression and freedom of religion to "each individual." Similarly, the new draft Russian Constitution, prepared by the Constitutional Assembly in June, recognizes that all human beings, and not merely citizens, should be protected. Articles 27-28.

groups trying to organize in Russia, particularly for foreign organizations. And this would have been a major problem, since Article 12 provided that "Members of a religious association that does not have the rights of a legal entity may not represent such association in civil-law relationships." This would make entering into contracts or leases for meeting locations, employment, and the like, extremely difficult.

The August revisions softened some of the most objectionable features of the July version of the legislation, but many problems remained. The 1990 language of Article 10 affording broad assurance that "[a]ll religions and denominations shall be equal before the law" was still missing. The mechanisms for administering registration (Articles 12-16), accreditation (Article 14 and 21), and termination of religious organizations (Article 17) are left unclear, affording substantial leeway for arbitrary conduct both in the structure of implementing decrees and bureaucratic administration. Protections for non-believers are eliminated. Article 13's listing of specific types of religious organizations leaves open the possibility that other types of religious organizations and structures may not find equivalent protection.

The violations posed by Article 14 and 21 are particularly blatant. The outright prohibition on foreign proselytizing was deleted from Article 14, which was revised to provide that foreigners "shall have the right to exercise their right to freedom of conscience." The revised Article 14 would also have made it easier for foreigners living in Russia to organize their own religious organizations. However, registration may be barred if members of such foreign organizations engage in proselytizing activity. Similarly, the new Article 21 sets up a complex clearance procedure designed to screen and approve foreign religious contacts. Essentially, foreigners may worship, but they may be limited in their ability to share their beliefs with others. The actual wording of Articles 14 and 21 suggest that such exercise of freedom of speech will not be limited if this right is exercised in non-coercive ways, but the language of the provisions is vague. It could be abused by any of the numerous state officials charged with administering the clearance process, and the mere existence of the law may chill exercise of rights to freedom of religion and freedom of speech. In many religious traditions, the obligation to share religious beliefs with others is a deeply felt and central religious imperative. For such believers, a law that says you may exercise your right to freedom of conscience but you may not obey dictates of conscience that require sharing beliefs with others is equivalent to telling an Orthodox believer that he or she may enter a church but may not pray or participate in liturgy. A law encroaching on this "manifestation of religion" violates international human rights norms,<sup>32</sup> and is also inconsistent with applicable provisions of existing and proposed Russian constitutional law.

### C. Potential for Broader Impact

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<sup>32</sup> ICCPR, Article 18; UDHR, Article 18; ECHR, Article 9.



A haunting worry about the 1993 Legislation is that similar legislation may be proposed or enforced elsewhere. The Moscow Times reported on July 20 that during his first visit to Russia, Patriarch Bartholomew I (the Patriarch from Istanbul, the classic center of the Orthodox faith) "denounced 'foreign religious missionaries and sects who can afford to lease big halls and buy TV and radio air time to advocate their ideas in Russia.'" This statement is consistent with positions taken at a summit meeting attended by twelve of the fourteen spiritual leaders of Eastern Orthodoxy in Istanbul in March 1992. Those present "unanimously condemned what they termed 'increasing proselytization' on the part of Protestants and Roman Catholics in traditionally Orthodox countries."<sup>33</sup> Such concerns with foreign proselytizing on the part of high-level Orthodox leaders could easily prompt legislative reactions similar to those in Russia in other parts of the Orthodox world.

### 1. Greece

Such concerns are not at all far-fetched. Greece has had anti-proselytizing legislation since the late 1930s, and while this legislation is not uniformly enforced, numerous arrests and some criminal prosecutions for prosecuting continue to occur. According to a European watchdog group, "Human Rights Without Borders," "there were more than 2,000 arrests and 400 convictions for proselytism between 1983 and 1992."<sup>34</sup> A majority of these cases involved Jehovah's Witnesses, but many other groups have shared the pressure. Greek laws also impose state permit requirements "for building or establishing non-Orthodox places of worship; . . . restrict entry into the country for non-Orthodox clerics and evangelists; and impose discriminatory regulation on the publishing, distribution, and import of non-Orthodox religious literature."<sup>35</sup> Last April, a law was passed that required all citizens to state their religious affiliation on new identity cards and passports. Greece is the only member of the EC that imposes such a requirement. This would clearly be a violation of religious liberty provisions of the German constitution.<sup>36</sup>

A confidential report drafted by the Greek National Agency for Information and leaked to the press this summer suggests how negative Greek attitudes toward foreign religious personnel really are. The report indicates that "any Greek who is not Orthodox is not an honest Greek," and goes on to brand Greek Catholics and Protestants as

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<sup>33</sup> Wendy Slater & Kjell Engelbrekt, *Eastern Orthodoxy Defends Its Position*, Radio Free Europe/Radio Liberty, Inc. Research Report, vol. 2, no. 35, 48, at 49 (Sept. 3, 1993).

<sup>34</sup> Kim A. Lawton, *Greece: Religious Minorities Allege Persistent "Religious Racism,"* News Network International 3 (October 26, 1993).

<sup>35</sup> *Id.* at 2.

<sup>36</sup> *Id.*

foreign agents.<sup>37</sup> Further, the report listed a large number of Protestant and other religious denominations as national enemies.<sup>38</sup> The release of this information prompted strong critical reaction. The government maintained that the report was annulled, but there is some indication that the annulment occurred only after the leak.<sup>39</sup>

In order to combat such laws, the executive committee of the Pan-Hellenic Evangelical Alliance has recently voted to assume a more active opposition role, despite worries that this may simply lead to more persecution.<sup>40</sup> There is some hope that the recently elected Papandreou and his Pan-Hellenic Socialist Movement may be more receptive to reform than than the prior regime, but all political sides are reluctant to offend the Orthodox majority (96% of the population).<sup>41</sup>

Hopefully, the recent decision of the European Court of Human Rights in *Kokkinakis v. Greece* (decided May 25, 1993) will provide additional incentive for reform there. This decision held that a criminal conviction of a Jehovah's Witness for proselyting violated Article 9 of the European Convention of Human Rights. The Court indicated that while in the abstract there may be some forms of "improper proselytism" as opposed to "true evangelism," none of the facts set forth in the *Kokkinakis* case indicated anything improper. The record simply showed that Kokkinakis and his wife had visited the home of another woman, had read to her from the Bible and various other books, had given her other books, and had tried to convert her by persuasion. In short, the European Court held that conventional proselyting was a protected manifestation of religion under Article 9. Efforts to reform the religious liberty situation in Greece should clearly be supported.

## 2. Bulgaria

Non-Orthodox groups are also experiencing mounting problems in Bulgaria. A group of five denominations that recently applied for recognition as an Evangelical Alliance was turned down on the ground that the separate denominations were already

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<sup>37</sup> Willy Fautré, *Greece: Intelligence Agency Said to Urge Crackdown on Protestants and Catholics*, *News Network International*, p. 4 (August 27, 1997).

<sup>38</sup> Willy Fautré, *Over 30 Protestant Churches Listed as National Enemies*, *News Network International*, August 27, 1993.

<sup>39</sup> Willy Fautré, *Intelligence Agency Said to Urge Crackdown on Protestants and Catholics*, *News Network International*, p. 7 (August 27, 1993).

<sup>40</sup> Kim A. Lawton, *Greece: Evangelicals Vote to Aggressively Resist Restrictions*, *News Network International* (October 26, 1993).

<sup>41</sup> *See id.*

recognized, thereby complicating the efforts to form the alliance.<sup>42</sup> A combination of former communists and Bulgarian Orthodox Church officials appears to be exerting influence to restrict Non-Orthodox churches. Some groups have been denied permission to build church facilities on property they own; others have been denied permission to rent public halls.<sup>43</sup> In one reported case, land bought by a Protestant church was returned to a former owner without compensation. Other reports indicate that registration procedures are used to regulate religious organizations; normal non-profit institutions are not allowed to build churches or to organize educational or charity programs.<sup>44</sup> Arrests and visa hassles are becoming more common.

### 3. Romania

Romania is debating and revising draft legislation on religious organizations on the day of this hearing. Initial reports indicated that this might be another version of the Russian legislation, but the best information available at this time suggests that is not the case. The law does grant privileged status to fourteen named churches, and it is not yet clear what this will mean for other religious organizations not so recognized. At the least, other groups remain suspect. A recent report prepared by the Romanian Intelligence Service indicated that foreign religious organizations often constitute a threat to law and order.<sup>45</sup>

### 4. Obscuring Religious Liberty Infractions

The influence of the 1993 Legislation in Russia may be felt not only in other countries, but also in other areas of Russian legislation. Polosin suggested during the pendency of the 1993 Legislation that one reason for including the constraints on foreigners was that adequate labor and visa legislation was not yet in place in Russia. The 1993 Legislation's blatant discrimination against foreign religious groups may be replaced by more subtle yet just as effective constraints camouflaged as other more respectable forms of legislation.

In short, the 1993 Legislation is indicative of a range of problematic legislation that is all too visible on the European horizon.

## III. The Hungarian Legislation: De-Registration of Religious Organizations

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<sup>42</sup> Thomas Giles, *Bulgarian Evangelical Alliance Denied Recognition*, News Network International, p. 12 (October 26, 1993).

<sup>43</sup> *Id.*

<sup>44</sup> Slater & Engelbrekt, *supra* note ?, at 57.

<sup>45</sup> Slater, *supra* note ?, at 56.

## A. Contents of the Law

Last spring, the Hungarian Parliament considered passage of legislation that would mark a significant departure from the sound principles embodied in Hungary's basic law on religious liberty: Act IV of 1990 on the Freedom of Conscience and Religion and on the Churches. The best information I have indicates the proposed changes are no longer likely to pass. The legislation clearly had majority support in Parliament, however, and in late May, there were still substantial worries that it might garner the requisite two-thirds majority for passage. If adopted, the legislation could have resulted in the de-registration of as many as 40 of the 48 religious organizations currently recognized in Hungary.

Under the proposed legislation, the registration of existing religious organizations would be cancelled unless the organization in question had been in Hungary for over 100 years or had 10,000 members. To make matters worse, the Hungarian Constitutional Court has recently indicated that it is not unconstitutional to accord smaller religious groups differential treatment on the basis of the number of their members and the length of their history in Hungary.

The legislation also provides that religious organizations may be founded only for purposes that are "not contrary to the Constitution or any law and that does not violate generally accepted morals." This provision is somewhat less troubling, since all countries impose some limitations on religious liberty in the interest of public health, safety, morals, and the protection of rights of third parties. However, international human rights norms impose strong constraints on such limitations to the extent they are not "necessary in a democratic society." The point is that a state is not free to impose any burden on religious organizations that the majority decrees. Religious liberty protections are designed to protect all religious groups, whether large or small, and encroachments on religious liberty should be allowed only in furtherance of pressing social needs that can be advanced in no less restrictive manner. As currently framed, the proposed amendment could be applied in ways that would violate applicable international norms.

The proposed legislation appears to be an attempt to legitimate discrimination against smaller churches—something that should not occur in a nation genuinely committed to religious liberty and equal treatment of all. Similar legislation in the Czech and Slovak Republics has been sharply criticized, even though it was considerably milder: the legislation there did not call for de-registering organizations that had already won state recognition.

It should accordingly come as no surprise that the proposed Hungarian legislation was energetically opposed by experts on religious liberty and religious groups both within Hungary and in many other parts of the world. The true test of any society's commitment to religious liberty is how it treats the smallest and least popular groups.

At first blush, the proposed amendments to religious organizations law might appear to be remote from core concerns about religious liberty. After all, the form of organization and juristic personality available to religious organizations seems remote from more classical encroachments on freedom of religion. But denial of legal recognition is in fact denial of the fundamental human right of religious liberty. Without legal personality, religious organizations cannot acquire property or other physical materials required for public manifestation of religion or belief, and the right to freedom of worship becomes a hollow promise. It is for this reason that the signatories of the Vienna Concluding Document in the Helsinki process in 1989 (including Hungary) bound themselves under Principle 16c of the Document to "grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their states, recognition of the status provided them in their respective countries."

Moreover, discrimination in affording some groups preferred status translates into discrimination against the Hungarian citizens who have exercised their rights by affiliating with smaller groups. In some cases, denying juristic personality to a religious organization on the basis of insufficient membership or longevity in the country adds insult to injury: small numbers today may be the result of discrimination and persecution in years gone by. Such treatment of religious groups perpetuates past patterns of exclusion and is inconsistent with the principles of equal treatment that pervade international human rights documents.

#### B. Problems with the Numerosity Requirement

Setting an arbitrary number like 10,000 members may seem easy to administer, but it will inevitably entail unforeseen problems. When the Czech/Slovak Republic introduced the 10,000 member requirement, the Jehovah's Witnesses returned with signed lists of members within a relatively short time. Without questioning the bona fides of their petition drive, think of the practical problems such lists of signatures create. How, exactly, do government officials verify the 10,000 signatures? More significantly, how is membership defined? Is anyone who is meeting on a regular basis with representatives of a church (and willing to sign a petition) a member? Church membership is not comparable to membership in social clubs. For many churches, precisely who qualifies as a member is a theological question. In counting the 10,000 members, whose concepts should be used—the state's or the church's? If a church only considers individuals over eight or over 12 years of age to be members, would it be fair to count children in one church (because that church counts them as members) but not in another church, which does not? What if church doctrine maintains that only the elect are really members, but that can only be assessed in the next life? Is everyone a presumptive member until the final reckoning is in? The 10,000 line is a morass.

#### C. Problems with the 100-Year Requirement

Similar problems arise with respect to the 100-year requirement. Exactly where is it that a group must have been for 100 years--in Hungary's current boundaries, or its wider boundaries in earlier eras? How exactly is presence to be demonstrated? How continuous must presence in the country be? What if discontinuity has been the direct result of persecution and intolerance?

Other legal systems wrestling with these issues have arrived at solutions considerably more sensitive than those proposed in the latest amendments. Indeed, Hungary's unamended law is much to be preferred.

#### D. More Sensitive Approaches to Problems Involving Smaller Religious Groups

##### 1. The United States

The situation in the United States is not fully obvious from standard slogans about separation of church and state, or from federal Supreme Court decisions because religious incorporation is a matter to be determined under the law of the individual states. There are several basic patterns of such state laws. One pattern, exemplified by New York, has separate incorporation provisions for several major denominations, with a "catch-all" provision to facilitate organization by other denominations. A second pattern, represented by California, provides separate corporate forms for religious and for other not-for-profit entities. Any religious organization may elect to use the religious corporate form, which provides greater flexibility for typical religious needs. However, nothing forces religious groups to use the religious corporation form; they may elect secular not-for-profit status if they so choose. A third approach is simply to treat all religious organizations as a species of not-for-profit corporations. This is generally workable, but does not always provide the flexibility that religious organizations need as part of the general protection of religious liberty in a society.

Several important features of these state statutes help assure sensitivity to religious liberty concerns. First, because of the primacy of religious liberty as an inalienable right, it is clear that the right of religious organizations to exist is in no sense dependent on the state. To the contrary, it would violate religious liberty for states to structure their incorporation rules in ways that would obstruct the rights of religious organizations to manage their affairs. Second, all state statutes generally separate the issue of initial incorporation from governmental action taken in cases of abuse of religious corporation status. Incorporation statutes are not used in the United States as a device for monitoring churches, and they are certainly not designed as an obstacle to acquiring juridical personality. They are administered in a manner that presumes church organizations "innocent" (i.e., likely to comply with the articles of incorporation and general legal obligations) unless and until wrongdoing is demonstrated. Abuses, if any, are dealt with later--primarily by deprivation of tax-exempt status if inappropriate conduct is demonstrated. Third, any statutory regime operating to privilege one church

or group of churches over others would clearly violate both the religion clauses and the equal protection clause of the U.S. Constitution and state constitutions.

## 2. Germany

In the European setting, those supporting the requirement that a church must have "at least 10,000 natural persons or . . . [have] been operating in Hungary for at least one hundred years" may be relying on arguably analogous provisions such as Article 137(5) of the Weimar Verfassung, as incorporated by Article 140 of the German Basic Law. It provides as follows:

(5) Religious bodies shall remain corporate bodies under public law (Körperschaften des öffentlichen Rechts) in so far as they have been such heretofore. The other religious bodies shall be granted like rights upon application, if their constitution and the number of their members offer an assurance of their permanency.

This provision is a likely source of the permanence and 10,000-member requirements in the Hungarian legislation and in similar legislation introduced last year in the then Czech and Slovak Republic, although notions of "rootedness" and "notoriety" can also be found in a number of Spanish-speaking countries.

Several things should be noticed here. First, the German provision above does not retroactively de-register any organizations. The same is true of the Czech/Slovak legislation mentioned above. Once religious organizations have been recognized by the state, it is particularly offensive to de-register them. That offense to the dignity and sensitivities of religious communities and their members should not be permitted in the absence of demonstrated abuse.

Second, the German provision does not specify a minimum number of members required to meet the permanency requirement. The "10,000" figure is clearly a rather large number that appears to have been purposely selected to block "new entrants." In fact, a number of the smaller religious groups have been accorded "Körperschaft" status in Germany. The list includes the Baptists, Seventh Day Adventists, Mennonites, Mormons, the New Apostolic Church, the Salvation Army, Christian Science, the Methodists, Unitarians, and several others.

If the real issue is "permanence," the question of the exact number of members in a particular country is irrelevant. In a world with freedom of travel and religious liberty, it is sophistry to claim that groups with extensive histories elsewhere (Buddhists, Muslims, Methodists, Mormons, Jehovah's Witnesses, Adventists, etc.) are not "permanent" because they have fewer than 10,000 members in Hungary at present. The 10,000 requirement amounts in fact to a form of discrimination against Hungarian citizens who, as a matter of conscience, have elected to affiliate with permanent religious groups that have longer

histories elsewhere. The 10,000 requirement also imposes clear discrimination against religious movements that are in the beginning stage. Many of the members of the Sanhedrin (but fortunately not Gamaliel, as noted above) would have liked to impose a 10,000 member requirement on the incipient Christian community in the early days after the crucifixion of Jesus. As the recent Branch Davidian tragedy in Texas reminds us, there are situations in which religious movements can go awry, but these should be dealt with as they arise—not by raising barriers that exclude smaller groups who are making positive contributions to society along with the genuinely dangerous cases.

Beyond the obvious issue of discrimination against smaller churches, part of what Parliament and the Constitutional Court are wrestling with is the more general question about structuring support for religion in Hungary. Though my own primary experience is with the system in the United States, which proscribes any direct financial aid to religious organizations, I recognize that religious liberty can also be attained in systems such as Germany's, which afford much greater levels of support for religion. However, as the level of state cooperation increases, greater care is necessary to assure that the rights of minority groups are not violated.

The German and the Spanish schemes, both of which involve high levels of cooperation between church and state, are carefully designed to avoid forcing minority groups or non-believers to support religious organizations through the tax system. To a lesser degree, they also avoid problems of unequal treatment.

In Germany, contrary to popular conceptions about the nature of "church tax" (Kirchensteuer), the state does not simply levy church tax on the general populace. Rather, as public corporations, churches have their own taxing power, in much the same way that municipalities or other public bodies have such authority. They have entered into agreements with the state to collect such funds. The state deducts a percentage of the total collected in order to cover administrative costs, but these costs are much less than the costs churches would incur if they collected funds independently. Significantly, individuals who object to the payment of compulsory church donations (whether because they have converted to another church, do not regard themselves as believers, or simply because they object to the idea of compulsory contributions) may leave their church (austreten), thereby avoiding the church tax. Thus, the system is not a direct levy by the Parliament, and anyone who objects to the levy can avoid payment. The churches have autonomy with respect to how they expend the funds. Most smaller churches elect not to utilize this church tax mechanism.

Substantial funding of church affairs in Germany comes not only from the "church tax" (Kirchensteuer) but from subsidies for religious entities that in effect have contracts to perform social welfare work. Some of this is for work done by church charities in developing countries (church organizations are often the most effective vehicles through which to channel various kinds of humanitarian aid), subsidies for day-care and health



care, and so forth. Even in the United States, it is permissible for the state to contract with religious organizations to provide various types of services.

Another category of funding reflects payment obligations that date back to secularization measures in the 16th and 19th centuries. This is analogous to compensation payments for expropriated property analogous in some ways to the restoration of church property issues Hungary and most former communist bloc countries are currently facing, except in the German case, the payment obligations seem to continue indefinitely.

### 3. Spain

The Spanish system protects the rights of minorities in a different way. One of the long-range aims of the relatively new Spanish scheme is to help bring about a situation in which the church is self-financed. There is, of course, substantial experience in the United States and elsewhere that religious institutions that are financially self-sustaining tend to be much stronger than state-supported institutions. However, it is extremely difficult for churches that have grown dependent on state support to become independent. It is not evident that financial independence for the Catholic Church in Spain will be achieved any time soon. In any event, in the Spanish system, beginning in 1988 a percentage of income tax is determined by government to be allocated either to religious purposes or to other social interest purposes. The taxpayer can designate on his return whether the proceeds from his or her return are to go to the Catholic Church or other social purposes. A new agreement has been entered into with a number of Protestant churches; I do not know whether they have a tax allocation agreement or not. At least initially, Protestants declined such a scheme. Again, the individual is given some control over whether tax dollars go to a church or not, although in the Spanish scheme, the taxpayer cannot get out of making a donation altogether.

#### E. Possible Approaches to the Hungarian Problem

Given the fairly broad set of alternatives Hungary could draw on to handle church finance, there would seem to be a number of options that would avoid discrimination against smaller groups. For example, if churches may in effect impose a membership tax along German lines, it is reasonable to think that collection costs might be much higher for smaller churches than for larger churches simply because of economies of scale. A church-state scheme that takes such economies of scale into account in determining the level of support (or non-support) would be preferable to a program for de-registering most smaller religious organizations, particularly since most smaller groups would not request direct state aid in any event.

The Hungarian Parliament ought to be encouraged to steer toward an end result where ongoing direct funding of religion is not necessary. That result will avoid untold friction, governmental expense and overhead, and in the long run, be better for the vitality of the church. Religious leaders ought to learn something from the cynical and

anti-religious David Hume, who thought that establishing religion would be a good thing, because "clergymen on government payrolls, like other civil servants, would lose their zeal."

#### F. Definition of Religion Issues

In the final analysis, one of the most difficult questions is how one defines the boundary between those entitled to treatment as religious organizations and organizations that do not deserve that preferred status. These definitional issues are extremely difficult, because they invariably involve favoritism to some orientations over others, and this is a religious liberty violation in and of itself. Nevertheless, some limitations are necessary to eliminate sham churches designed purely for tax benefits or other types of clearly fraudulent or harmful activity. There are some Internal Revenue Service guidelines that address this issue, though they are not fully satisfactory. What is needed are criteria that will pick out clear fraud (actual misrepresentations about purely secular matters), or other types of harm, and not criteria that get judges into the business of assessing which religious beliefs are credible. Freedom of religion is about allowing people to adhere to beliefs that other individuals find unbelievable. None of the approaches to definitional issues in the United States would exclude any of the currently registered churches in Hungary.

Any respectable criteria for defining "church" or "religion" or similar terms will not exclude the groups such as the Unification Church, Hare Krishna, Jehovah's Witnesses, or the Church of Scientology that appear to be a major target of the proposed Hungarian amendments. These organizations clearly function as religious organizations. I know of no good way to eliminate some of the smaller religious denominations by definitional fiat, and I am profoundly troubled by the thinly veiled discriminatory intent that typically lies behind such efforts. When the foregoing groups first appeared on the scene in the United States, they created a good deal of consternation and resentment, but the rumors spread by their detractors appear to have been greatly exaggerated, and a stable society is not going to suffer unduly by protecting their religious liberty.

#### IV. Reflections on the Russian and Hungarian Laws

The Russian and Hungarian laws discussed above involve a wide range of issues that have tremendous significance for the future of religious liberty in Europe. Fortunately, neither has been adopted, but the fact that they have come close to passing is a sign of the social and political pressures that exist. Outside pressure on such issues can often be salutary in helping governments choose right answers that are not necessarily popular. My hope is that we can find sensitive yet effective ways to help buttress the will to maximize the scope of religious liberty in Europe, and throughout the world.

The Russian and Hungarian legislation helps identify the issues that constitute the key contested concepts in working out the boundaries of religious freedom. It will be helpful to recap these issues briefly.

#### A. Evangelizing

I believe one of the critical tests for religious liberty in the days ahead will be whether it is sufficiently strong to protect the right of individuals to communicate their beliefs to others. A religious tradition that seeks to use coercive legal devices to shield its members from such communication appears to be engaging in a confession of weakness. Such communication should be sensitive and respectful, but legal efforts to censor or otherwise restrain such communication strike at the heart of not on religious liberty rights, but freedom of expression rights as well.

#### B. Registration, Incorporation

Both laws point up the significance of rules governing threshold establishment of legal entities that religious organizations use to carry out their temporal affairs. There is a tendency in virtually all of the countries emerging from decades of communism to overemphasize the need for controls at the point of initial registration. The result is that registration becomes a major bureaucratic obstacle, particularly for smaller religious organizations. Registration is often structured with organizational patterns of dominant churches in mind. This may create significant problems for different groups. As the Vienna Concluding Document recognizes, denial of entity status works a substantial deprivation of religious liberty. Such barriers to entry should be minimized. Society can be adequately protected through normal civil and criminal laws, and through revocation of tax or other privileges if it later turns out, after the fact, that the public trust conferred on a religious organization was misplaced or abused.

#### C. Non-Discrimination

Implicit in what has been said is the importance of protecting both individuals (whether domestic or foreign) and religious organizations (large or small) from religion-based discrimination.

#### D. Bureaucratic Hazards

From the perspective of smaller religious groups, one of the persistent worries is being exposed to the hazards of bureaucratic discretion. Every provision vesting national or local bureaucrats with authority to make determinative decisions is a source of worry. Religious liberty should not be held hostage to bureaucratic whim, and effective ways need to be found to create incentives that minimize that risk.

#### E. Pseudo-Evils

No one maintains that religious liberty is limitless, but limitations should not be imposed except in extreme cases where there is a genuinely compelling state interest that can be attained in no other way. There is a recurrent worry that legitimate state interests can be manipulated to provide excuses for infringing on religious rights, and it is important too find ways to minimize that risk. There may be genuine worries about Islamic terrorism, labor regulation of religious workers, social dangerousness of the practices of some sects, and so forth. But this does not justify restrictions on foreigners that are really motivated by religious hostility or religious exclusiveness.

## V. Islam

The changing structure of world politics as well as the flow of Islamic workers into Europe and to a lesser extent, the Americas, has made relations with the Muslim world loom ever larger in world affairs. I have not directly addressed this issue, but it certainly deserves to be raised. Many of the issues discussed above apply as much to Islamic relations as to other religious traditions, but there are greater complexities and tensions with Islam. The rise of Islamic fundamentalism further complicates the picture.

I have found the brief study by Daniel Pipes and Khalid Durán particularly useful. I do not necessarily endorse all of their proposed recommended solutions, at least some of which seem to me to trench unnecessarily on respect for religious liberty values. Islamic fundamentalists deserve religious liberty protections as much as anyone else. But their analysis of sources of tension and most of their recommendations seem extremely helpful to me. I am therefore appending their study to this report rather than analyzing this area myself.

## VI. Recommended Actions

### A. Congress should reuest increased monitoring of religious liberty violations.

Country reports submitted to Congress each year by the State Department already address issues of religious liberty, but there are several respects in which this monitoring could be improved. For example, Congress could reuest more detailed information regarding violations of international religious freedom norms in their broadest interpretation. Relevant issues not necessarily covered at present include: (1) the existence of constitutional and other legal protections of religious liberty; (2) the difficulty of obtaining status as a legal entity capable of acquiring or leasing facilities for religious worship and other religious activities; (3) the existence of patterns or practices of religious intolerance inconsistent with the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief; (4) whether there is undue opportunity for bureaucratic interference with religious organizations and the carrying out of religious missions; and (5) the nature of any limitations imposed on religious practices by law, such as restrictions on evangelizing. The State Department

should have discretion not to report matters where doing so would run risks of recrimination against specific individuals or religious groups.

- B. Congress should support efforts to broaden and strengthen existing international norms dealing with religious liberty.

Principles that have been developed as part of the Helsinki process are particularly laudable. Principles 16 and 17 of the Vienna Concluding Document (1989) provide sound and detailed guidance on a broad range of religious liberty issues. These should perhaps be clarified to remove any doubt that rights to disseminate religious beliefs include the right to discuss religious beliefs with unbelievers or persons from other faith traditions.

Congress should consider supporting efforts to elaborate an international convention that could clarify and provide further legitimacy for the ideals of religious liberty.

Supporting such objectives is particularly significant now, when many countries are experiencing significant changes in outlook on religious liberty issues. Failure to act now may result in significantly narrower conceptions of religious liberty over the long term than might otherwise be achieved. Religious liberty norms that crystallize during this period of turbulent change may be with us for decades to come.

- C. Congress should seek to assure that technical assistance programs address religious liberty issues in sensitive yet effective ways.

The United States government is currently providing significant technical assistance to other countries through many channels in a broad variety of fields. Efforts should be made to insure that such technical assistance is made available in the religious liberty area. Help is often needed in drafting legislation governing incorporation of religious organizations (and related legislation dealing with not-for-profit entities), anti-discrimination legislation, educational policy, tax exemption, and a host of other issues. More extensive assistance is needed in providing training that can help generate dialogue and understanding between religious groups, as well as training on how to inculcate religious tolerance and respect for differences through educational systems and other means.

- D. Encourage support of regimes and individuals committed to pluralism and policies of equal religious liberty for all.

This is obviously a very general suggestion, but it may have particularly significant implications for wrestling with problems related to Islamic fundamentalism. It obviously applies to other religious traditions as well. U.S. foreign policy, foreign aid programs,

and education programs should be sensitive to strengthening regimes and sectors of society that are conducive to openness and pluralism.

E. Assure that U.S. visa policy does not discriminate on the basis of religion.

Recently, the U.S. Department of State has proposed that certain types of foreign religious visitors should no longer be eligible for "B-1 Business Visitor" visas. If the change goes into effect, religious workers will still be eligible for the new non-immigrant R-1 visa status. But there is a major difference. The R-1 category requires the alien to have been affiliated with the inviting religion for at least two years prior to seeking an R-1 visa. The proposed change would also remove B-1 visa eligibility for ministers on evangelical tour, ministers exchanging pulpits, missionaries, and participants in voluntary service programs. At a time when we are insisting that religious individuals in such categories from the U.S. should be allowed to enter other countries on religious liberty grounds, we should make certain that we extend the same just treatment to others. To the extent some particular individuals may pose a particular risk to safety or security, they should be denied visa on that independent basis—not because of their religious status.

F. Encourage the Development of Laws and Procedures, Both at Home and Abroad, that Do Not Allow Officials to Discriminate on the Basis of Religion by Invoking Other Legal Considerations

The handling of visa applications suggests one of a variety of areas in which seemingly neutral administrative conduct can be used to disguise discrimination on the grounds of religion. Procedures and appeal processes should be developed that help identify and root out such conduct.

G. Adoption of RFRA and Ratification of Human Rights Conventions Sends a Positive Signal

No further comment is needed.

VII. Conclusion

In the global setting in which we all live, we all are minorities somewhere. In that sense, religious liberty is a counsel of self-interest. No person or group is ever diminished by respecting the dignity and rights of others. But in a deeper sense, religious liberty is something that should be protected as a matter of right. In the concluding words of De Religiosa Libertate from Vatican II, "it is necessary that religious freedom be everywhere provided with an effective constitutional guarantee and that respect be shown for the high duty and right of man freely to lead his religious life in society." I hope in the days ahead, we can find effective ways to maximize religious liberty throughout the world.

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Statement of Anne Himmelfarb, Research Associate  
**The Puebla Institute**  
 Before the Subcommittee on International Security,  
 International Organizations, and Human Rights of the  
 Foreign Affairs Committee of the U.S. House of Representatives  
 March 9, 1994

### SUMMARY AND RECOMMENDATIONS

The Puebla Institute, a human rights group that defends religious freedom for all creeds worldwide, has been documenting religious repression in China since 1989. Our sources include private religious contacts in Hong Kong developed through a fact-finding mission to China; Christian religious orders and mission groups with contacts in the mainland; human rights groups in Hong Kong and the West; and religious news services in Hong Kong with mainland contacts.

Since mid-1993, Puebla has documented mounting persecution of Chinese Christians. In spite of some notable releases last year, Christian leaders are now being rounded up faster than they are being let go. Roman Catholic and independent Protestant worship remains outlawed, and atheists in the Communist Party and Religious Affairs Bureau continue to claim control of all religious worship and activities.

Puebla believes religious repression to be one of the most persistent human rights problems in China today. At least 28 clergy and leaders of China's Christian churches, the only nationwide institutions operating independently of the government, have been arrested for religious reasons in the last eight months. In January, Premier Li Peng signed two orders reinforcing restrictions on religious belief and practice, one severely limiting religious activities by foreigners, the other banning "unauthorized" places of worship. Just a month ago, seven Chinese and seven foreign Protestants -- including three American citizens -- were arrested in Henan province. Puebla's data show that over 100 Chinese Christian clergy and leaders are now imprisoned or otherwise restricted by the Chinese government for religious reasons.

Intensifying repression of Chinese Christians comes at a time when the highest level U.S. officials -- the President and former President, cabinet members, and members of congress -- are urging Beijing to make improvements in human rights or risk revocation of MFN. Pres. Clinton's executive order, issued last May, conditions renewal of MFN for China this year on "significant overall progress" in human rights, and specifically calls for the release of religious prisoners. It also stipulates the need for China "to begin adhering to the Universal Declaration of Human Rights," a document that guarantees, among other things, freedom of thought, conscience, and religion.

China's flagrant disregard for religious and other human rights, and its flouting of U.S. recommendations, cannot be ignored when Pres. Clinton decides on MFN for the PRC in three months. The administration must not be satisfied with cosmetic gestures and isolated promises as long as repression in this most fundamental area of conscience continues. Nor should it yield to pressure from the business community to overlook ongoing abuses. The PRC's \$24 billion trade surplus with the U.S. will not easily be replaced by Taiwan or Japan. It needs MFN far more than the United States does.

Puebla recommends that the administration make full use of the leverage provided by conditional renewal of MFN. It should keep the pressure on China -- by appealing for the complete liberty of all Christians detained or restricted for religious reasons and of other prisoners of conscience; for an end to further religious arrests and harassment; and for a fundamental change in religious policy.

### MOUNTING RELIGIOUS REPRESSION SINCE MID-1993

At least seven religious leaders arrested between June and November are now detained in "reform through labor camps" for periods of between one and three years. Puebla Institute has information showing that at least five of the seven were sentenced administratively -- that is, without benefit of trial or other due process guarantees.

Who exactly are these dangerous Chinese Christians, charged with counter-revolutionary crimes



or with "disturbing the social order," or simply seized by Public Security officials on no charge at all?

Some, like Ge Xinliang and Zhang Lanyun, both of Anhui province, are Evangelical preachers. The former was arrested for training other preachers and for bringing believers together to listen to religious radio broadcasts from Hong Kong. The "crime" committed by the latter was holding adult religious education classes.

Some of the recently arrested Christians, like Roman Catholic priests Miao Lehua and Guo Xijian of Fujian province, were arrested for holding formation classes for nuns. These priests, who remain loyal to the Vatican in defiance of Chinese law, were arrested in December, along with four nuns and three deacons, as they celebrated Mass during the holy Christmas season in a private home. Fr. Miao has reportedly been released on bail, but Fr. Guo is still being detained.

The most recent religious arrests by the Chinese constitute not only a violation of human rights but an affront to the U.S. government. During a February 10 raid in Henan province in which seven Chinese house-church Protestants were arrested, Public Security Bureau officials also arrested three American Protestants and detained them for five days.

On January 20, less than two weeks after he had met with the delegation of Congressman Chris Smith (R-NJ), Catholic Bishop Su Zhimin was arrested in Hebei province. On the very day of his arrest, Treasury Secretary Lloyd Bentsen was in Beijing, two-and-a-half hours away by car, trying to impress on the Chinese the need to make greater progress on human rights. After being held by authorities for over a week and thoroughly interrogated about his conversations with Congressman Smith's delegation, Bishop Su was released. But a priest arrested with him, Father Wei Jingyi, remains in detention at this time.

These examples give a sense of whom China considers a threat to society, and of the nature of their "crimes." A harder question to answer is precisely why the PRC perceives independent Christians as threatening. To be sure, Christianity is growing in China. Evangelical house churches (homes where worship services and Bible studies are held for believers wanting to avoid state oversight) are springing up all over the country, in spite of the persecution and harassment those caught attending them commonly suffer. Father Stan Deboe, a Catholic priest who traveled to China with Congressman Smith, reports that Roman Catholics in Baoding, a part of Hebei province, have defied the government by building three churches, making the bricks by hand.

But Christians remain a small minority in China. According to a 1992 survey conducted by China's State Statistic Bureau whose findings were supposed to remain secret, they number under 75 million in a total population of 1.2 billion, or about 6 percent. What's more, China's Christians are not as a group active in fomenting dissent or making human rights demands beyond those affecting their ability to practice their religion freely. Internal Chinese documents and the official press suggest that the PRC fears a repeat of what happened in Eastern Europe, where both Catholics (in Poland) and Protestants (in Romania) were instrumental in bringing down Communist regimes. Citing the role of the Churches in effecting change in Eastern Europe, a 1992 article in China's state-run press asserted that "if China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger." But this fear is misguided, since Chinese churches have never been the nationalistic force that the Eastern European churches were.

## BEIJING'S DUPLICITY

To date, the Clinton administration is giving China's human rights progress mixed reviews. On February 1, Secretary of State Warren Christopher said that the Chinese have taken "positive but limited steps" and that much remains for them to accomplish. But as the administration reassess China's progress in the coming months, it must be mindful that there is one hallmark of Communism that the increasingly capitalistic Chinese have not yet relinquished: duplicity.

Beijing asserts that no clergy are imprisoned in China for religious reasons, but it continues to arrest and detain leaders of the independent Christian churches. Officials of the Religious Affairs

Bureau, which is responsible for overseeing and carrying out China's religious policy, assured Puebla Institute during a visit to Washington in October that the government doesn't interfere with people's freedom to worship, although on the very day they began their U.S. tour authorities were shutting down a large Evangelical house church in Guangdong. "No one in China is arrested simply for his religious beliefs," RAB head Zhang Sheng-zuo told Puebla; only those who break the law are punished. This claim ignores the fact that Chinese laws restricting worship themselves violate international human rights standards, just as laws institutionalizing apartheid in South Africa did. Chinese Christians are arrested and punished for worshipping according to their conscience in the privacy of their own homes, a right protected by human rights law.

The latest effort by the Chinese to in effect criminalize activities that constitute basic human rights came in late January, when two new orders restricting religious activity went into effect -- No. 144, which regulates the religious activities of foreign nationals in China, and No. 145, which regulates so-called "venues for religious activities." Though technically "new," these orders actually reinforce already existing limits on religion, including worship, education, distribution of religious literature, and contact with foreign coreligionists. And though they are couched in somewhat vague and neutral-sounding language, they are already being used to punish Chinese and foreign Christians alike.

In February, for example, when Henan province Public Security Bureau officials broke into a private home to arrest fourteen Protestants -- seven Chinese, three American, and four other foreign nationals -- they cited these new regulations as justification. Rev. Dennis Balcombe, an American citizen living in Hong Kong who was among those arrested, reports being given the following message by police: "With the authority we have been given by the new directives. . . , we are determined to stop all Christian activities not conducted under the Religious Affairs Bureau. . . . We will not only put an end to all religious activities of foreigners, we will mercilessly stamp out the house-church movement."

In essence, these regulations seem designed to crush both the Protestant house-church movement and Roman Catholicism, first, by preventing foreign Christians from having contact with coreligionists who don't practice their faith in officially sanctioned "religious venues"; and second, by making religious activities taking place outside such "venues" illegal.

These regulations thoroughly belie claims by the Chinese government that religious freedom is respected in the PRC, and they highlight Beijing's duplicitous tactics in responding to U.S. human rights concerns: Unfortunately, some in the administration -- including the U.S. State Department -- seem too willing to take China's claims at face value. According to the Country Reports on Human Rights issued by the State Dept. last month, "the [Chinese] government says it has released the remaining imprisoned or detained Vatican loyalists among the Catholic clergy." It is highly misleading for our government merely to repeat such a claim, with question or qualification. This assertion is certainly false, and Puebla is disturbed that the U.S. State Dept. has had a role in perpetuating it.

Thus far, the chief "positive steps" China has taken toward greater respect for human rights are promises to allow prison inspections by the International Committee of the Red Cross and U.S. customs officials. But such steps remain particularly susceptible to manipulation and deceit. Inspectors may be allowed only into showcase "Potemkin" prisons, prisoners may be moved to other facilities, and prison conditions may be drastically improved only for the duration of the inspection. A case in point is the highly sanitized tour given foreign journalists last week of Lingyuan No. 2 labor reform camp, where Tiananmen dissident Lui Gang is now held. (It is also worth remembering that the promise concerning U.S. customs inspections, which Secretary Bentsen gained a few weeks ago, is one the Chinese had already made -- in a 1992 memorandum of understanding with the U.S. -- and then reneged on.)

The Chinese make sure to tout the releases of celebrated prisoners. But China's secretive judicial and penal systems, along with its lack of a free press and human rights monitoring, allow repression to go on unreported. It often takes months and sometimes years before news of arrests reaches Western rights groups, a fact that allows the Chinese to cash in on the public relations benefits of releasing a few well-known prisoners even as they quietly go about arresting others. The Chinese are also experts at low-profile repressive tactics such as house arrest, administrative detention in what are euphemistically

called "old people's homes," and internal exile.

Nor is it unusual for China to rearrest those they have previously released. Just days ago, at a time when Assistant Secretary of State Shattuck was still in China and when the arrival of Secretary of State Christopher was imminent, the Chinese rearrested their most famous dissident, Wei Jingsheng, who was released from nearly 15 years in prison only in September. Fortunately, Wei was released after 24 hours, but it is clear now that his celebrity offers him no protection as long as he continues to criticize the government. Five Catholics and one Protestant who were recently arrested -- Bishops Su Zhimin, Julius Jia Zhiguo, Han Dingxiang, and Fathers Pei Ronggui and Wei Jingyi; and Henan house-church leader Zhang Yongliang -- had been previously detained by the Chinese for religious reasons. In addition, seventy-three-year-old Catholic Bishop Shi Enxiang, freed amidst much fan-fare in November following several year's administrative detention in an "old people's home," is now wanted by the police once again for interrogation.

\* \* \* \* \*

Religious freedom is a fundamental human right acknowledged in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. A government that doesn't respect freedom of conscience, the starting point of all human freedoms, is not likely to respect other freedoms, such as association and expression. Thus as long as religious repression continues in China, it is probable that human rights in general will suffer. China's revolving-door prisons make clear that the government's basic attitude toward human rights has not changed. Until China makes fundamental changes in its religious policy, there will be no lasting improvement in religious freedom in the RRC.

#### CHINESE CHRISTIANS PERSECUTED FOR RELIGIOUS REASONS

March 5, 1994

*The following people, listed in reverse chronological order of arrest date, are imprisoned or detained by the government, under house arrest, restricted in their movements and associations, under close police surveillance, or otherwise targeted for persecution.*

Catholics (categorized as bishop, priest, or lay person):

1. Bishop Johannes Han Dingxiang. 55 years old. Of Handan diocese, Hebei province. Seized by Public Security Bureau officials November 18, 1993, and still detained. Previously arrested December 26, 1990, and detained without trial, reportedly in an indoctrination camp in Handan. Released, reportedly some time in 1993, but kept under restrictions until rearrest. Had been arrested four other times previously.
2. Auxiliary Bishop Shi Hong-Zhen of Tianjin, Hebei province. As of November 1993, activities severely restricted; must return to home village every night.
3. Bishop Fan Yufei. Bishop of Zhouzhi, Shaanxi province. Arrested around Easter 1992; transferred September 1992 to a form of house arrest.
4. Bishop Lucas Li Gingfeng. Bishop of Fengxiang. Following authorities' "invitation" to "study" in April 1992, placed under house arrest. Now restricted to his church in Fengxiang.
5. Bishop Joseph Li Side. Bishop of Tianjin diocese. In his 60s. Arrested May 25, 1992. Exiled in July 1992 to rural parish of Liang Zhuang, Ji county, which he is forbidden to leave. According to most recent report, held under a form of house arrest on top of a mountain.
6. Bishop Julius Jia Zhiguo. Bishop of Zhengding, Hebei province. Born in 1935. Subjected to frequent short detentions at the hands of the Public Security Bureau. Most recent detention occurred January 20, 1994. As of early February, no longer detained.

*Persecuted Catholics*

7. **Bishop Joseph Fan Zhongliang.** Bishop of Shanghai. 73 years old. Arrested June 10, 1991. On August 19, 1991, transferred to a form of house arrest in Shanghai. Forbidden to leave Shanghai and is kept under very close police surveillance. Police have not returned church and personal property seized from him at time of his arrest.
8. **Bishop John Baptist Liang Xisheng.** Bishop of Kaifeng diocese, Henan province. Born in 1923. Arrested in October 1990. Released, reportedly in February 1991; remains under police surveillance.
9. **Bishop Vincent Huang Shoucheng.** Bishop of Fu'an, Fujian province. Arrested in an unspecified location on July 27, 1990. Remained in detention until June 1991. Now restricted to home village.
10. **Bishop Mark Yuan Wenzai.** Bishop of Nantong, Jiangsu province. 69 years old. After period of detention, placed under custody of the local CPA bishop, Yu Chengcoi, in July 1990.
11. **Bishop Mathias Lu Zhensheng (or Zhengshang).** Bishop of Tianshui, Gansu province. Born January 23, 1919. Arrested in late December 1989; released some time afterward, possibly April 26, 1990, as a result of poor health. Now restricted to home village.
12. **Bishop Guo Wenzhi.** Bishop of Harbin, Heilongjiang province. Born January 11, 1918. Most recent arrest on December 14, 1989; released in March 1990 to home village in Qiqihar, which he is forbidden to leave. Remains under strict police surveillance.
13. **Bishop Jiang Liren.** Bishop of Hohhot, Inner Mongolia. Arrested, possibly in November or December 1989. Reportedly imprisoned until April 1990, when transferred to house arrest. Now confined to his home village.
14. **Bishop Huo Guoyang.** Of Sichuan province. Arrested early January 1990 and detained until early 1991. Now under police surveillance in Chongqing City, Sichuan.
15. **Bishop John Yang Shudao.** Bishop of Fuzhou, Fujian province. Most recent arrest on February 28, 1988, in Liushan Village, Fujian. Transferred to house detention in February 1991; still restricted to home village.
16. **Bishop Casimir Wang Milu.** Bishop of Tianshui diocese, Gansu province. Arrested April 1984; sentenced 1985 or 1986 to 10 years' "reform through labor." Released on parole April 14, 1993. Remains under travel restrictions until expiration of sentence in April 1994.
17. **Father Wei Jing-Yi.** 36 years old. Secretary of underground Bishop's Conference. Arrested January 20, 1994, with Bishop Su Zhi Ming of Baoding, Hebei province. Bishop Su was released January 29, 1994, but Fr. Wei remains in detention in an unknown location. Arrested twice before for religious reasons and served a total of five years in prison.
- 18-19. **Fathers Miao Lehua and Guo Xijian.** Priests of Fuan, Fujian province. Arrested December 16, 1993, with four nuns and three deacons as they were celebrating Mass in a private house. Fr. Miao has reportedly been released on bail, but Fr. Guo remains in detention.
20. **Father Su De-Qien.** Priest of Tianjin diocese, Hebei. Required to report to PSB once a month. Has been prevented since Christmas 1993 from administering sacraments.
21. **Father Chu Tai.** Arrested November 1993 while celebrating Mass. Sentenced to one year of reform through labor. Serving sentence in Zhangjiakuo, Hebei province.
22. **Father Yan Chong-Zhao.** Priest of Handan diocese, Hebei province. Arrested September 1993 for refusing to join Catholic Patriotic Association. Now detained in Guangping county.
23. **Father Zhang Li.** Priest of Hebei province. Arrested June 1993 and serving a sentence of reeducation through labor. Previously arrested November 1, 1991, while celebrating Mass, and sentenced to three years of reform through labor. Reportedly released March 1993.
24. **Father Zhou Zhenkun.** Priest of Dongdazhao Village, Baoding, Hebei province. Arrested December 21, 1992, by Public Security Bureau, with Deacon Dong (?) Linzhong in pre-Christmas raid on Baoding area.

25. **Father Liao Haiqing**, Priest of Fuzhou, Jiangxi province, 63 years old. Arrested, reportedly while celebrating Mass, on August 16, 1992. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
26. **Father Wang Danian**. Arrested in June or July 1992 in Suzhou, Jiangsu. Not known to have been released.
27. **Father Liu Heping**, 28 years old. Most recent arrest on December 13, 1991, at his home in Shizhu Village, Dingxing County. Reportedly being held without trial; according to another report, has been transferred to house arrest.
28. **Father Ma Zhiyuan**, 28 years old. Arrested on December 13, 1991, at Houzhuang, Xushui County, Hebei province. Being held without trial.
29. **Father Xiao Shixiang**, Priest of Yixian diocese, Hebei province, 58 years old. Arrested December 12, 1991. Reportedly being held without trial; according to another report, has been transferred to house arrest.
30. **Father John Wang Ruowang**, Priest from the Tianshui diocese. Disappeared on December 8, 1991. No longer detained, but under strict surveillance.
31. **Father Peter Cui Xingang**, Parish priest at Donglu Village, Qingyuan County, 30 years old. Arrested July 28, 1991, and held without trial. Current whereabouts unknown.
32. **Father Gao Fangzhan**, 27 years old. Priest of Yixian diocese, Hebei province. Arrested in May 1991 outside Shizhu Village in Dingxing County. Being held without trial.
33. **Father Wang Jiansheng**, 40 years old. Arrested May 19, 1991; sentenced to three years of reeducation through labor. Imprisoned in Xuanhua Reeducation Through Labor Center in Hebei province. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
34. **Father Chen Yingkui**, Priest of Yixian diocese, Hebei province. Arrested in 1991 and being held without trial.
35. **Father Li Xinsan**, Priest of Anguo diocese, Hebei province. Arrested in December 1990 or early 1991. Sentenced to three years' reform through labor. Detained in a labor camp in Tangshan, Hebei. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
36. **Father Peter Hu Duoer**, 32 years old. Arrested by Public Security Bureau personnel at Liangzhuang Village, Nushui County, on December 14, 1990. Being held without trial.
37. **Father Joseph Chen Rongkui**, 28 years old. Arrested December 14, 1990, at the Dingxian train station in Hebei province. Being held without trial.
38. **Father Paul Liu Shimin**, 32 years old. Arrested December 14, 1990, in Xiefangying, Xushui County. Being held without trial.
39. **Father Li Zhongpei**. Arrested in December 1990 and sentenced to three years of reeducation through labor. Imprisoned at Tangshan Reeducation Through Labor Center in Hebei province. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
- 40-43. **Fathers Liu Guangpin, Zhu Ruci, Zou Xijin, and Xu**. Priests of Fu'an, Fujian province. All arrested July 27, 1990, at Luojiang Church in Fu'an and currently imprisoned. According to one report, Fr. Zhu has been transferred to house arrest.
- 44-46. **Fathers Guo Qiushan, Guo Shichun, and Guo** (given name not known). Priests of Fu'an, Fujian province. All arrested July 27, 1990. All three released for health reasons in August 1991. Now under house arrest.
47. **Father Pei Guojun**, Priest of Yixian diocese, Hebei province. Arrested and imprisoned between mid-December 1989 and mid-January 1990 in connection with underground episcopal conference in Shaanxi province. No recent news.
48. **Father Shi Wande**, Priest of Baoding diocese, Hebei province. Arrested December 9, 1989, in Xushui, about 70 kilometers southwest of Beijing, and reportedly imprisoned. No recent news.

49. **Father John Baptist Wang Ruohan.** Priest of Tianshui diocese, Gansu province. Arrested December 1989. After period of imprisonment, under severe restriction of movement.
50. **Father Pei Zhenping.** Priest of Yutong village, Hebei province. Arrested October 21, 1989, and imprisoned. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
51. **Father Wang Yiqi.** Priest of Fujian province. Reportedly arrested in Liushan village, Fujian province, on February 28, 1988. Reports of his release have not been confirmed.
52. **Father Francis Wang Yijun.** Vicar General of Wenzhou diocese, Zhejiang province. 75 years old. Arrested May 19, 1982, and sentenced to eight years' imprisonment. In March 1990, sentenced to an additional three years' "reform through labor" for "stubbornness." Released from prison May 21, 1992; remains under restrictions of movement and association.
53. **Father Joseph Guo Fude.** Member of the Society of the Divine Word. 69 years old. Most recent arrest and imprisonment in spring 1982. As of late 1986, interned in a labor camp in southern Shandong; according to unconfirmed reports, since transferred to house arrest and/or strict police surveillance. No recent news.
54. **Father Joseph Jin Dechen.** Vicar General of Nanyang diocese, Henan province. 72 years old. Arrested December 18, 1981; sentenced July 27, 1982, to 15 years. Released from prison May 21, 1992; remains under restrictions of movement and association.
55. **Father Fu Hezhou.** 68 years old. Arrested and imprisoned November 19, 1981. Reportedly since transferred to house arrest and/or strict police surveillance. No recent news.
56. **Father Zhu Bayou.** Priest of Nanyang diocese, Henan province. Arrested in the early 1980s and sentenced to 10 years. Now free on parole and restricted to village of Jingang, Henan.
57. **Father Lin Jiale.** Reportedly imprisoned in Fuzhou, Fujian province. No other information available.
58. **Father Liu Shizhong.** Reportedly imprisoned in Fuzhou, Fujian. No other information available.
59. **Father Fan Da-Dou.** Priest of Beijing diocese. Under house arrest for several years. Not permitted to administer sacraments.
60. **Deacon Dong (?) Linzhong.** Of Dongdazhao Village, Baoding, Hebei province. Arrested December 21, 1992, by Public Security Bureau, with Father Zhou Zhenkun.
61. **Deacon Ma Shunbao.** 42 years old. Arrested November 6, 1991, and detained without trial.
62. **Zhang Guoyan.** 35 years old. Layman from Baoding, Hebei province. Sentenced in 1991 to three years of reeducation through labor. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
63. **Wang Tongshang.** Deacon and community leader in Baoding diocese, Hebei province. Arrested December 23, 1990, and sentenced to three years of reeducation through labor. Now serving prison term in Chengde Reeducation Through Labor Center in Hebei. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
64. **Zhang Youzong.** Lay Catholic arrested in December 1990 or early 1991 and reportedly sentenced to three years' imprisonment. Chinese authorities reported in March 1993 that he had been released, but this has not been independently confirmed.
65. **Wang Jingjing.** Layman of Fujian province. Arrested probably on February 28, 1988, in Liushan village. Reportedly released, but this has not been independently confirmed. No recent news.

Protestants:

1. **Lin Zilong.** 80 years old. Leader of "Shouters" sect, which is outlawed by Chinese government, in Fuching

county, Fujian province. Arrested December 23, 1993, by Public Security Bureau officials. Reportedly held administratively in Fuching police station jail. Reportedly arrested twice before for religious reasons.

2. Guo Mengshan. 41 years old. House-church preacher from Wangdian (or Wangding) township, Lixin county, in northern Anhui province. Arrested July 20, 1993, with

3. Liu Wenjie and

4. Zhang Lanyun, both house-church preachers. All three accused of conducting "New Believers' Edification" classes in rural area of Dafeng. Guo Mengshan sentenced to three years' reform through labor, apparently without trial; other sentences unknown.

5. Zhang Jiuzhong. House-church preacher from Jiwangchang township, Lixin county, northern Anhui province. Arrested in 1993 for "illegal" religious activity and sentenced to two years' reform through labor.

6. Ge Xinliang. House-church preacher from Yuefang township, Mengcheng county, northern Anhui province. Arrested August 25, 1993, one day after holding a prayer meeting in Simen Village, Qin Zhuang, which was attended by over 100 people. Charged with "disturbing the public order" and accused specifically of organizing others to listen to religious radio broadcasts from Hong Kong; receiving Bibles from abroad; and holding a "preachers' training class" for about 60 people between Dec. 31, 1992 and Jan. 5, 1993. Sentenced to two years' reform through labor, apparently without trial.

7. Dai Guiliang. 45 years old. House-church preacher from Yuefang township, Mengcheng county, northern Anhui province; and

8. Dai Lanmei. 27-year-old female house-church preacher from Yuefang township, Mengcheng county, northern Anhui province. Both arrested August 25, 1993, with Ge Xinliang (above) and sentenced respectively to two and three years' reform through labor, apparently without trial.

9. Li Haochen. House-church preacher from Sanyi township, Mengcheng county, northern Anhui province. Arrested in March 1993 for organizing a "healing crusade" and held until June; rearrested in September 1993 and charged with counter-revolutionary crimes. Sentenced to three years' reform through labor (another source says one year).

10. Zheng Yunsu. Leader of Jesus Family religious community in Duoyigou, Shandong province. Arrested June 1992, with more than 30 other church leaders. Sentenced to 12 years' imprisonment. Thought to be held at the Shengjian Motorcycle Factory labor camp near Jinan city. Four of his sons were arrested and sentenced to as many as nine years' imprisonment. Other church leaders received sentences of five years.

11. Zheng Jiping. Son of Zheng Yunsu. Arrested June 1992 in raid on Jesus Family religious community and sentenced to nine years' imprisonment. Held in an unknown location.

12. Zheng Jike. Son of Zheng Yunsu. Arrested June 1992 in raid on Jesus Family religious community and sentenced to nine years' imprisonment. Held in an unknown location.

13-14. Zheng and Zheng (given names unknown). Sons of Zheng Yunsu. Arrested June 1992 in raid on Jesus Family religious community. Length of sentences and prison location(s) are unknown.

15. Xie Moshan. House-church leader from Shanghai. In his 70s. Arrested April 24, 1992; released July 23, 1992. Remains under restrictions of movement and is required to report periodically to local Public Security Bureau.

16. Chen Zhuman. 50-year-old member of New Testament Church in Fujian. Arrested December 14, 1991. Tortured by police at Putian County Detention Center. Sentenced without trial in July 1992 to three years' reeducation through labor. Transferred a month later to a prison in Quanzhou, Fujian, where he was again tortured.

17-20. Wang Dabao, Yang Mingfen, Xu Hanrong, and Fan Zhi: All four arrested in Yingshang County, Anhui province, after August 1991.

21-23. Zhang Guancun, Zeng Shaoying, and Leng Zhaoqing. All three arrested in Funan County, Anhui province, after August 1991.

24. Mr. Dai. Bible distributor from Hubei province. Arrested June 1991.
25. Chang Rhea-yu (or Zhang Ruiyu). House-church Protestant from Fujian province. Fifty-four years old. In May 1990, badly hurt when Public Security Bureau officials ransacked her home and confiscated Bibles and Christian literature. Detained August 25, 1990; charged March 27, 1991, with "inciting and propagating counter-revolution." Tried April 9-10, 1991. Still thought to be detained.
26. Yang Rongfu. House-church Protestant of Anhui province. Reportedly arrested before June 1990 for unspecified reasons. Now prevented from seeing his family.
27. Xu Guoxing. Shanghai house-church leader. Born March 16, 1955. Arrested November 6, 1989; sentenced November 18 to three years' reform through labor. Currently imprisoned in Dafeng, Jiangsu.
28. Li Jiayao. Thirty years old. House-church leader from Guangdong province. Arrested September 25, 1990. Sentenced without trial September 17, 1991, to three years of reeducation through labor. Now held in Chek Li prison near Guangzhou.
29. Xu Yongze. Leader of a house-church network in central China and founder of "New Birth" Protestant Movement. Fifty-one years old. From Nanyang, Zhenping County, Henan province. Arrested April 16, 1988, in Beijing; sentenced to three years' imprisonment. Held in Zhenping County Prison, Henan, until April 26, 1991, and in Henan Public Security Bureau office until May 20, 1991, when released. Remains under very strict police surveillance. Possibly being forced to report periodically to the local Public Security Bureau.
30. Zhu Mei (or Sha Zhumei). Born May 12, 1919. Member of an independent Protestant church. Arrested June 3, 1987, in Shanghai; reportedly beaten by police. Tried November 3, 1987, reportedly in secret; convicted of "harboring a counter-revolutionary element." Released on parole on April 3, 1992, for medical reasons stemming from torture in prison. Hospitalized for two months. Remains under some travel and other restrictions.
- 31-33. He Suolie, Kang Manshuang, and Du Zhangji. House-church leaders from Henan province. Arrested in 1985 for opposing the TSPM. Sentenced in 1985 to eight, five, and four years in prison, respectively. Not known to have been released.
34. Song Yude. Forty years old. House-church leader from Tongbo County in Henan. Arrested July 16, 1984. Tried January 29, 1986; sentenced to eight years' imprisonment. Reportedly released from prison in April 1992. Still deprived of political rights, and possibly restricted in his movements.
35. Pei Zhongxun (Chun Chul). Ethnic Korean Protestant activist from Shanghai. Seventy-five years old. Arrested in August 1983. Charged with spying for Taiwanese government because of ties to Taiwanese Christians and activity in house-church movement. Sentenced to 15 years of imprisonment. Currently reported imprisoned in Shanghai Prison No. 2. Is allowed visitors only once a month.
- Nos. 36-42, house-church lay leaders and elders from Lushan County, Henan province, were arrested July 9, 1983, and tried together in 1986. They were accused of belonging to an evangelical group outside the government-sanctioned TSPM; planning to overthrow China's proletarian-dictatorship and socialist system; having ties to overseas reactionary forces; receiving and distributing foreign materials; disturbing the social order; and disturbing and breaking up normal religious activities.
36. Wang Xincai. Evangelical leader from Zhangcun Village, Fuling Brigade, Xinji Commune. Thirty-nine years old. Sentenced to 15 years' imprisonment.
37. Zhang Yunpeng. Evangelical leader from Zhaozhuang Village, Houying Brigade, Zhadian Commune. Sixty-eight years old. Sentenced to 14 years' imprisonment.
38. Qin Zhenjun. Evangelical deacon from Xinji Commune. Fifty-seven years old. Length of sentence unknown.
39. Cui Zhengshan. Evangelical elder of Lushan County. Forty-five years old. Length of sentence unknown.
40. Xue Guiwen. Evangelical elder from Liuzhuang Village, Xinhua Brigade. Thirty-eight years old. Length of sentence unknown.
41. Wang Baoquan. Evangelical elder from Second Street, Chengguan Township. Sixty-seven years old. Length



of sentence unknown.

42. **Geng Minxuan.** Evangelical elder from Sunzhuang Village, Malon Commune. Sixty-six years old. Length of sentence unknown.

43. **Mr. Bai.** Elderly member of Little Flock house church from Ye County, Henan province. Arrested in 1983; charged with belonging to the Shouters, holding illegal religious meetings, and receiving foreign Christian literature. As of March 1987, thought to be held in Kaifeng, Henan.

44. **Zhao Donghai.** House-church leader from Henan province. Sentenced to 13 years' imprisonment in 1982 or 1983.

**Regulation Governing the Religious Activities of Foreign  
Nationals within China**  
Decree No. 144 of the State Council  
signed by Premier Li Peng, 31 January 1994

**Article 1.** This regulation is formulated in conformity with the Constitution in order to protect the freedom of religious belief of foreign nationals in China and to safeguard the public interest.

**Article 2.** The People's Republic of China respects the religious freedom of foreign nationals in China and protects friendly visits, cultural and scholarly exchanges and other such religious activities between foreign nationals and religious circles in China.

**Article 3.** Foreign nationals may participate in religious activities in religious venues in China, including monasteries, temples, mosques and churches; and, at the invitation of a religious body at or above the provincial, autonomous region or municipality level, may discuss the scriptures and preach

**Article 4.** Foreign nationals may hold religious activities for other foreign nationals at venues recognized by the Religious Affairs Bureaus of the People's Government at or above the county level.

**Article 5.** Foreign nationals in China may request Chinese clergy to perform religious rites such as baptisms, marriages, funerals, and Taoist and Buddhist rituals.

**Article 6.** When foreign nationals enter China, they may carry printed materials, audio and visual materials and other religious items for their own use; if these are brought in quantities which exceed those for personal use, such items will be dealt with according to the relevant Chinese customs regulations.

Religious publications and religious audio and visual materials whose content is harmful to the public interest are forbidden

**Article 7.** Foreign nationals recruiting students within China for overseas religious studies or who come to China to study or teach in Chinese religious educational institutions are subject to the relevant Chinese regulations.

**Article 8.** Foreign nationals who engage in religious activities in China must respect Chinese laws and regulations. They are not permitted to establish religious organizations liaison offices venues for religious activities or run religious schools and institutes within China, they are not allowed to recruit believers among the Chinese citizenry, appoint clergy or undertake other evangelistic activities.

**Article 9.** The Bureaus of Religious Affairs at or above the county level or other offices concerned should act to dissuade and put a stop to religious activities of foreign nationals which violate this regulation. If the violation constitutes an immigration offence or a matter of public security, the public security organs will dispense penalties according to the law, if the violation constitutes a crime, the judiciary will investigate to determine where criminal responsibility lies.

**Article 11.** Relevant units or persons who, within the premises of a venue administered by a religious venue, build or renovate buildings, set up commercial or social service enterprises or hold a display or exhibition or make films or television programs, etc., are required to secure the permission of the management term of the religious venue in question and that of the Religious Affairs Bureau of the People's Government at or above county level before applying to the departments concerned.

**Article 12.** Religious venues which have been listed as protected cultural relics or which are located in scenic areas must comply with the stipulations of relevant laws and regulations on administering and protecting cultural relics and the environment and must accept the guidance and supervision of departments concerned

**Article 13.** The Religious Affairs Bureau of the People's Government at or above the county level shall undertake guidance and supervision in the administration of these regulations

**Article 14.** If a religious venue violates the stipulations of this regulation, the Religious Affairs Bureau of the People's Government at or above county level may apply penalties according to the seriousness of the case, issue a warning, halt activities, or rescind registration. If the case is especially serious, it may be submitted to the corresponding level of the People's Government, which may ban the venue

**Article 15.** If violation of the stipulations of this regulation constitute an act in violation of public security, the public security organs shall mete out penalties in accordance with the relevant regulations of the "PRC Public Security Administration Penal Code"; if the violation constitutes a criminal act, the judiciary shall undertake an investigation to determine criminal responsibility.

**Article 16.** If the parties concerned decide not to comply with administrative methods (of dealing with the case), they may, in compliance with relevant laws and regulations, apply for administrative reconsideration or institute administrative litigation.

**Article 17.** If a violation of these regulations involves infringement of the legal rights of a religious venue, then the Religious Affairs Bureau of the People's Government at the county level or above will ask the People's Government at the corresponding level to put a halt to this infringement of rights; if the violation constitutes an economic loss, the losses should be made good in compliance with the law

**Article 18.** The People's Government at the provincial, autonomous region and municipality level may, in compliance with this regulation, formulate practical measures on the basis of local realities

**Article 19.** Interpretation of this regulation lies with the Religious Affairs Bureau of the State Council

**Article 20.** This regulation takes effect on the date of issue.

**Regulation Governing Venues for Religious activities**  
**Decree No. 145 of the State Council of the PRC**  
**signed by Premier Li Peng, 31 January 1994**

**Article 1.** In order to protect normal religious activities, safeguard the legal rights of venues for religious activities and facilitate the management of venues for religious activities, the following regulations have been formulated in conformity with the Constitution.

**Article 2.** For the purposes of this regulation, "venues for religious activities" refers to monasteries, temples, mosques, churches and other fixed venues.

Registration is required for the establishment of a venue for religious activities. The registration procedure will be decided by the Religious Affairs Bureau of the State Council.

**Article 3.** The management of venues for religious activities will be undertaken by the venue's own management team. Its legal rights and the normal religious activities which take place there will be under the protection of law and no organization or person will be permitted to transgress or interfere.

**Article 4.** Venues for religious activities should set up a management system. Religious activities undertaken in these venues should comply with the laws and regulations. No person shall be permitted to make use of any such venue to undertake activities which harm national unity, ethnic unity, or the social order, harm citizens' health or obstruct the national educational system.

Venues for religious activities shall not be controlled by persons or organizations outside China

**Article 5.** Persons normally resident in venues for religious activities or those temporarily resident must comply with State regulations on household registration.

**Article 6.** Venues for religious activities may accept from their adherents voluntary offerings of alms, donations, and contributions.

In accepting donations from persons and organizations outside China, venues for religious activities shall act in accordance with relevant regulations.

**Article 7.** Within their premises, venues for religious activities may, complying with relevant State regulations, offer for sale religious articles, artwork and publications.

**Article 8.** The property and income of a religious venue shall be subject to management and use by the venue's management team and shall not be held or gratuitously transferred to any other unit or person

**Article 9.** The closing or merger of religious venues should be recorded with the registration organization and its property dealt with according to the relevant State regulations.

**Article 10.** The land, mountains, forests or buildings administered by a religious venue should be documented in compliance with relevant State regulations by the management team of the venue or the religious body to which it is subject.

The State may requisition land, mountain and forest land, buildings and so on managed and used by a religious venue in compliance with the "PRC Property Administration Law" and other relevant State regulations.

**Article 10.** This regulation will be applied to the religious activities of foreign nationals within China.

**Article 11.** The religious activities in mainland China of Chinese citizens residing overseas, or residents of Taiwan, Hong Kong and Macao will be subject to this regulation.

**Article 12.** Interpretation of this regulation will lie with the Religious Affairs Bureau of the State Council.

**Article 13.** This regulation takes effect from the date of issue.

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Upon the Map of China  
 Rests 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 SECURITY, INTERNATIONAL ORGANIZATIONS  
 AND HUMAN RIGHTS  
 OF THE UNITED STATES CONGRESS

By

JOSEPH M.C. KUNG  
 PRESIDENT  
 CARDINAL KUNG FOUNDATION

MARCH 9, 1994

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Mr. Chairman, I would like to thank you for the opportunity to testify before this subcommittee on the issue of a serious violation of one important human rights element by the government of the People's Republic of China. I refer to the freedom of religion and its persecution in China.

My testimony is limited to the Roman Catholic Church to which I belong. 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 choice of the government is "The Catholic Patriotic Association". The Roman Catholic Church is illegal. In effect, there is no "freedom of religion" in China.

Permit me to briefly touch on the difference between the Chinese Catholic Patriotic Association and the Roman Catholic Church in China.

The Chinese Catholic Patriotic Association was founded by the Chinese Communist Government and is, therefore, regarded as the official Catholic Church in China. It takes instruction from the Religious Bureau of the Government. It rejects the authority of the Pope, appoints its own bishops and ordains them without the permission from the Pope. There is, of course, no persecution in this official church.

In accordance with the Roman Catholic Church's basic doctrine, a Roman Catholic must accept the authority of the Pope who is the successor of St. Peter and is Christ's representative on earth. A Roman Catholic cannot accept just any other church as a substitute without abandoning his faith and status as a Roman Catholic. A Roman Catholic in China, therefore, cannot follow the government's instruction to reject the Pope's authority as the spiritual leader of the Church in spite of persecution. By remaining loyal to the Pope, the Roman Catholic Church is outlawed in China and is known as the underground Church.

There is no true "religious freedom" when a person cannot worship according to his conscience. Tens of thousands of Catholic laymen, priests and religious who chose to follow their conscience and faith were incarcerated nationwide. Thousands gave their lives for the Church. Many of them were executed in public. His Eminence Cardinal Kung was imprisoned for thirty years, His excellencies Archbishop Dominic Tang, S.J. for 24 years, the late Bishop Joseph Fan for 34 years are a few examples. But, the persecution is not history regardless of the significant economic progress of China in recent years. The persecution of the Roman Catholic Church continues.

Two months ago, I made a personal visit to China and also met with Congressman Smith and his delegation in Beijing. While in Beijing, I was invited by the Congressman to participate in two conferences. We were repeatedly assured by the Director of Religious Bureau that there was freedom of religion in China as guaranteed by its constitution and that there were no religious prisoners being held in China. However, one day later on January 6, 1994, Bishop Julius Jia Zhiguo ( 贾治国 ), underground Bishop of Zhengding ( 正定 ) of Hebei Province, was arrested and put in jail.

Bishop Su Zhimin ( 苏志民主教 ), auxiliary Bishop of Baoding ( 保定 ) in Hebei, agreed to offer a Holy Mass for Congressman Smith and his delegation. That is all there is to it - celebrating the Holy Mass. The Mass was said in a private apartment in Beijing. The apartment is very small, run down and with bare-concrete floor. After we left China, while the Secretary of the Treasury, Mr. Lloyd Bentsen, was still visiting in China, Bishop Su was picked up by Security Bureau on January 20th and disappeared. No one knew where he was detained. I received an urgent message notifying me of Bishop Su's arrest and requested immediate assistance. I reported this arrest immediately to Congressman Smith who released the news to the media and to his colleagues in the Congress. Largely due to Congressman Smith's effort, Bishop Su was released few days later unharmed. During his 10 days detention, Bishop Su was thoroughly interrogated about his meeting with the Congressman.

That a Bishop was arrested in the midst of The Secretary of Treasury's visit because the Bishop had said Mass for a Congressman is not only tantamount to a grave insult to the United States, but also clear proof that there is no freedom of religion and no improvement in China's human rights situation. In fact, there is a regression in human rights in China.

Arrested together with Bishop Su was a young underground priest, Father Wei Jing-Yi (魏景义). He is 36 years old and is the Secretary of the underground Bishop's Conference. He is being held in Qing Yuan Xian (清苑县). Because of his position in the Bishop Conference, he is a very important person in the underground Catholic church. I have been informed that for his refusal to disclose any information on the underground Church, he is hand cuffed and his feet are chained with weights day and night. I plead with you, Mr. Chairman, to look into the arrest of Father Wei at your earliest convenience so that he will not be tortured further for his knowledge on the underground Roman Catholic Church.

News has just reached me very recently that Father Liu Jin Zhong (刘进忠) of Yi Xian (易县), Hebei was arrested on February 26, 1994 while celebrating Holy Mass. He is now detained in Gu An Xian (固安县).

There was also Bishop Johannes Han Dingxiang (韩鼎祥) of Yong Nian (永年), Hebei. He was arrested in December 1993 and still has not been released.

Bishop Li Side (李思德) of Tianjin (天津) was released from jail about three years ago, but was shortly confined thereafter to a small village on top of a hill. He is under surveillance and is forbidden to come down from the hills to his diocese to perform his apostolic works. As there is no paved road to the top of this hill, he is effectively cut off from his flocks.

There was also the case of Father Chu Tai (崔泰), arrested in November 1993 while celebrating Mass. He is serving sentence in Zhangjiakuo (张家口), Hebei province.

Mr. Chairman, you may have noticed that the Chinese Government has a habit of arresting priests while they are celebrating Mass. The Mass is held most sacred to a Roman Catholic. The arrests during the celebration of the Mass constitutes an act of sacrilege to our religion.

Then, there was Bishop Joseph Fan Zhongliang (范忠良) in his seventies, auxiliary Bishop of Shanghai's underground Church. He had been jailed many times. The security police frequently took him away for extended interrogation and searched his apartment. In 1992, the government took away the entire treasury of the Shanghai underground Church and many of his personal articles including his Bishop's ring. They are still retained by the Government. Bishop Fan very much wanted these monies and other articles returned to him.

There are many others who are either detained, under house arrest, restricted in movement, or under police surveillance.

Puebla institute has documented a month ago more than sixty cases. Undoubtedly, there must be hundreds more cases whom we have not been informed.



The United States Government has in many instances served notices to the Chinese Government indicating its concern of the jailing of all religious believers. May I appeal to you, Mr. Chairman, that, through your influence, a visit to Father Wei Jing-Yi and other selected prisoners of conscience is to be arranged by one of your embassy personnel or by Red Cross to assure their well-beings. As Father Wei was arrested with Bishop Su in connection with Congressman Smith visit and also during Mr. Lloyd Bentson visit in China, it will be most effective for Mr. Warren Christopher to intercede during his visit in China at present. I appeal to you, Mr. Chairman, that you make this recommendation to Mr. Christopher.

During our visit in January, 1994, we also attended a Holy Mass of the underground Church held in an open field in the countryside. The weather was freezing and windy. At least 450 Catholics attended the Holy Mass in spite of the inclement weather. All knelt on the frozen ground. The occasion was an invaluable lesson of faith to us.

The Government confiscated all the properties of the Catholic Church in the early 1950's and have now mostly given ownership back to the Patriotic Association, leaving the underground Church without facilities and funds for subsistence. That is one of the reasons why the underground Roman Catholics still have to attend Mass outdoor like the Roman days of centuries ago.

However, hope still persists. The underground Baoding Diocese recently built four churches. One of these churches was bulldozed by the Government. When the Government went to tear down the second church, many underground Catholics appeared and protected the church by forming a human chain. When the bulldozers came, the situation became a case of bulldozers against human beings. Remember the scene of the Tiananmen Square when one man stood against a column of tanks? Though not reported, history repeated itself in Baoding. It was a case of the bulldozer, the armed police against the innocent unarmed villagers. One small incorrect move would have become a tragedy. The Bishop pleaded with the Government that there would be lots of blood flowing if the government pulled down the church. After a long standoff, the Government backed down. Another Hebei diocese was not as lucky. A local Bishop built eight small houses for the villagers. All were destroyed by the Government.

On January 31, 1994, Premier Li Pang signed two decrees (# 144 and # 145) into law. Briefly, it prohibits foreigners from undertaking missionary works, prohibits unauthorized religious ceremonies in any churches, and prohibits involvement in any financial activities with overseas parties. Although the new decrees permit foreign believers living in China to conduct private religious ceremony, it does not permit any overseas Chinese to conduct any religious activities in China. Decree # 145 further forbids any activities by the underground churches.

This law has already been enforced. The recent arrest, as reported by Christian Solidarity International, of American Pastor Dennis Balcombe and his delegation for three days and his expulsion from China speaks for itself. These laws legitimize the authorities to arrest anyone whom they dislike in the name of illegal religious activities. It also could allow local authorities to blackmail underground Catholic with exorbitant fines or bail under the threat of arrests since religious activities in private homes are also against the law. These laws and actions amount to self-confession by the Chinese Government that there is no freedom of religion.

Moreover, the constitution of the Chinese Government guarantees freedom of religion. Although Premier Li Pang may have the power to sign these two decrees into law, these laws are, in my opinion, unconstitutional.

Occasional releases of religious prisoners, particularly those who are aged and seriously sick, are hardly evidence of improvement in human rights and in religious freedom in China. Most of these releases usually happened when China is under great pressure from foreign Governments on human rights issue or needed an injection of goodwill on special occasions, such as during some senior U.S. officials' visits, campaigning for the bid of Olympic 2000, renewal of MFN status, etc. Lately, contrary to their usual practice, they stepped up the pressure by making more arrests and by passing new laws to restrict further the practice of religion. These regretful events happened before, during, or as the result of the visits of Congressman Smith, Mr. Lloyd Bentsen, Mr. John Shattuck, and Mr. Warren Christopher. They are occurring a few months before the renewal decision of the MFN status to China. It appears that China is so confident that the United States government will eventually ignore the principles of human rights and base the MFN status decision on potential trade profits that China is, in effect, daring the United States government to do anything to improve human rights situation in China. These events are concrete proof of the regression of human rights including religious freedom in China.

I, therefore, appeal to the United States Government not to trade the principle of freedom and human rights on which our nation was founded for commercial profits. We must insist on proof of significant improvement of human rights including religious freedom in China as a sign of China's sincere dialogue and friendship with the United States. From this platform, the United States can then form the basis of a decision for the MFN status.

Thank you, Mr. Chairman.

## Biography of Joseph Kung

JOSEPH MING CHUAN KUNG is 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, Apostolic Administrator of Nanking and Soochow.

Joseph, an American citizen, was born in Shanghai, China. When China turned red in 1949, he, a teenager, accompanied his father, a surgeon, to Hong Kong. Soon, the Chinese border was sealed and Joseph was separated from his mother and seven brothers and sisters in Shanghai. Two years later, this young Chinese refugee immigrated to the United States under the first small group of Chinese refugee immigration quota. Joseph completed his college and graduate work in Business Administration, and qualified as a CPA. He worked in several U. S. international corporations.

Joseph's uncle, Bishop Ignatius Kung, was arrested in Shanghai in 1955 and later was sentenced to life imprisonment for his refusal to denounce Holy Father as head of the Roman Catholic Church and for his refusal to give his leadership to the government established and controlled Chinese Catholic Patriotic Association (CCPA).

For three decades, Joseph lobbied for the release of Bishop Kung seeking the help of many human rights organizations, such as Amnesty International, Red Cross and also from the United States Government. Finally, in 1985, the 84 year old Bishop Kung, very frail and sick, was released on parole after 30 years of imprisonment. He was placed under the custody (surveillance) of the Patriotic Association. Joseph took two trips in 1988 to China and obtained permission to escort Bishop Kung to the United State for medical treatment. After Pope John Paul II announced the elevation of Bishop Kung to Cardinal in 1991, Joseph, at the request of Cardinal Kung and the encouragement of Bishop Walter Curtis, then Bishop of Bridgeport, established the Cardinal Kung Foundation to directly assist the loyal persecuted Roman Catholic Church in China.

The mission of the Foundation is to promote in the free world the Roman Catholic Church in China, now still under persecution, through increased prayers, financial support, and other appropriate projects

For further information on The Cardinal Kung Foundation or on The Roman Catholic Church in China, please contact

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




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March 10, 1994

The Honorables  
Tom Lantos  
Christopher Smith  
The House of Representatives  
Washington, D.C. 20515

Dear Messrs. Lantos and Smith:

I wish to thank you again to invite me to testify on religious persecution in China before the subcommittee on International Security, International Organizations and Human rights yesterday.

I wish to clarify one point which I discussed with you in the hearing.

On the question that Congressman Smith asked whether it would make any difference to China if MFN is extended to them this year with or without a condition, I offered the following opinion:

- 1) It would not make any difference to China for extending MFN to them with or without a condition; because once MFN is extended, China would have achieved its objective. Condition would not mean much to China.
- 2) The United States government has already extended MFN to China last year with a very clear condition, but it was entirely ignored by them. What is the use to extend again with another condition?

What I failed to make it clear yesterday that I wish to clarify now is:

- 3) Attaching a condition is effective only if the other party respects it, and only if the enforcing party is committed to it.

If there is no significant improvement in human rights in China by June this year, for American to ignore the human rights record and to extend the MFN status in June, 1994 with or without a condition will show the whole world that America has little or no resolve to back its own words. Consequently, America will lose credibility before all nations; thereby putting itself in a most difficult position to lead the world.

Could you consider to include the above in the Congressional record.  
Thank you.

With best regards,

Yours sincerely,

  
Joseph Kung

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

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Most Rev. Dominic Tang S.J.

# *Center For South Asian Studies*

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Statement of Professor Jeffrey Hopkins,  
Director of the Center for South Asian Studies  
University of Virginia  
before the  
International Security, International Organizations, and Human Rights  
Subcommittee  
of the House Committee on Foreign Affairs  
Wednesday, March 9, 1994

Mr. Chairman and members of the Committee:

Thank you very much for the opportunity to present this testimony today. My name is Jeffrey Hopkins, and I am Director of the Center for South Asian Studies and Professor of Religious Studies at the University of Virginia as well as President of the Institute for Asian Democracy. I have studied Tibet over the past thirty-one years and have authored or translated twenty books on Tibetan Buddhism as well as a three volume language text. My entire academic career has focused on Tibetan Buddhism.

I have traveled to Tibet five times—in 1986, 1987, 1988, 1990, and 1993. I speak Tibetan fluently and have been able to spend extended periods of time among Tibetans without being monitored by Chinese authorities.

Tomorrow marks the thirty-fifth anniversary of the Chinese government's bombing of the Dalai Lama residence and the beginning of the decimation of religion in Tibet. On March 10, 1959, Chinese forces began

systematically to empty and destroy almost all of Tibet's six thousand monasteries. Thirty-five years later, China is allowing a limited degree of religious expression but has not loosened its monopolistic power to regulate and administer religion.

Specifically speaking to the point of this Committee's inquiry, there has been no movement in the past nine months to increase religious freedom in Tibet. Last May 28, President Clinton signed an Executive Order conditioning future renewal of Most Favored nation status for China, and among those conditions is the requirement that China take steps to protect Tibet's distinctive religious and cultural heritage. The facts are that:

- Thought control units are being increasingly established in monasteries and nunneries for the sake of political indoctrination.
- Arrests of nuns and monks for peaceful demonstrations in favor of self-rule are immediate, resulting in incarceration commonly for three to six years.

The current internal assessment of the situation is that it is looser on the surface but tighter underneath. The Chinese government's suppression of monks and nuns in Tibet has always been violent but is now immediate and for minor reasons.

For instance, recently in Chamdo, Tibet's third largest city, there was a peaceful display of posters calling for self-rule; this was the eighty-fifth time this display has happened since 1987. Immediately after this peaceful poster demonstration however, Chinese soldiers forced open the doors of Drag-yab Monastery, bound two monks, and arrested them. Subsequently sixteen monks were arrested and imprisoned.

Such intimidation, which customarily involves torture with cattle prods

even to the genitals of both monks and nuns, as well as hanging from the arms from the ceiling, is part of a conscious policy of violent control of the centerpiece of Tibetan culture, its religion. The policy manifests in numerous ways:

- The number of monks at monastic universities is severely limited such that, for instance, an institution that formerly had 7,700 residents, after being completely closed, now has a total of no more than 450 students, faculty, and staff.
- Democratic Management Committees, controlled by the Chinese and planted in each institution, prevent students from traveling to other institutions to attend special lecture series.
- The monastic universities are allowed to give only a very few public teachings, and thus the lay population is deprived of religious learning.
- The Chinese government controls who is allowed to teach at monastic institutions.
- The Chinese government does not allow workers from the Kham and Amdo Provinces to come to Central Tibet to rebuild temples, monasteries, or nunneries.

During my trip in the summer of 1993, I was appalled to find that the situation of religious education is even worse than it was during my previous trips. So many monks and nuns have been arrested and tortured that there is an atmosphere of palpable fear. Large military camps are located right in front on the two main monasteries in Lhasa, and there are reports that the Chinese administration even sends spies to religious lectures.

The primary problem is that even the Lhasa Valley, the seat of the capital of Tibet, has been turned into a Chinese city. As I approached the city

from the airport, I was overwhelmed at seeing that the area from the new army camp at the western end of the Valley to the bridge at the eastern end is filled with Chinese shops serving Chinese customers. The influx of Chinese settlers is so great that Tibetans are fast becoming irrelevant in their own land.

An important point is that the Tibetan cultural region goes far beyond Tibet, stretching from Kalmuck Mongolian areas near the Volga River (in Europe where the Volga empties into the Caspian Sea), Outer and Inner Mongolia, the Buriat Republic of Siberia, Bhutan, Sikkim, Ladakh, and parts of Nepal. In all of these areas, Buddhist ritual and scholastic studies are conducted in Tibetan. Young men came from throughout these vast regions to study in Tibet, especially in and around its capital, Lhasa, usually (until Communist takeovers in many of these countries) returning to their native lands after completing their studies. Thus, Tibetan culture is central to a vast area of Inner Asia, and its demise has far-reaching implications.

#### **BARRIERS TO RELIGIOUS FREEDOM**

The barriers to religious freedom in Tibet are evident in Decree No. 145 concerning "Regulation Governing Venues for Religious Activities" signed by Premier Li Peng on January 31, 1994. Article 3 of this Decree gives the power of registering venues of religious activities to the Religious Affairs Bureau of the State Council. It then stipulates that each venue shall have a management team which will regulate religious activities. Article 13 says that the Religious Affairs Bureau at the county level or above shall administer this decree.

These provisions provide a clear view of how China controls religion in Tibet and in China itself. It centralizes power in Beijing and then delegates it to bodies in the provinces and autonomous regions that are answerable to



Beijing. (It is significant to note that no distinction is made between provinces and autonomous regions, showing that autonomous regions such as Tibet in fact have no more autonomy than a province.)

#### **DOES FUNDING OF MONASTERIES PROMOTE RELIGIOUS FREEDOM?**

Because of the aforementioned policy of central control through Democratic Management Committees, the funding that the Chinese government has provided for a small number of monasteries is actually a method for suppression. For instance, it is no coincidence that the site receiving the most Chinese government funding has the least freedom of religion. The Potala Palace in Lhasa is now run, for all intents and purposes, by tourist authorities. Despite the fact that the huge building once housed a major religious institution called Namgyal Monastery, it has not been allowed to re-open. Monks are not even allowed to wear their religious robes. When a visiting foreign dignitary wanted to present a check to a monk, the Chinese authorities had a monk put on his robes to receive it; the next day they took the check from him.

Since 1980, the Potala Palace has received almost a third of all funds spent in Tibet to renovate monasteries and temples. The result in terms of religious freedom has been disastrous. (According to official Chinese sources, the government has spent 60 million yuan repairing the Potala Palace, this being out of 210 million for all of the Tibetan Autonomous Region.)

#### **REINCARNATIONS**

The Communist Party of China, like other Communist parties, confuses their domination of religious affairs with protecting religious freedom. For example, we are asked to believe that there is substantial religious freedom

in Tibet because certain practices, such as recognizing reincarnations, is allowed. This practice was banned until several years ago, and even though now it is allowed, it is under government control. The Chinese government has recently allowed the Dalai Lama to participate in the process of recognizing the reincarnation of the late Panchen Lama, the second ranking lama in the hierarchy, and the U.S. State Department in its 1993 human rights report indicates that this constitutes movement in the right direction, but the State Department seems not to have noticed that the process is still dominated by the Communist Party.

#### U.S. POLICY

From my experience in Tibet, I can tell you that Tibetans desperately need the pressure that this country is putting on the Chinese government. Tibetans constantly tell me that without international scrutiny there would be nothing to deter Chinese human rights abuses. As one Tibetan put it, what the Chinese government lacks is compassion, due to which its brutal treatment has no limits.

Our government needs to maintain its concern for imprisoned monks and nuns, but this is not sufficient. We must insist that the Chinese government grant religious educational institutions internal autonomy, allowing them to receive students, conduct classes, assign teachers, and give public teachings according to long-established Buddhist practices. More fundamentally, the huge population transfer of Chinese people into Tibet must be reversed; those without residency papers must be returned to their own lands. Some Chinese come to Tibet either from being transferred by the central government or by their work-unit or because of government incentives which promise settlers a better standard of living in Tibet. Other Chinese come to Tibet informally because of economic opportunities; the

authorities certainly are aware of this illegal influx but condone it because of their centuries-old policy of swamping non-Chinese areas with Chinese. These persons, who are without residency papers, could be removed quickly if the government chose. (It is currently being rumored that some of the 100,000 Chinese, displaced from the Three Gorges and Yangtse River Project, are to be resettled in Tibet.)

I understand that the State Department has been pressing Beijing to initiate a substantive dialogue the Dalai Lama or his representatives as part of meeting the MFN condition on protecting the religion and culture of Tibet. I fully agree that sincere negotiations are the best way to insure that Tibet's culture and religion are protected in the long-term given China's abysmal record up to now.

Every time the U.S. government tries to do something, certain attitudes that we sometimes have about China create obstacles to progress. We need to be wary of **FIVE GREAT MYTHS** about China:

**Myth #1: China does not have an expansionist policy.** The counter-evidence showing that China is indeed expansionist abounds—occupation of Tibet, interference in Cambodia and Burma, placing of settlers in Burma, the probable establishment of a naval intelligence base in the Indian Ocean.

**Myth #2: China could be isolated.** The fact is that China *cannot* be isolated. It has a permanent seat on the United Nations Security Council and a vast network of trading partners throughout the world; thus, it is absurd to suggest that any sanctions imposed on it could isolate it. The argument that sanctions should not be imposed because an isolated China would be dangerous is bogus.

**Myth #3: Capitalism leads to democracy.** The current experiment in China is proving to the world in general and Russia in particular that capitalism can thrive in a totalitarian regime. Because of the lax treatment the U.S. has been affording China, the Russian people and its reactionary politicians are learning that a return to totalitarianism would be economically successful.

**Myth #4: The Chinese Empire is going to disintegrate.** Change in the Chinese government will come about only if the peasants and workers join with the intellectuals, and this will not happen in a thriving economy. Hence, it is inappropriate to apply the model of the disintegration of the Soviet Union to the Chinese Empire. The opposite is true: the totalitarian regime in China is getting stronger while its economy is becoming more capitalistic.

**Myth #5: Ceasing or strongly conditioning the MFN will harm the moderates in the Chinese government.** At present our lax trade policy is strengthening the hand of the totalitarian element in the government because they are enjoying such great economic success. Strong enforcement of MFN conditions by requiring reversal of population transfer and a negotiated settlement leading to self-determination for the Tibetan people will strengthen the hand of the moderates who are calling for change. Far from harming the moderates, enforcement of the MFN conditions the MFN will weaken the hard-liners who presently point to their success with the MFN as proof for the viability of their position.

We need to face the fact that our huge trade deficit with China is strengthening their Communist regime, financing their military build-up, and encouraging expansionist policies. We are bankrolling the making of the

world's next superpower. If the Chinese government were a benign influence in Asia, this might be acceptable, but their record of:

- brutal suppression of the culture and destruction of the environment of Tibet (the source of the great rivers of Asia),
- transporting drugs from Burma across their country so that the SLORC can purchase more weapons from them,
- encouragement of the destruction of teak forests in Burma and Thailand,
- arming and sustaining of the genocidal Pol Pot regime in Cambodia

are all ample evidence that their goals are to expand a totalitarian empire by exerting influence and eventual control throughout Southeast and Inner Asia. Their success will naturally lead to the conversion of new democratic governments in Russia and throughout the nuclear armed countries of the former Soviet Union. Although some persons look forward to liberalization in China after the death of Deng, the fact is that the transition to the post-Deng era is already well under way.

I would like to point out that Wei Jingsheng, who has recently been detained again in Beijing, has come out in favor of negotiations with the Dalai Lama about Tibet. He is one of a growing number of Chinese calling on their government to radically change their Tibet policy. In a letter to Deng Xiaopeng, written while still in prison on October 5, 1992, he called on the Chinese government to eliminate its imperialistic attitude and negotiate with the Dalai Lama in complete sincerity. He said:

The Chinese government should eliminate the mentality of the so-called "great Han empire" and sit at the negotiating table with the Dalai Lama. He is concerned about your sincerity, because you

failed to win his trust in the past. Therefore, you should let him choose the place for negotiation. He should be allowed to return to Lhasa if he wants to do so. All these are reasonable basic conditions. There is nothing here that cannot be understood. There is no reason why you should not agree to all this. Even the appointment of the Dalai Lama's negotiating aides has to be approved by the Chinese Government. Isn't it too much?! To postpone the negotiations with these excuses is an indication that your people have no confidence in themselves. They are afraid that all their nonsense would be exposed under the sun should negotiations begin in real sincerity.

We stand at a crossroads; our actions this year will determine the situation for the next century. We need to act to cause China to join the family of nations before the problems become insurmountable. We have a chance to send a clear message to Beijing during this period of assessing China's policy and actions concerning Tibet. The need is urgent and critical in order to save Tibet's endangered religion and culture which are on the brink of extinction.

## P. JEFFREY HOPKINS

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**PROFESSIONAL EXPERIENCE**

- 1989 - present: Professor, Religious Studies, University of Virginia  
1977 - 1989: Associate Professor, Religious Studies, University of Virginia  
1973 - 1977: Assistant Professor, Religious Studies, University of Virginia  
Visiting: 1983 - 1984: Associate Professor, Religious Studies, University of British Columbia

**DEGREES**

- 1973 Ph.D., University of Wisconsin, Madison. Primary Area: Buddhist Studies. Secondary Area: Indian Philosophies and Religions.  
1963 B.A. *magna cum laude*, Harvard University, English literature. (Leverett Poetry Prize)

**BOOKS (21)**

- Emptiness Yoga* (Ithaca: Snow Lion Publications, 1987).  
*The Tantric Distinction* (London: Wisdom Publications, 1984).  
*Meditation on Emptiness* (London: Wisdom Publications, 1983; French edition forthcoming).

**LANGUAGE TEXTBOOK**

- Fluent Tibetan: A Proficiency Oriented Learning System, Novice and Intermediate Levels*, 3 volumes, general editor (co-authored with William Magee and Elizabeth Napper), under a grant from the International Research and Studies Program, Department of Education (Ithaca: Snow Lion Publications, 1993).

**INTRODUCED, ANNOTATED, AND EDITED TRANSLATIONS**

- Annotated and co-translated (with Anne C. Klein) Tsong-kha-pa's commentary on Chapter Six, stanzas 1-7 of Candrakīrti's "Entrance to (Nagārjuna's) 'Treatise on the Middle'", in *Path to the Middle: Madhyamaka Philosophy in Tibet: The Oral Scholarship of Khenpo Jigme Phuntsok* by Anne C. Klein (Albany: SUNY Press, forthcoming).  
*Tibetan Arts of Love*, from the Tibetan by Gedūn Chöpel (Ithaca: Snow Lion Publications, 1992).  
*The Kalachakra Tantra: Rite of Initiation for the Stage of Generation*, from the Tibetan by Kay-drup and the Dalai Lama (London: Wisdom Publications, 1985; revised edition, 1989).  
*Yoga of Tibet*, from the Tibetan by the Dalai Lama and Tsong-ka-pa (London: George Allen and Unwin, 1981; Rome: Ubaldini Roma, 1982); reprinted as *Deity Yoga* (Ithaca: Snow Lion Publications, 1987).  
*Death, Intermediate State, and Rebirth in Tibetan Buddhism*, in collaboration with Lati

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Rinbochay, from the Tibetan by Yang-jen-ga-way-lo-drö (London: Hutchinson, 1980; Rome: Ubaldini Editore, 1980; Ithaca: Gabriel Press, 1980; Peymeinade: Editions Dharma, 1980; Koln: Eugen Diederichs Verlag, 1983; Thai edition; Spanish edition; Portuguese edition forthcoming).

*Tantra in Tibet*, from the Tibetan by the Dalai Lama and Tsong-ka-pa (London: George Allen and Unwin, 1978; Koln: Eugen Diederichs Verlag, 1980; Rome: Astrolabio-Ubaldini, 1981; Ithaca: Snow Lion Publications, 1987; also Spanish and Portuguese editions).

*Practice and Theory of Tibetan Buddhism*, in collaboration with Professor Geshe Lhundup Sopa, from the Tibetan by the Fourth Panchen Lama and Göñ-chok-jik-may-wang-bo (London: Hutchinson, 1976; New York: Grove, 1976; Koln: Eugen Diederichs Verlag, 1978; Barcelona: Ediciones Aura, 1978; Rome: Ubaldini Editore, 1978). Second edition: *Cutting Through Appearances: The Practice and Theory of Tibetan Buddhism* (Ithaca: Snow Lion Publications, 1990).

#### EDITED TRANSLATIONS

*Walking Through Walls: A Presentation of Tibetan Meditation*, Studies In Tibetan Buddhism Series, lectures by Geshe Gedün Lodrö at the University of Virginia in 1979 (Ithaca: Snow Lion Publications, 1992).

*The Meaning of Life From a Buddhist Perspective*, lectures by the Dalai Lama in London in 1984 (Boston: Wisdom Publications, 1992).

*The Dalai Lama at Harvard*, a five-day seminar on Buddhist philosophy by the Dalai Lama at Harvard University in 1981 (Ithaca: Snow Lion Publications, 1989; Spanish edition).

*Health Through Balance: An Introduction to Tibetan Medicine*, lectures by Dr. Yeshe Donden (Ithaca: Snow Lion Publications, 1986; German edition).

*Kindness, Clarity, and Insight*, lectures by the Dalai Lama in North America (Ithaca: Gabriel Press, 1984; French, Dutch, Spanish, German, Portuguese, Chinese, Italian, and Japanese editions).

*Meditative States in Tibetan Buddhism*, in collaboration with Lati Rinbochay, Lochö Rinbochay, and Leah Zahler; lectures and a text by Pan-chen Sö-nam-drak-ba (London: Wisdom Publications, 1983).

*Tantric Practice in Nyingma*, lectures by Ven. Khetsun Sangpo (London: Hutchinson, 1982; Ithaca: Snow Lion Publications, 1983; Munich: Diederichs, 1988).

*Compassion in Tibetan Buddhism*, lectures by a tantric abbot and the first five chapters of Tsong-ka-pa's commentary on Chandrakirti's *Supplement to the Middle Way* (London: Hutchinson, 1980; Ithaca: Snow Lion Publications, 1980; Rome: Ubaldini Editore, 1981).

#### TRANSLATIONS

*Opening the Eye of New Awareness*, secondary to Donald Lopez, from the Tibetan by the Dalai Lama (London: Wisdom Publications, 1985).

*The Precious Garland and the Song of the Four Mindfulnesses*, in collaboration with Lati Rimpoche from the Sanskrit by Nagarjuna and the Tibetan by the Seventh Dalai Lama; (London: George Allen and Unwin, 1975; New York: Harper and Row, 1975; New Delhi: Vikas, 1975; Mexico: Editorial Diana, 1977; Rome: Astrolabio-Ubaldini, 1978; Toulansur-Aroux: Editions Yiga Tcheu Dzinn, 1980). Reprinted with the next book in a combined



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volume, *The Buddhism of Tibet* (London: George Allen and Unwin, 1983).

*The Buddhism of Tibet and the Key to the Middle Way*, in collaboration with Lati Rinpoche from the Tibetan by the Dalai Lama (London: George Allen and Unwin, 1975; New York: Harper and Row, 1975; New Delhi: Vikas, 1975; Mexico: Editorial Diana, 1976; Rome: Astrolabio-Ubaldini, 1978; Holland: Uitgeverij Ankh-Hermes-bv-Deventer, 1979; also Portuguese edition, 1978; and Japanese edition, 1980). Reprinted with the above book in a combined volume, *The Buddhism of Tibet* (London: George Allen and Unwin, 1983).

#### ARTICLES (17)

- "The Tibetan Genre of Doxography: Structuring a World-View", in *Tibetan Literature* edited by Professors José Ignacio Cabezón and Roger Jackson (forthcoming from Snow Lion Publications).
- "A Tibetan Contribution on the Question of Mind-Only in the Early Yogic Practice School", in *Journal of Indian Philosophy*, 20: 275-343, 1992.
- "A Tibetan Perspective on the Nature of Spiritual Experience", in *Paths to Liberation: The Marga and its Transformations in Buddhist Thought*, edited by Robert E. Buswell, Jr., and Robert M. Gimello (Honolulu: University of Hawaii Press, 1992).
- "Tibetan Buddhism as a Living Religious Option", in *Radical Conservatism* (Bangkok: Thai Inter-Religious Commission for Development, 1990).
- "Tantric Buddhism, Degeneration or Enhancement: the View of a Tibetan Tradition", *Buddhist-Christian Studies*, Vol. 10, 1990.
- "Three Case Reports of the Metabolic and Electroencephalographic Changes During Advanced Buddhist Meditation Techniques", with Herbert Benson, M.S. Malhotra, Ralph F. Goldman, and Gregg D. Jacobs, *Behavioral Medicine*, Vol. 16, No. 2, Summer 1990.
- "A Tibetan Delineation of Different Views of Emptiness in the Indian Middle Way School: Dzong-ka-ba's Two Interpretations of the *Locus Classicus* in Chandrakirti's *Clear Words* Showing Bhavaviveka's Assertion Of Commonly Appearing Subjects And Inherent Existence", *The Tibet Journal*, Vol. XIV, No. 1, 1989
- "Ultimate Reality in Tibetan Buddhism", *Buddhist-Christian Studies*, Vol. 8, 1988.
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- "dGe lugs pa", in M. Eliade's *Encyclopedia of Religion* (New York: Macmillan, 1986).
- "The Ultimate Deity in Action Tantra and Jung's Warning Against Identifying With the Deity", *Buddhist-Christian Studies*, Vol.5, 1985.
- "Reason as the Prime Principle in Dzong-ka-ba's Delineating Deity Yoga As the Demarcation Between Sūtra and Tantra", *Journal of the International Association of Buddhist Studies*, Vol. 7, No. 2, 1984.
- "A Session of Meditating on Emptiness", *The Middle Way*, Vol. 59, No. 1, May 1984.
- "Body Temperature Changes During the Practice of Heat Yoga", co-authored with Dr. Herbert Benson of Harvard University Medical School, et al, *Nature*, Vol. 295, Jan. 21, 1982.
- "Goiter in Tibetan Medicine", co-authored with Dr. Gerard N. Burrow, *The Yale Journal of Biology and Medicine*, 61, 1978.

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"In Praise of Compassion", *The Tibet Journal*, Vol. III, No. 3, Autumn 1978.

#### CO-TRANSLATION

Tsong-kha-pa's *Illumination of the Thought, Extensive Explanation of (Candrakīrti's "Entrance to (Nāgārjuna's) 'Treatise on the Middle'"* Commenting on Chapter Six, stanzas 1-7 of Candrakīrti's text, translation and annotation (co-translated with Anne C. Klein) in *Path to the Middle: Madhyamaka Philosophy in Tibet: The Oral Scholarship of Kensur Yeshay Tupden* by Anne Klein (Albany: SUNY, forthcoming).

#### REVIEW

*A History of Modern Tibet, 1913-1951: The Demise of the Lamaist State* by Melvyn C. Goldstein, in the *Journal of Asian Studies*, vol. 49 no.4.

#### PAPERS READ AT CONFERENCES

- "Tibetan Monastic Colleges: The Tension Between Allegiance and Rational Inquiry", American Academy of Religion Annual Conference, San Francisco (November, 1992).
- "Liberation Through Detail: A Move Toward Mutual Appreciation: Response to John Hick", Sixth Buddhist-Christian Theological Encounter, Boston University (August, 1992).
- "A Tibetan Contribution to the Doctrine of Mind-Only", 20th Annual Conference on South Asia, Madison, Wisconsin (November, 1991).
- "Tibetan Buddhism as a Living Religious Option", Fifth Buddhist-Christian Theological Encounter, Claremont Graduate School (March, 1989).
- "A Tibetan Perspective on the Nature of Spiritual Experience", NEH Conference on Buddhist Soteriology: The *Marga* and Other Approaches to Liberation, Los Angeles (June, 1988).
- "Subtle Mind and Subtle Matter: A Tibetan View of the Nature and Levels of Consciousness", The Universe Within: Consciousness and the Physical World, Isthmus Institute, Dallas (April, 1988).
- "Tantric Buddhism, Degeneration or Enhancement: the View of a Tibetan Tradition", Buddhism and Christianity: Toward the Human Future, GTU, Berkeley (August, 1987).
- "Dzong-ka-ba's Interpretation of Different Views of Emptiness among Nāgārjuna's Chief Commentators", Annual Conference on South Asia, Madison, Wis. (November, 1986).
- "Ultimate Reality in Tibetan Buddhism", Third Buddhist-Christian Theological Encounter, Purdue (October, 1986).
- "Liberation from Systemic Distortion and to Altruistic Endeavor in Tibetan Buddhism: Response to David Tracy's 'The Christian Understanding of Salvation-Liberation'", Second Buddhist-Christian Theological Encounter, Vancouver (March, 1985).
- "Dzong-ka-ba's Two Interpretations of the *Locus Classicus* in Chandrakīrti's *Clear Words* Showing Bhāvaviveka's Assertion of Commonly Appearing Subjects and Inherent Existence", Learned Societies of Canada, Toronto (May, 1984).
- "The Question of Mind-Only in Asaṅga's *Bodhisatvabhūmi*", NEH Conference on Buddhist Hermeneutics, Los Angeles (May, 1984).
- "Paradigm Change in Meditation on Selflessness in Tibetan Buddhism: The Progression from

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Space-Like Meditative Equipoise to Deity Yoga", East-West Religions in Encounter, Hawaii (January, 1984).

"The Ultimate Deity in Action Tantra and Jung's Warning Against Identifying With the Deity", AAR Buddhism Group, Dallas (December, 1983).

"Deity Yoga: The Tantric Distinction", South Asia Colloquium of the Pacific Northwest, UBC (October, 1983).

"Gradual and Sudden Enlightenment in the Nying-ma School of Tibetan Buddhism", Conference on Early Chan in China and Tibet, Berkeley (1976).

## BOOKLETS

"Meditations d'un Supérieur de Collège Tantrique et Pratique de la Vacuité", a French edition of the third and fifth booklets below (Peymeinade: Editions Dharma, 1979).

"Ocean of Reasoning", translation from Tibetan of the second chapter of Dzong-ka-ba's commentary on Nāgārjuna's *Treatise on the Middle Way* (Dharamsala: Library of Tibetan Works and Archives, 1977).

"Meditations of a Tibetan Tantric Abbot", edited translation from Tibetan of oral teachings by Kensur Lekden on the three principal paths to enlightenment (Dharamsala: Library of Tibetan Works and Archives, 1977), also found in *Compassion In Tibetan Buddhism*, above.

"Analysis of Going and Coming", translation from Sanskrit and Tibetan of the second chapter of Chandrakīrti's *Clear Words* (Dharamsala: Library of Tibetan Works & Archives, 1976).

"Practice of Emptiness", translation from Tibetan of the wisdom section of the Fifth Dalai Lama's *Sacred Word of Mañjuśrī* (Dharamsala, Library of Tibetan Works and Archives, 1974).

## ARTICLES IN POPULAR JOURNALS

"The Three Natures of All Phenomena", *Tibetan Review*, April, 1975.

"An Anatomy of Body and Disease", *Tibetan Review*, September, 1974.

## POEM

"The Wanderer", translation from Anglo-Saxon, *Virginia Quarterly*, April, 1977.

## CURRENT PROJECTS

*Reflections on Reality: The Natures of Phenomena in the Mind Only School*, exposition and analysis of Tibetan presentations of the philosophy and psychology of the Mind Only School in its historical and cultural context with an annotated translation of the first section of Dzong-ka-ba's *The Essence of the Good Explanations*, a Tibetan treatise on the view of reality in the Great Vehicle schools.

*Tantric Techniques*, an historical and doctrinal analysis delineating the difference between the two main forms of Buddhist practice (sūtra and tantra) according to the four major orders of Tibetan Buddhism and examining the issue of divine pride in the light of Jung's warnings against positive and negative inflation.

*Primordial Enlightenment: The Nying-ma View of Luminosity and Emptiness*, a presentation of

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the Nying-ma view of reality based on the writings of Mi-pam-gya-tso.

*Magical Feats in Yoga Tantra*, the third volume of the *Great Exposition of Secret Mantra*, with translations of Dzong-ka-ba's and the Dalai Lama's expositions and with an explanatory supplement.

*Introduction to the Middle Way*, translation of the first section of chapter six of Chandrakirti's *Supplement to the Middle Way* with Tibetan commentaries as well as analysis of the major topics.

*Basic Tibetan Grammar: Śi-dū's Commentary on "The Thirty"*, translation of the foremost indigenous work on Tibetan grammar.

#### POST-DOCTORAL AWARDS

1992 spring: University of Virginia Sesquicentennial Associateship research grant.

1990-92: Department of Education for International Research and Studies Program: Project for the Development of Proficiency-Based Tibetan Language Instructional Materials, \$156,800

1988 fall: University of Virginia Ellen Bayard Weedon Travel Grant for research in Tibet.

1987 summer: University of Virginia Ellen Bayard Weedon Travel Grant for research in Tibet.

1985 spring: University of Virginia Sesquicentennial Associateship research grant.

1982 spring and summer: Fulbright Senior Fellowship for research in India.

1979 spring: American Institute of India Studies research grant for five weeks in India.

1978 fall: University of Virginia Sesquicentennial Associateship research grant.

(1975-76: American Institute of India Studies research grant for one year in India but was denied visa.)

1975 summer: University of Virginia research grant.

1974 summer: University of Virginia research grant.

#### PRE-DOCTORAL AWARDS

1971-72: Fulbright-Hays Dissertation Year Abroad Fellowship in Germany and India.

1969 summer, 1971 summer, 1973 spring: Ford Foundation Acceleration grants

1968-69, 69-70, and 70-71: FLAS Title VI, Department of Education

(Also was awarded but did not accept a FLAS Title VI at Harvard for 1968-69 and an American Institute of Indian Studies grant for research in India for 1971-72.)

#### ADMINISTRATIVE SERVICE

Director, Center for South Asian Studies, University of Virginia, 1979-82, 1985-present:

Center grants for 1993-94:

US Department of Education for National Resource Fellowships, 1993-1994: \$70,125.

US Department of Education for a South Asia National Resource Center (Undergraduate), 1993-1994: \$130,087.

University of Virginia Academic Enhancement Program: Program for the Study of Indo-Tibetan Religions: \$12,000 for the fourth of four years.

Ellen Bayard Weedon Foundation for performing arts events: \$3,500.

*P. Jeffrey Hopkins*

Treasurer, Lesbian Gay and Bi-Sexual Faculty and Staff Association, U. Va., 1992-93.

Search Committee for Dean of International Studies, U. Va., 1986.

Graduate Committee, Dept. of Religious Studies, U. Va., 1975-present.

**PROFESSIONAL SOCIETIES**

American Academy of Religion

American Institute of Buddhist Studies (trustee)

International Association of Buddhist Studies

Tibet Society

Tibetan Studies Institute (president)

**PUBLIC SERVICE**

President, Institute for Asian Democracy, Washington, D.C.

Official interpreter on lecture tours for His Holiness the Dalai Lama in the U.S. in 1979, 1981, 1984, 1987, 1989; in Canada in 1980; in Southeast Asia and Australia in 1982; in Great Britain in 1984; and in Switzerland in 1985.

Testimony at the Hearing on U.S. and Chinese Policies Toward Occupied Tibet before the Committee on Foreign Relations United States Senate, July 28, 1992: pp. 39-46 of special printing for the use of the Committee on Foreign Relations.

U.S. Institute of Peace Working Group conference on "Tibet: Religion, Conflict and Cooperation", September, 1993.



**Lodi G. Gyari**  
**President, International Campaign for Tibet**

**Testimony before the**  
**U.S. House of Representatives**  
**Committee on Foreign Affairs,**  
**Subcommittee on International Security, International Organizations and**  
**Human Rights**

**Religious Persecution in Tibet**  
**March 9, 1994**

Thank you, Mr. Chairman and distinguished members of this Committee, for providing me with the opportunity to testify before you today on Chinese Government persecution of the Tibetan people and the practice of Tibetan Buddhism. It is a particularly appropriate day to hold this hearing as tomorrow marks the 35th anniversary of the Tibetan uprising against the occupying Chinese forces. Events on March 10, 1959 led to the eventual escape of His Holiness the Dalai Lama from Tibet along with thousands of Tibetan refugees.

My name is Lodi Gyari and I was born in Nyarong, in the Tibetan province of Kham. I am President of the International Campaign for Tibet, an American non-governmental organization dedicated to the promotion of human rights and democratic freedoms for the Tibetan people. I am also Special Envoy of His Holiness the Dalai Lama and have served in both the Tibetan Parliament and Cabinet in Exile in Dharamsala, India.

I would like to express my deep appreciation to the U.S. Congress for its tremendous leadership on the issue of Tibet, and particularly to you, Mr. Chairman. The numerous resolutions passed by you and your colleagues condemning human rights violations in Tibet and providing financial and other assistance to Tibetan refugees, have given great encouragement to the Tibetan people. In particular I would like to thank the Congress for the historic resolution passed in 1991 recognizing all of historical Tibet as an occupied country and His Holiness the Dalai Lama as the legitimate representative of the six million Tibetan people.

Mr. Chairman, your long history of support for Tibet and for His Holiness the Dalai Lama has been instrumental in putting the grave situation in Tibet on the agenda of the United States in its relations with the People's Republic of China.

Since 1989 the International Campaign for Tibet has supported the efforts of the Congress to use annual renewal of China's Most-Favored-Nation (MFN) trade status to help bring about a change in the policies of the People's Republic of China towards the Chinese and Tibetan people. We were therefore pleased when President Clinton issued his Executive Order and addressed the issue of Tibet independently by including a condition calling for the protection of Tibet's distinct religious and cultural heritage.

While this Tibet condition is disturbingly broad, it acknowledges that the problem in Tibet is not simply one of human rights violations, environmental degradation or even destructive development practices, but one at which the very survival of a people and their religious, cultural and national identity is at stake.

Since the President issued this Executive Order last May, the Chinese Government has taken no steps to protect Tibet's' religious and cultural heritage and continues to persecute the Tibetan people for the religious and political beliefs and practices.

Today, the Chinese Government continues to violate the basic rights and fundamental freedoms of the Tibetan people. I will not go into detail here on all aspects of the human rights violations occurring in Tibet and will speak only on the focus of this hearing, religious persecution. However, I would like to mention two of the most serious problems occurring in Tibet today, the increased influx of Chinese settlers into Tibet and the alarming rate of imprisonment of Tibetans for their political beliefs. I would be happy to answer any questions that you may have on these related topics.

#### Religious Persecution in Tibet

Since China invaded Tibet in 1949, over 1.2 million innocent Tibetans have lost their lives and the Chinese Government has attempted to destroy all vestiges of the unique Tibetan culture and religion. After demolishing over 6000 monasteries and places of worship, the Chinese authorities imposed strict rules against all displays of Tibetan culture and religion. These restrictions remain to this day. The initial destruction in Tibet was so severe that in 1960 the International Commission of Jurists found "that acts of genocide had been committed in Tibet in an attempt to destroy the Tibetans as a religious group."

The 1993 State Department Country Human Rights Report found that the Chinese government still "tightly controls" Tibetan Buddhism and that in 1993 relations between secular authorities and Buddhists "continued to be tense." Many of the

recently arrested political prisoners are monks and nuns, who are generally very active in opposing Beijing's repressive rule.

Over the past year the Chinese Government has stepped up repression against Tibetan Buddhist nuns. On February 20, the sentences of fourteen imprisoned nuns were doubled and tripled for singing pro-independence songs while in prison, including one woman whose sentence was increased from nine to seventeen years. Last month, twelve nuns charged with demonstrating in June 1993, including a 15 year old girl, were given sentences of up to seven years in prison. If such blatant violations of the rights of Tibetan women continue, we may be compelled to protest Beijing as the site for hosting the prestigious 1995 Fourth World Conference on Women as we did with their bid for the 2000 Olympics.

The Chinese Government has allowed the physical reconstruction of many monasteries to occur, yet virtually all remain only marginally restored and the number of monks in each monastery is usually only 5-10% of the original number. Monasteries today are unable to function as centers of learning. Current religious education in Tibet is similar to allowing children to go to a school where there is no classroom, no teacher, no books. Obstacles include a shortage of qualified teachers, lack of administrative control by the monks, insufficient numbers of students, and stringent work regulations which leave little time for study.

There are also government-enforced guidelines for Tibetans to enter the monkhood, which are not consistently applied, yet are common throughout Tibet. These include: an age requirement of at least 18 years old, should "love" the country and the Party, parents and candidates must have "good" political background and must receive approval of local authorities to enter the monastery.

#### Religious Policy

Religious policy for Tibet is developed by central authorities in Beijing, by both the Communist party and the government structure. In 1949 Chinese authorities built an infrastructure of committees and administrators to exert control over religious activities in Tibet.

The religious policy is carried out in each monastery through Democratic Management Committees (DMC), which is the highest authority in a monastery. This structure uprooted the traditional hierarchy of the abbot. The DMC has the power to intervene in all activities of the monastery and often works directly with security forces. Restrictions on religion are enforced by the Religious Affairs Bureau (RAB). The RAB oversees the restoration and reconstruction of monasteries, administers funds, and screens applicants for entrance into the monasteries. The Tibetan Buddhist Association is the liaison between practicing Buddhists and RAB.



In 1991 there was a shift in religious policy requiring that local Buddhist Associations, staffed by Party cadres and trusted officials, exert more influence over monasteries and nunneries and conduct more 'study sessions'. These study sessions often have the dual purpose of identifying which monks and nuns are willing to speak out against the government policy. Those selected are promptly arrested or monitored.

1991 also brought the TAR a new Communist Party Secretary, Chen Kunyuan, who promptly alienated many Tibetans for his policies to require Tibetan officials who sympathize with the Dalai Lama with Chinese cadres. The policies were enunciated in a highly classified speech delivered in a Party meeting in Lhasa, in which he also criticized a 'great number' of Tibetan Party cadres, including some very high ranking officials, for having photos of the Dalai Lama on display in their homes. He said that this needs to be taken very seriously and that cadres must remember that they are atheists. Previously, the policy of requiring Tibetan Communist Party officials to be, or pretend to be, atheists had been relaxed.

This new expression of intolerance of religion within Party ranks is significant in that it comes from the highest official in Tibet and is part of an overall offensive against Tibetans playing any significant role in the government.

Over the past nine months the Chinese Government been no steps taken to protect Tibet's religion and has made no progress towards meeting the conditions included in President Clinton's Executive Order calling for the protection of Tibet's distinct religious and cultural heritage.

#### Conclusion

In September the United States Institute of Peace convened a conference on religious intolerance in Tibet. In their recently released conference report they found that 'Chinese control over Tibet — and particularly control over the religious institutions of the society — is seen by the Tibetans as an assault on their very identity. So long as Tibetans are denied a greater measure of self-direction, including the right to define for themselves acceptable forms of religious expression, practice, and education, political agitation by monks and nuns for independence is likely to persist.'

The Institute goes on to say that '...increasing Tibetan control over political, economic, and religious life within Tibet appears to be the only viable means of reducing tension in the region between Chinese and Tibetans.' They conclude that the best way to achieve this goal is by establishing a dialogue between the Chinese Government and the Tibetan people.

It has long been the belief of the Dalai Lama that the only way to peacefully resolve the situation in Tibet is through negotiations and over the past fourteen years he has made numerous statements calling for the Chinese to begin negotiations with the Tibetan people. In fact he presented his forward-looking proposal, the Five Point Peace Plan, before you and the Congressional Human Rights Caucus in 1987. In this proposal and others, the Dalai Lama has stressed the importance of substantive negotiations and stated his solid commitment to negotiate with the Chinese Government on an agenda that does not include the issue of independence. He stands firm by this commitment. However the Chinese Government has consistently rejected all of his proposals.

I have been encouraged by efforts of the Administration to urge the Chinese Government to commence negotiations with the Dalai Lama or his representatives as a benchmark to meeting the Tibet condition in the MFN Executive Order. The International Campaign for Tibet calls on the Congress and Administration to insist that the Chinese begin negotiations with the Dalai Lama or his representatives before June 3, 1994.

We further call on the Chinese to agree to the time, place and agenda for completion of negotiations on the future of Tibet before June 3, and on the United States to use its ongoing leverage with China to ensure that the negotiation process is successfully completed. This will guarantee that China follows through with such negotiations and does not simply agree to a single meeting with the Tibetans in order to meet the MFN condition. While such actions in and of themselves would not protect Tibet's religious and cultural heritage, they would represent some progress in an extended process which could lead to peace in Tibet.

Unless a negotiated settlement is reached it will be difficult to ensure that the religious and cultural heritage will be protected, and that the Tibetan people will be allowed to freely practice their religion.

Again I thank you for providing me this opportunity to testify before you today.



### Lodi Gyaltsen Gyari Biographical Data

Lodi G. Gyari was born in Nyarong, Eastern Tibet in 1949 where he received a traditional monastic education. Mr. Gyari and his family fled from Tibet to India in 1959. Mr. Gyari was educated in English in Darjeeling, India. Realizing that Tibetans need to publicize their struggle to the world, he became an editor for the *Tibetan Freedom Press* and founded the *Tibetan Review*, the first English-language journal published by Tibetans in-exile.

Mr. Gyari was one of the founding members of the Tibetan Youth Congress, an organization of over 10,000 members. He served as President of the Congress in 1975. Mr. Gyari was elected to the Assembly of Tibetan People's Deputies, the Tibetan Parliament in exile, and subsequently became its Chairman. He then served as Deputy Cabinet Minister with responsibilities for the Council for Religious Affairs and the Department of Health. In 1988 he became Senior Cabinet Minister for the Department of Information and International Relations. Currently he works as a cabinet advisor, Special Envoy for H.H. the Dalai Lama at the United Nations and to Washington, D.C. and as President of the International Campaign for Tibet, an independent Washington based human rights advocacy group.

Mr. Gyari lives in McClean, Virginia with his wife Dawa Chokyi and their six children.











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