CHALLENGES FACING RELIGIOUS MINORITIES IN SOUTH ASIA

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

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SECOND SESSION

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CHALLENGES FACING RELIGIOUS MINORITIES IN SOUTH ASIA

WEDNESDAY, MARCH 21, 2012

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:00 a.m., in Room 340 Cannon House Office Building, Hon. James McGovern and Hon. Joseph R. Pitts [co-chairman and member of the Commission] presiding.

Mr. PITTS. Good morning, ladies and gentlemen. The time of 10:00 o'clock having arrived, we will call this hearing of the Tom Lantos Human Rights Commission to order. The hearing today is on challenges facing religious minorities in South Asia.

I have a prepared statement. To begin, ladies and gentlemen, colleagues, and distinguished guests, I convene this hearing entitled "Challenges Facing Religious Minorities in South Asia" as someone who has been to South Asia many times and with a deep concern for the religious freedoms of the people of the region.

I have witnessed firsthand the grotesqueness of human rights abuses, stemming from religious persecution, both from state and social hostilities. I have been exposed to the nature of deep-rooted fundamental disagreements on religion and the effects that they can have on societies.

That being stated, I have never once questioned the fundamental ability of man to peacefully coexist, despite these differences.

Recently, the world has witnessed rising restrictions on religion on a global scale. A Pew forum on religion and public life study in 2011 found that 70 percent of the world's population was "living in countries where governments imposed high restrictions on religion or where there were high levels of religious hostilities in society."

The study also found that while the percentage of countries where government restrictions are increasing stood at 12 percent, when looked through the lens of global population, restrictions and hostilities were increasing on the 32 percent of the world's inhabitants. Given the large populations present in South Asia, it seems that a small amount of countries constitute a disproportionately large share of the rising restrictions of populations.

With that in mind, the report documented a rise in religious restrictions in three out of four of the countries we are focusing on today, all despite the fact that South Asia is the birthplace of so many of the world's religions. Practitioners of Hinduism, Buddhism, Sikhism, and Jainism, and substantial populations of Christian and Muslim populations all call the region home.

As we focus today on the countries of India, Pakistan, Bangladesh, and Afghanistan, we observe a wide variance of religious restrictions and hostilities and persecution and even religious violence.

We have seen state-backed restrictions, abuses stemming from inaction by the government in the case of its failure to protect minority groups, and culturally enforced hostilities stemming from the teaching in madrassas. In India, we have evidence of religious hostility being used as a political weapon in the case of the Orissa abuses of 2008. In Bangladesh, we witnessed the confines of a limited and weak state, where Hindu women are subjugated to Sharia-based punishments. In Afghanistan, we have witnessed an entire faith, that of Baha'ism, to be declared a form of blasphemy by the Supreme Court.

In many cases, the abuses are coordinated and systemic. In others, they are more random and tangential to actual religious tensions. However, one aspect that is glaring is that as these abuses continue, the world is not unaffected by their occurrence. As I have already mentioned, religious challenges in this region have been accompanied by a rise in global restrictions from intolerance in Europe to religious violence in tandem with ethnic and political conflicts. If the international community and the United Nations ignore these problems, we do so at great peril.

I look forward to identifying the key problems here today and hope to find solutions and actions that could be taken to stem this alarming trend. And I would like to conclude by thanking all of our witnesses that are here today. I look forward to hearing your testimony.

I would also like to point out that these hearings reflect a wide range of views, especially views from ethnic and religious minorities. But we understand there is a diversity of views on these sensitive topics within the countries they touch upon. While we welcome dissenting views, we ask that the audience respect that this is a congressional hearing. And if anyone feels compelled to dissent, we ask they rise respectfully and stand silently. The members of the Commission will understand from this respectful demonstration that there are dissenting views among those attending and bear that in mind.

We have three panels this morning. The first panel is Leonard Leo, Chair of the US Commission on International Religious Freedom. You will please come to the witness table. Thank you.

Panel II is Majed El Shafie, founder of One Free World International; Amjad Khan, National Director of the Public Affairs of the Ahmadiyya Muslim Community of the USA.

Panel III will be Dr. Sachi Dastidar, a distinguished service professor, Department of Political Economics and Law, State University of New York; and Dr. Angana Chatterji, India human rights specialist; and Dr. Najid Hussain, President of the Hasan Jafri Foundation.

So we will take panel I at this time. Mr. Leo, thank you for coming. You are welcome to present your testimony.

Tom Lantos Human Rights Commission Hearing
Opening Statement- Representative Joseph Pitts
"Challenges Facing Religious Minorities in South Asia"
March 21, 2012

Ladies and gentlemen, colleagues, distinguished guests – I convene this hearing entitled "Challenges Facing Religious Minorities in South Asia" as someone having been to South Asia multiple times, and with a deep concern for the religious freedoms of the peoples of the region. I have witnessed first-hand the grotesqueness of human rights abuses stemming from religious persecution, both from the state and social hostilities. Growing up as a missionary's child in the Philippines, I have been exposed to the nature of deep-rooted, fundamental disagreements on religion, and the affects that they can have on societies. That being stated, I have never once questioned the fundamental ability of man to peacefully coexist despite these differences.
Recently, the world has witnessed rising restrictions on religion on a global scale. A Pew Forum on Religion and Public Life study in 2011 found that 70% of the world's population was "living in countries where governments imposed high restrictions on religion or where there were high levels of religious hostilities in society." The study also found that while the percentage of countries where government restrictions are increasing stood at 12%, when looked through the lens of global population, restrictions and hostilities were increasing on the 32% of the world's inhabitants. Given the large populations present in South Asia, it seems that a small amount of countries constitute a disproportionally large share of the rising restrictions on populations. With that in mind, the report documented a rise in religious restrictions in 3 out of 4 of the countries we are focusing on today.
This is all despite the fact that South Asia is the birthplace of so many of the world's religions. Practitioners of Hinduism, Buddhism, Sikhism, and Jainism and substantial populations of Christian and Muslim populations all call the region home.
As we focus today on the countries of India, Pakistan, Bangladesh and Afghanistan, we observe a wide variance of religious restrictions, hostilities, persecution and even religious violence. We have seen state-backed restrictions, abuses stemming from inaction by the government in the case of its failure to protect minority groups, and culturally enforced hostilities stemming from the teachings in madrassas.
In India, we have evidence of religious hostility being used as a political weapon, in the case of the Orissa abuses in 2008. In Bangladesh, we witness the confines of a limited and weak state, where Hindu women are subjugated to Sharia-based punishments. In Afghanistan, we have witnessed an entire faith, that of Baha'ism, to be declared a form of blasphemy by the Supreme Court.
In many cases, the abuses are coordinated and systemic. In others, they are more random and tangential to actual religious tensions. However, one aspect that is glaring is that as these abuses continue, the world is not unaffected by their occurrence. As I have already mentioned, religious challenges in this region have been accompanied by a rise in global restrictions, from intolerance in Europe to religious violence in tandem with ethnic and political conflicts. If the international community and the United Nations ignore these problems, we do so at great peril.
I look forward to identifying the key problems here today, and hope to find solutions and actions that can be taken to stem this alarming trend. I would like to conclude by thanking all of our witnesses that are here today, and I look forward to hearing your testimonies.

I would also like to point out that these hearings reflect a wide range of views, especially views form ethnic and religious minorities, but we understand there are a diversity of views on these sensitive topics within the countries they touch upon. While we welcome dissenting views, we ask that the audience respect that this is a Congressional hearing and if they feel compelled to dissent, we ask that they rise respectfully and stand silently. The Members of the Commission will understand from this respectful demonstration that there are dissenting views among those attending and bear this in mind.

STATEMENT OF LEONARD A. LEO, CHAIR, US COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. LEO. Thank you. First I want to thank the Tom Lantos Human Rights Commission for convening this important hearing on challenges facing South Asia's religious minorities.

The US Commission on International Religious Freedom, on which I serve as chair, has monitored religious freedom conditions across the region for many years. Today I will share USCIRF's findings and recommendations from our 2012 annual report, which released yesterday, as they pertain to the region.

Before I focus on USCIRF's findings and recommendations, though, I would like to take this opportunity to note that this is a significant week for our Commission, Representative Pitts. First, as I just noted, this week USCIRF is issuing our annual report. It contains extensive policy recommendations on how the US can further freedom of religion in 25 countries.

Second, today marks the end of the tenure of several commissioners who have labored mightily in support of religious freedom. We are most grateful for their efforts and dedication. They are Dr. Don Argue, Felice Gaer, Dr. Richard Land, Dr. Elizabeth Prodromou, and Nina Shea.

Our other colleagues who diligently share the Commission's responsibilities, Azizah al-Hibri, Rev. William Shaw, and Theodore Van Der Meid, will miss those whose terms are expiring today but look forward to the President and Congress promptly appointing new commissioners, who will continue the institution's important work.

As you know, the US is engaging in conflicts against violent religious extremism. In this context, we can see just how much religious freedom matters, particularly in South Asia. Clearly, its absence fosters extremism and violence, increases in stability, and encourages human rights violations. Research indicates that the protection of religious freedom correlates with reduced conflict and is critical to security, democracy, and socioeconomic progress.

The national security implications of religious freedom violations are blindingly obvious, as we see in a March 15th New York Times article about Afghanistan. The article highlighted the stark difference between Afghans and Americans in reaction to the Quran burnings, which amongst Afghans triggered a greater reaction than the recent murder of their 16 fellow citizens.

Looking back over the tensions in the US-Afghan relations that have been simmering, the writer of the article noted that there was a fundamental disconnect between Americans and their Afghan partners. And it is rooted in our foreign policy having failed to take account of how "Faith is paramount for Afghans."

By any measure, across most of the world, including South Asia, religion does matter, as does religious freedom. And when we downplay this reality, we do it at the cost of our foreign policy agenda from human rights to national security.

Because of USCIRF and mechanisms created by the International Religious Freedom Act, I believe we have the capability to rectify this. With that in mind, I will now turn to Pakistan, Afghanistan, India, and briefly Bangladesh.

Since 2002, USCIRF has recommended that Pakistan be named a country of particular concern, but the US State Department has yet to take that action, even though Pakistan both engages in and tolerates severe religious freedom violations.

In Pakistan, growing religious extremism continues to threaten religious freedom and

related rights, especially for women, religious minority members, and Muslims who hold views that extremists deem un-Islamic. The mere allegation of blasphemy has resulted in the lengthy detention of and violence against Christians, Ahmadis, Hindus, and members of the Muslim majority as well.

Let me say a few words about Shahbaz Bhatti, Pakistan's former federal Minister of Minority Affairs, who was murdered for opposing Pakistan's blasphemy law. Today, over a year later, Pakistan's government has done virtually nothing to investigate the crime and bring the perpetrators to justice. Pakistan must bring them to justice so that every Pakistani knows that perpetrators of violence will be held accountable and that individuals can stand for freedom without forfeiting their lives.

Bhatti was a Christian, but violent extremists recently have targeted members of other religious minorities. Last September, for example, militants stopped a bus of Shi'a Muslim Pilgrims near Quetta shot and killed 26 of them and later killed 3 relatives when they tried to collect their bodies. Other religious minorities, like Pakistan's Hindus and Sikhs, are especially vulnerable to crime, including robbery and kidnapping for ransom. Ahmadi are subject to the most severe legal restrictions officially sanctioned discrimination and acts of violence.

Designating Pakistan as a country of particular concern would be a critical first step in a constructive direction. The US Government should urge Pakistan to align its laws with international human rights standards, actively prosecute violence perpetrators, and unconditionally release individuals currently jailed for blasphemy.

Equally important, as noted by a study we released last November, Pakistan's educational system, public and private education alike, needs to be addressed as an incubator of extremism. Pakistan must set national curricula standards that promote tolerance, introduce a course to promote interfaith understanding, and sign into law and implement a madrassas reform agreement. I wish to submit, Representative Pitts, this November report along with my testimony for the record.

Mr. LEO. As with Pakistan, religious freedom conditions remain poor for its neighbor Afghanistan, which is why once again we named Afghanistan to our watch list. In Afghanistan, individuals who dissent from the prevailing Islamic orthodoxy are subject to legal actions, including prosecutions for blasphemy and apostasy.

Moreover, Afghanistan's constitution has been interpreted and applied in a way that elevates a restrictive interpretation of Islamic law.

Given that the Taliban's influence will likely rise if negotiations with insurgents move forward, this is increasingly problematic. The problem is that the constitution's undefying notions of Islamic law supersede its human rights guarantees, undermining religious freedom and women's rights.

Unfortunately, President Hamid Karzai recently expressed support for a document issued by Islamic scholars which promotes segregation of the sexes and allows husbands to beat their wives. The small Afghani Christian community is also vulnerable. In recent years, the risks have spiked with Christians being jailed but later released for the so-called crime of apostasy.

In response to conditions in Afghanistan, the US Government should clearly state its concern for guarantees ensuring religious freedom and religious tolerance. It should create a special interagency working group on religious freedom in Afghanistan and cosponsor with the Afghan Government an initiative on interfaith dialogue and religious tolerance.

The US Government if it resumes negotiations with the Taliban needs to make adherence

to the Universal Declaration of Human Rights under the Afghan constitution as an explicit plank in the negotiations. And the State Department should at least consider pressing the reset button on its informal justice system training program, which seems to be resulting in the application of some radical interpretations of Sharia in parts of the country.

Turning to India, we have again placed that nation on our watch list. India has been slow in achieving justice for attacks against religious minorities, including Christians in Orissa in 2007 and '08, Muslims in Gujarat in 2002, and Sikhs in 1984. Intimidation, harassment, and occasional violence against religious minority members have continued, highlighting how delays in justice have encouraged a climate of impunity.

Today, ten years after the killing of between 1,200 and 2,500 Muslims as well as Christians and a displacing of 100,000 people in the State of Bhujarat, hundreds of court cases remain unresolved.

USCIRF has recommended that the US Government integrate concerns for religious freedom into all bilateral contacts with India. We have urged the Indian Government to strengthen the ability of state and central police to prohibit and punish cases of religious violence. And we have urged the Indian Government to encourage states that have adopted anti-conversion laws to repeal them because we think those are creating violence within those states.

Lastly, very few words on Bangladesh, which was on our watch list through 2008. After the 2008 general election, we were encouraged by Prime Minister Hasina's announcement that she would implement religious freedom reforms. We remain encouraged by recent steps to rectify past religious freedom violations. And we just recently spoke with the Bangladeshi ambassador about those.

In December 2011, the Bangladesh cabinet passed the Vested Property Return Act, which established a process for the return of or compensation for property seized. It is a positive development. However, this process is available only for citizens residing in Bangladesh. And we have asked that they consider extending the protections. And we will, of course, continue to monitor what goes on in Bangladesh.

To conclude, Representative Pitts, let me just say that religious freedom abuses must never go unchallenged in South Asia or anywhere else in the world, as I know you believe as well. I commend the Tom Lantos Commission for its determination in this regard. And I thank you again for the work you are doing in this area and for having me testify today. I look forward to our continuing work together on behalf of human rights and religious freedom.

Mr. PITTS. The chair thanks the gentleman. We will with your permission begin the questioning. And I recognize myself for that purpose.

First off, I appreciate your mentioning that it is the policy of the United States to encourage respect for human rights and freedom of thought, conscience, and religion around the world. And that statement could not be more accurate.

That being said, how do you rate the US Government's effectiveness in promoting religious freedom and protection for religious minorities in South Asia? And what should we be doing that we are not doing?

Mr. LEO. I think that the US Government's record in this regard is rather mixed. Clearly we have tried to have some interventions with the Pakistani Government and to some degree with the Indian Government regarding some of the issues I have mentioned, but far little has been done to date.

Pakistan should have been placed on the country of particular concern list at least a

couple of years ago. And certainly the assassination of Minister Bhatti and Governor Taseer sent a real warning light or red flag in the air that things were getting worse.

We have noted in some recent work that we have done that over 100 people have been imprisoned under the blasphemy law for Pakistan. And these just aren't religious minorities. These are majority Muslims as well who are sometimes targeted by their fellow citizens.

In the case of Afghanistan, we have very serious problems, Representative Pitts, because I think, in part, a number of years ago, the United States helped with the constitution that contains some very troubling provisions. In particular, there is a repugnancy clause in the constitution of Afghanistan that basically says that anything in contravention of Afghanistan's radical interpretation of Sharia and Islam is superseded. So any references right now to the universal declaration of human rights contained in the Afghan constitution are subject to being superseded by the repugnancy clause.

This is something that, unfortunately, occurred on the United States' watch early on in discussions with Afghanistan. It is something, though, that we can correct today if in engaging in negotiations with the Taliban we urge them to embrace respect for the universal declaration and reject its current interpretation of the repugnancy clause in the constitution. So there are more things that we could be doing.

I think the United States needs to recognize the centrality of freedom of religion or belief to our foreign policy and national security agenda that we don't always do that to the extent we should in countries like Afghanistan or Pakistan.

Mr. PITTS. Based on your assessment of the lack of redress for the victims of the Gujarat violence -- and I might say I visited Gujarat shortly after the 2002 riots. I visited the home of the member of parliament Mr. Jafri where some 70-plus, 72, women and children had fled seeking refuge, thinking they would have refuge there and witnessed the blood spattered on the wall, where they had been violently killed and burned. It was just horrific.

In your opinion, what can the US Government do to urge the Indian Government to take a more serious look at this issue? I don't think there have been any prosecutions? Is that what you said? Would you elaborate?

Mr. LEO. Well, there have been some investigations and prosecutions under the fast track courts that India has created. The problem is that these courts are moving at an incredibly slow pace. There are a lot of questions about whether investigations are being dropped that shouldn't be. And there is very limited public information about how these investigations and prosecutions are going. There is a disproportionate number of judges and law enforcement officers to the size of the population, which slows the justice system down even more.

So there is a tremendous sluggishness in dealing with the problems in Gujarat and Orissa. And on top of that, to some extent, there is a loss of some public confidence because you have, for example, government leaders like Manoj Pradhan and Narendra Modi, both of whom were implicated in the violence. And they still maintain their positions in government, even though Pradhan was convicted of culpable homicide, multiple counts of it, and even though Modi is believed to be complicit in the violence.

So, number one, you have a justice system that is just really not adequate to address the problems; and, secondly, you have a loss of public confidence because people who were quite likely involved in some of the violence that occurred are not being removed from government and brought to justice.

Mr. PITTS. Would you be supportive of the potential reiteration of the US State Department's past refusal to provide Chief Minister Modi with a visa to visit the United States?

Mr. LEO. Yes, we would.

Mr. PITTS. And on a subsequent visit there, I met with the Muslim community. We were part of a ceremony giving keys to small homes and sewing machines to the widows, many of the widows in that community. Is there more that the United States should be doing to help engage on that issue?

Mr. LEO. Well, this is one area where the Indian Government has started to do some good work. So they are providing some compensation for the rebuilding of homes and businesses. Unfortunately, it is a fraction of the cost to rebuild. So it is unclear how effective that assistance is going to be to the people who have been beleaguered by the violence.

I think there are a couple of things the United States can do which the Commission has recommended. I mean, first, we can't provide some capacity building and technical assistance to bolster the law enforcement system in India. And because we have a rich trodden of the rule of law here, we have got some very good training programs, which should bring those to bear in India because they could be helpful.

Secondly, I think we have to continue to place pressure on the Indian Government to really move forward faithfully in trying to compensate as many victims as possible.

And, look, we all recognize that there are systemic problems in India with their justice system and, of course, their huge economic pressures on the country. So we need to recognize that it is not an easy task.

But at the same time, we need to try to convince the Indian Government that tensions regarding freedom of religion and religious minorities are a real tinderbox and create enormous instability.

So, although there are systemic problems, addressing this particular one ought to be a priority. And that ought to affect the way in which funds are allocated and the justice system's resources are allocated as well.

Mr. PITTS. Moving back to Pakistan, regarding USCIRF's study on the public schools and madrassas in Pakistan, I found your comments on education reform interesting. What can the US Government do to encourage the Pakistani Government to set standards for their textbooks?

Mr. LEO. Well, first of all, I think the United States has to use the bully pulpit a little bit here. There is strong evidence that the development and exportation of extremist ideology, the likes of which we see in the Pakistani curriculum, creates enormous instability and insecurity, not only within the country where it is being developed but also outside the country, where some of this material is being exported.

So in the case of Pakistan, for example, Representative Pitts, when we were in Nigeria, we were told by the State Security Service in Nigeria that they were finding extremist Pakistani literature in the northern States of Kano and Kaduna.

So Pakistan's educational system and the materials that they are producing are having fairly widespread implications. So, number one, I think we have to engage the Pakistani Government, explain that this is no longer just an internal affairs or domestic matter, this is a matter of national security to the United States. We can't have Pakistan educational system producing extremist materials that are creating the kind of violence that we are seeing in Nigeria with the terrorist group Boko Haram and in other countries also.

Secondly, this is really a governmental issue because there are I think over 100 private madrassas in Pakistan who would love to change the curricula if they only could. But the only way they can is if the interior ministry changes some of the regulations that are currently in

place.

So by the United States using this bully pulpit and standing up strongly, what we are doing is we are helping to reinforce the desires of those private madrassas to change their curricula.

And then, finally, what I think the United States could be doing is engaging other world partners in the EU and elsewhere on putting pressure on the Pakistani Government to change the educational system.

We have engaged, for example, the Bundestag and the national security component of the chancery in Germany on Pakistan issues. And we think that the US Government, State Department in particular, needs to engage Germany and other partners in putting pressure on Pakistan.

I think if some of those things happen, you may see at least some trends in the right direction because on one or two occasions, the Pakistani Government did do some things to try to improve the educational system. So I think with more pressure, they might go further along.

Mr. PITTS. And on the issue of Minister Bhatti, did you say there is no effort at all to prosecute at this point? Are they investigating? What is the status of that case?

Mr. LEO. Our understanding is that there is an investigation and that some people may have been identified, but there has certainly been no prosecution, and it has been over a year.

My suspicion is that there is tremendous fear and trepidation about moving forward with any such prosecution because extremist elements in Pakistan would potentially do more violence in their communities. And, of course, you know, one has to recognize that there is that risk. But at the same time, if you time and again refuse to investigate and prosecute these kinds of acts of violence, especially in the case of a high-profile individual, like Shahbaz Bhatti, you create no disincentives for violence in the future. And so I think at this point the Pakistani Government just has to bite the bullet and move forward with an aggressive prosecution of the perpetrators of the violence.

There was ample evidence, at the crime scene and elsewhere, that with some good law enforcement capacity, which they had and which certainly other countries can help them provide if they need it, the people who really committed this heinous act could be found and punished.

Mr. PITTS. Thank you very much for your testimony, for answering our questions. We really appreciate your leadership on this matter.

So, with that, we will call panel II to the witness table. And the second panel is composed of Majed Shafie and Amjad Khan. And I don't know if one of you has a preference of going first. I will let you decide who would go first.

Mr. Khan?

Mr. KHAN. Thank you very much, Representative Pitts.

LEONARD LEO, CHAIR
U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Introduction

I want to thank the Tom Lantos Human Rights Commission for convening this important hearing today on challenges facing religious minorities in South Asia. The U.S. Commission on International Religious Freedom (USCIRF), on which I serve as chair, has monitored religious freedom conditions throughout this region for many years. The picture is as complex as the countries in this vast and densely populated part of the world.

As part of our role in monitoring religious freedom globally and making independent policy recommendations to the President, the Secretary, and the Congress, I will share USCIRF's findings from our 2012 Annual Report, which we released yesterday and highlight USCIRF's recommendations on how the United States can constructively engage these countries to help bring about needed improvements.

Before I focus on USCIRF's findings and recommendations, I would like to take this opportunity to note that this is a significant week for our Commission. First, as I just noted, this week USCIRF is issuing our Annual Report that contains extensive policy recommendations on how the U.S. can further freedom of religion in 25 countries. Second, today marks the end of the tenure of several Commissioners who have labored mightily in support of religious freedom. We are most grateful for their efforts and dedication. They are: Dr. Don Argue, Felice Gaer, Dr. Richard Land, Dr. Elizabeth Prodromou, and Nina Shea. Our other colleagues, who diligently share the Commission's responsibilities, Azizah al-Hibri, Rev. William Shaw, and Theodore Van Der Meid, will miss those whose terms are expiring today but look forward to the President and Congress promptly appointing new Commissioners who will continue the institution's important work.

As you know, it is the policy of the United States to encourage respect for human rights and freedom of thought, conscience, and religion or belief around the world. While carrying out this policy, the United States is also engaging, particularly in South Asia, in conflicts against actors motivated by violent religious extremism. Religious freedom matters in this context as its absence fosters violent extremism, increases instability, and encourages a range of human rights violations. It also can lead religiously-based groups to retaliate against the state and reject the state's legitimacy. Importantly, research strongly suggests the protection of religious freedom is correlated with less conflict and is a factor central to security, the absence of violent religious extremism, the consolidation of democracy, and socio-economic progress.

The national security implications of religious freedom violations are clear. In many regions of the world, including South Asia, issues of freedom of religion or belief are explicit or implicit factors in civil strife and violent extremism. Given the U.S. commitment in Afghanistan until at least 2014, we will be grappling with these realities for some time. A March 15 *New York Times* article ("When Koran Burnings Incite Riots and a Mass Murder Doesn't") brought home the importance of understanding these issues. The article compared the different reactions of an Afghani with Americans to these two incidents. The reaction of a member of the council of

Afghani religious leaders who investigated the Koran burnings was incredulous: "How can you compare the dishonoring of the Holy Koran with the martyrdom of innocent civilians... The whole goal of our life is religion." The quote continued:
That many Americans are just as surprised that what appears to be the massacre of 16 people at the hands of an American soldier has not led to mass protests or revenge killings speaks volumes about a fundamental disconnect with their Afghan partners, one that has undermined a longstanding objective to win the hearts and minds of the population. After more than 10 years, many deaths and billions of dollars invested, Americans still fail to grasp the Afghans' basic values. Faith is paramount and a death can be compensated with blood money.
Due to the work of USCIRF and the IRF Office at the State Department, the United States has unique capabilities to understand these issues and differences and address pressing foreign policy challenges.

Promoting religious freedom is crucial, given that many egregious limitations on freedom of religious practice constitute human rights abuses and also can impact national security. With these concerns in mind, I will first discuss Pakistan and Afghanistan. Pakistan is a country USCIRF has repeatedly recommended be designated as a "country of particular concern." The International Religious Freedom Act standard for CPC designation requires that the government has either perpetrated or tolerated "systematic, ongoing, and egregious" violations of religious freedom. We certainly found that to be the case in Pakistan. The situation is also deeply troubling in Afghanistan, where limitations on religious freedoms continue and we have placed it on our Watch List. Following, I will highlight issues in India, another one of USCIRF's Watch List countries, and Bangladesh.

Pakistan

Since 2002, USCIRF has recommended that Pakistan be named a CPC, but the U.S. State Department has not followed that recommendation. Pakistan is perhaps the most glaring omission on the State Department's CPC list, as the government continues to *both* engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views extremists deem "un-Islamic." Religious extremism also threatens Pakistan's security and stability.

For instance, the mere allegation of blasphemy has resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. The law requires neither proof of intent nor evidence to be presented after allegations are made, and include no penalties for false allegations. Charges are used to intimidate religious minorities or others with whom the accusers disagree or have business or other conflicts. Despite the law's national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province.

The highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death in November 2010. However, she is not alone, as we are aware of at least 14 others who have death sentences pending or who are in the process

of appealing their death sentences. Lengthy prison sentences also were imposed for blasphemy or other conduct deemed offensive to Islam. Two Muslims and a Christian were sentenced to life in prison for defiling the Qur'an, joining at least 16 other individuals who are serving life sentences. In addition, more than 40 individuals currently are in jail for violating the blasphemy law.

Let me speak a moment about our late friend Shahbaz Bhatti, the former Federal Minister of Minorities Affairs, as the one-year anniversary of his assassination recently passed. Shahbaz Bhatti was murdered on March 2, 2011 for daring to oppose Pakistan's blasphemy law and defending the rights of Pakistan's religious minorities. Despite Bhatti's being a cabinet member, the Pakistani government has done virtually nothing to investigate the crime and bring the perpetrators to justice, only issuing an arrest warrant in December 2011. No one currently is in custody and all of those arrested for suspected involvement have been released. Pakistan's government must end this charade and bring the killers to justice. The United States and the international community must press Pakistan on this case, so that every Pakistani knows that people who commit violence will be held accountable and that individuals can stand up and advocate for religious freedom without risking their lives.

Among Pakistan's religious communities, Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination. Egregious acts of violence have been perpetrated against Ahmadis and anti-Ahmadi laws have helped create a permissive climate for vigilante violence against the members of this community. It is outrageous, but Ahmadis are prevented *by law* from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology.

Also, violent extremists this year repeatedly targeted Shi'a Muslims, justifying their actions on their interpretation of Sunni Islamic doctrine. Shi'a Muslims are a minority within the broader Islamic community in Pakistan, but are not considered a religious minority like Christians and Hindus. However, the sharp spike in violence against them by militants is deeply concerning. In one of the most heinous incidents, militants in September stopped a bus of Shi'a pilgrims near Quetta. The passengers were ordered to disembark, were lined up and shot. 26 were killed. A follow-up attack occurred that same day on relatives trying to collect the bodies and claimed three more lives.

Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. A Hindu attorney was kidnapped in December in Sindh province, as was a Sikh businessman. Hindus also have been targeted in the province of Balochistan, where they are the largest religious minority; in November, three Hindu doctors were gunned down there.

<u>Recommendations</u>: In light of this challenging environment, what can be done? USCIRF has concluded that designating Pakistan as a CPC would enable the United States more effectively to press Islamabad to undertake needed reforms. The forces that threaten Pakistani and U.S. security interests largely are motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion or belief. A CPC designation would raise the profile of the issue and increase the United States' ability to encourage changes that are in

both our and the Pakistani's interests. As part of this engagement, the U.S. government should urge Pakistan to reinforce the rule of law and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards; actively prosecute those committing acts of violence against Sufis, Shi'a, Ahmadis, Christians, Hindus, Sikhs, and others; and unconditionally release individuals currently jailed for blasphemy and repeal the blasphemy law.

In November, USCIRF released a study on Pakistan's public schools and madrassas. The study investigated the relationship between education, religious discrimination, and extremism in Pakistan and sought to understand the roots of this country's culture of violent religious extremism. The study found that Pakistan's public schools and madrassas are incubators of extremism that negatively portray the country's religious minorities and reinforce biases, and that these negative portrayals fuel acts of discrimination, and possibly violence, against these communities. Given these findings, USCIRF recommends that: the United States encourage the Government of Pakistan to set national textbook and curricula standards that actively promote tolerance toward all persons; establish appropriate review and enforcement mechanisms to guarantee that such standards are being met in public schools; take concrete steps to fully implement the 2006 curricular reforms; introduce into the curriculum for all students the "Ethics for Non-Muslims" course in order to promote interfaith understanding; sign into law and implement the madrassa reform agreement made with the National Madrassa Oversight Board and, until that can be accomplished, ensure that a temporary madrassa oversight board is empowered to develop, implement, and train teachers in human rights standards; provide oversight of madrassa curricula and teaching standards; implement guidelines for textbooks used in public schools; and replace current public school textbooks with ones that exclude messages of intolerance, hatred, or violence against any group of persons based on religious or other differences.

Afghanistan

Serious problems remain in nearby Afghanistan, despite gains achieved in human rights since U.S. and international forces ousted the Taliban regime in late 2001, which is why we have placed it on our Watch List. Religious freedom conditions today are exceedingly poor, as dissenting members of the majority faith and minority religious communities face significant restrictions on the free practice of religion. Governmental and non-state actors have taken action against individuals for activity deemed to be "un-Islamic." Furthermore, the Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief and the Afghan government remains unable, and at times unwilling, to protect citizens against violence and intimidation by the Taliban and other illegal armed groups.

The legal landscape is vague and open to abuse. The Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief and allows ordinary laws to supersede fundamental rights. The government has cited the repugnancy clause in the constitution, which states that no law can be contrary to the tenants of Islam, to limit fundamental freedoms. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal actions, including for example prosecutions for so-called religious "crimes" such as apostasy and blasphemy that violate international standards.

In practice, the constitution has been interpreted and applied to establish as the law of the land a restrictive interpretation of Islamic law and prioritizing that interpretation over human rights guarantees. This interpretation and application has resulted in abuses. During a 2010 visit by USCIRF staff to Kabul, government ministers and government-backed religious leaders repeatedly explained that in their view, Islamic law trumped the constitution's human rights provisions, as those references come later in the document and do not take precedence.

Given that the influence of the Taliban likely will increase if negotiations with insurgents move forward, this widely-held interpretation of the constitution becomes increasingly problematic. The United States and President Hamid Karzai have made respecting the constitution a nonnegotiable plank in the peace talks with anti-government elements. While seemingly positive, the constitution's undefined notions of Islamic law superseding human rights guarantees could seriously undermine religious freedom and women's human rights in the country. In other words, any potential peace deal could therefore be meaningless, if the protection of human rights for all could be overridden by ad hoc interpretations of religious law.

We are starting to witness this shift with President Hamid Karzai recently expressing support for a document issued by the Ulema Council, a semi-official body of Islamic scholars that promotes segregation of the sexes and allows husbands to beat wives in certain circumstances. Activists accused the Afghan president of reversing improvements in women's rights by endorsing the Ulema Council's nonbinding "code of conduct." It also showed how gains for women's human rights are tenuous and easily reversible. The small Afghani Christian community also is vulnerable: in recent years, that community has experienced a spike in arrests, with Christians being detained and some jailed, but later released, for the so-called crime of apostasy.

Recommendations: In response, promoting religious freedom and religious tolerance should be an integral part of U.S. strategy, particularly as the government of Afghanistan pursues a reconciliation process with anti-government insurgents. U.S. policy should prioritize freedom of religion or belief in Afghanistan and confront the underlying dynamics that continue to lead to religious freedom abuses. USCIRF recommends that the U.S. government take the following steps: 1) clearly state its concern that guarantees ensuring religious freedom and religious tolerance are an essential element in U.S. policy in Afghanistan; 2) create a special interagency working group on religious freedom focused on Afghanistan; 3) co-sponsor with the Afghan government an initiative on interfaith dialogue and religious tolerance that involves official and semi-official religious bodies; and 4) urge inclusion of representatives of civil society, including women and members of minority communities, in any reconciliation talks.

India

India is also a country the USCIRF has reported on, and in our 2012 Annual Report again placed on our Watch List.

India, the world's largest democracy with an estimated 1.22 billion population, has a deeply religious and pluralistic society. A country with a Hindu majority, India is estimated to have the third largest Muslim population in the world and a Christian population of over 25 million. The

current two-term Prime Minister is Sikh, the past president is Muslim, and the head of the national governing alliance is Catholic.

While there has been no large-scale communal violence committed against religious minorities since 2008 and the Indian government at the state and national levels have created some structures to address past incidents of large-scale communal violence, USCIRF remains concerned that progress in achieving justice for attacks against Christians in Orissa in 2007-08, Muslims in Gujarat in 2002, and Sikhs in 1984 continues to be slow and ineffective. In addition, intimidation, harassment, and occasional small-scale violence against members of religious minority groups continued, particularly against Christians and especially in states that have adopted the "Freedom of Religion" Act that is commonly referred to as anti-conversion laws.

The slow pace of the judicial responses and the anti-conversion laws encourage a climate of impunity. For example this past February marked the 10-year anniversary of the violence committed against Muslims in Gujarat. At that time, the state of Gujarat erupted in communal violence: in response to a train fire that Muslims reportedly set, Hindu mobs killed between 1,200 and 2,500 Muslims, forced 100,000 people to flee, and destroyed homes. Christians also were killed and injured, and many churches destroyed. Since then, India's National Human Rights Commission (NHRC) found evidence of premeditated killing by members of Hindu nationalist groups, complicity by state government officials, and police inaction during the violence.

There has been little redress for the victims of the Gujarat violence despite the NHRC's findings. After 10 years, hundreds of court cases relating to the violence remain unresolved or are very slowly moving through the judicial process. Gujarati police have closed a large number of cases, citing the unavailability of witnesses. In a mixed result, a fast-track court in Gujarat in November 2011 sentenced 31 people to life imprisonment for their involvement in the acquitting 42 others. Further developments in Gujarat relating to its Chief Minister, Narendra Modi, highlight the political corruption and religious bias that hampers state and local efforts to provide justice to victims, and helps perpetuate the climate of impunity.

USCIRF's consistent monitoring and active engagement helped lead to the State Department's decision to revoke Modi's U.S. tourist visa in 2005, based on his alleged role in the violence. USCIRF again expressed concern about Chief Minister Modi coming to the U.S. in 2008, and we remain concerned. He has yet to visit the United States.

In one positive note, the Gujarat High Court in early February 2012 strongly chastised the Gujarat government and Chief Minister Modi for "inaction and negligence" during the violence. The court also has ordered the government to pay compensation for the over 500 houses and businesses that were destroyed during the violence.

Recommendations: Since 2004, the United States and India have pursued a strategic relationship based on shared concerns about the growing threat of terrorism, energy, and security, as well as shared values of democracy and the rule of law. In addition, many of the problems USCIRF raised plague the Indian legal system generally – including the small number of police and judges given the size of the population and an overburdened and antiquated judicial system.

However, India can do more to combat their impunity problems.

As one of our most important partners in the region, USCIRF recommends the U.S. government should: 1) integrate concern for religious freedom into all bilateral contacts with India; 2) urge the Indian government to strengthen the ability of state and central police to provide effective measures to prohibit and punish cases of religious violence to the fullest extent of the law while protecting victims and witnesses; and 3) urge India to encourage states that have adopted "Freedom of Religion Act(s)" to repeal them, so as to conform with international standards.

Bangladesh

Lastly, a few words on Bangladesh.

USCIRF continued in 2011 to follow developments in Bangladesh, which was on USCIRF's Watch List from 2005 and 2008. However, after the 2008 general election, USCIRF removed Bangladesh from the Watch List because we were encouraged that the party that came to power, the Awami League, appeared to promote secular policies and would work to protect the human rights of religious minorities. We also were encouraged by Prime Minister Sheik Hasina's announcement that she would implement religious freedom reforms. In addition, USCIRF is encouraged by recent steps the government of Bangladesh has begun to take to rectify past religious freedom violations, including the seizure of Hindu-owned land, and protect vulnerable religious and ethnic minorities from exploitation or violence, especially in the Chittagong Hill Tracts (CHT).

In December 2011, the Bangladeshi cabinet passed the Vested Property Return Act, which established an application process for families or individuals to apply for the return of, or compensation for, property seized under the Vested Property Act. However, this process is available only for citizens of Bangladesh who currently reside in the country, thereby leaving out many possible claimants who have left the country. USCIRF hopes to see progress in this area.

With respect to the Chittagong Hill Tracts Peace Accords, the government has established the Land Commission, the Task Force on Rehabilitation of Jumma Refugees and IDPs (internally displaced persons), and reportedly deferred planned developments on confiscated lands. These developments demonstrate a government effort to resolve long-standing IDP issues, and property confiscation and return. More can be done in this regard.

Finally in the past year, Bangladesh has taken steps to investigate post-2001 election violence, including creating a Commission of Inquiry. The Commission of Inquiry issued recommendations in April 2011 about steps to take to prevent future violence and to ensure perpetrators of religiously-motivated violence are held accountable.

While these initial steps are commendable, USCIRF will continue to monitor how Bangladesh implements these reforms and recommendations.

STATEMENTS OF MAJED EL SHAFIE, FOUNDER, ONE FREE WORLD INTERNATIONAL; AND AMJAD M. KHAN, NATIONAL DIRECTOR OF PUBLIC AFFAIRS, AHMADIYYA MUSLIM COMMUNITY USA

STATEMENT OF MR. KHAN

Mr. KHAN. It is an honor to be here. I want to first begin by thanking the Commission for holding this very important hearing and also to commend you for your leadership on this issue.

I have a longer version, a written submission. And I ask the permission of the Commission to submit the full extent of my remarks into the record.

Mr. PITTS. Without objection, so ordered.

Mr. KHAN. The Ahmadiyya Muslim community is, arguably, the most persecuted Muslim in the world. The US State Department, the US Commission on International Religious Freedom, and dozens of reputable and prominent human rights NGOs have documented the systematic persecution endured by the community at the hands of religious extremists and state institutions.

Over the past several decades, hundreds of Ahmadi Muslims have been murdered in Pakistan and dozens more in Bangladesh and in Indonesia. In 2010 alone, 99 Ahmadi Muslims were murdered in Pakistan. That was the deadliest year ever for the community in over 120 years.

The persecution of the community, Representative Pitts, is pervasive and cuts very deep. What I wanted to do is first begin by providing just a very short overview of the community that may help explain why it continues to be a prime target of extremists who purport to represent Islam.

The Ahmadis belong to a contemporary Islamic revival movement that was founded in 1889 by Mirza Ghulam Ahmad, who was born in a small Village of Quadian in India.

The fundamental difference between the Ahmadiyya Muslim community and the Sunni Muslim majority concerns the identity of the Messiah. This is the reformer that the Prophet Mohammed predicted would appear after him and who all Muslims await.

The Ahmadiyya Muslims believe that Mirza Masroor Ahmad is that Messianic figure, is that Messiah. And his chief aim and purpose was to revive Islam by ending religious wars, condemning bloodshed, and reinstituting morality, justice, and peace.

The community claims a worldwide membership exceeding tens of millions in over 195 countries, with the largest concentrations in South Asia and West Africa. And the headquarters are in the United Kingdom, where its international leader, His Holiness Mirza Masroor Ahmad, currently resides.

So, with that very brief background, let me now first turn to Pakistan to discuss the deteriorating conditions for the community. For six decades, the community has endured wide-ranging abuses in Pakistan.

On May 28th, 2010, the community watched in horror as armed gunmen from the Pakistani Taliban, the TTP, which is a group designated by the State Department to be a major terrorist organization, attacked hundreds of Ahmadiyya Muslim worshippers, who were gathered for Friday prayers at two mosques in Model Town, Lahore. When the dust has cleared, 86 Ahmadis were dead. This was the largest single attack against the community ever and one of the deadliest terrorist attacks in Pakistan's history.

There are an estimated three or four million Ahmadi Muslims currently living in

Pakistan. Ahmadi Muslims profess to be Muslims, but their belief is irrelevant under the law. And that is because Pakistan is the only Islamic state in the world to define who is or is not a Muslim for purposes of its constitution. This is article 260.

And, significantly, the second amendment to Pakistan's constitution, which was passed in 1974, explicitly deprives members of the Ahmadi community of their right to self-identify as Muslims. Since that amendment in 1974, over 300 Ahmadis have been killed.

As has been well-chronicled by the international community, since 1984, Pakistan has used as its criminal code to prohibit and punish blasphemy. And Chairman Leo mentioned this in his remarks.

Blasphemy in Pakistan broadly refers to any spoken or written representation that "directly or indirectly outrages the religious sentiments of Muslims." So five of Pakistan's current penal code provisions punish blasphemy, and these are collectively referred to as the anti-blasphemy laws.

In 28 years, more than 1,000 people have been arrested under these laws. And these individuals, they represent a broad spectrum of Muslims, be they Sunni, Shi'a, or Ahmadi; Christians; and Hindus. And their crimes are wide-ranging and quite trivial.

Their punishments range from fines to indefinite detention to life imprisonment to capital punishment.

No one to date has been executed in Pakistan under the blasphemy laws, but at least 32 individuals have been killed by mobs after they had been arrested for blasphemy. And the most notorious of these 5 laws is a 50-word law, section 295 C, which is a very broad and vague statute. It says that "Whoever by words, either spoken or written or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the prophet Mohammed shall be punished with death, life imprisonment, and shall also be liable to a fine." These are the 50 words of that statute.

Based on that remarkably broad language, virtually anyone can register a blasphemy case against anyone else in Pakistan. And the accused can face capital punishment. For Ahmadis, these laws have essentially criminalized their very existence.

Now, two of these five laws actually explicitly target the activities of Ahmadis. These are called ordinance 20. And, for fear of being charged as indirectly or directly posing as a Muslim, Ahmadi Muslims can't profess their faith, either verbally or in writing. In light of this, Pakistani police have destroyed Ahmadi translations of the Quran, banned Ahmadi publications, the use of any Islamic terminology on wedding invitation cards, on tombstones, the displaying of the Islamic creed, the Kaliman mosques. Police have actually taken that down forcibly.

So basically any public act of worship, devotion, or propagation by an Ahmadi is treated as a criminal offense, punishable by fine, imprisonment, or death. And over 40 percent of all arrests are of Ahmadi Muslims. And the situation grows dire each passing year.

There is an example that I wanted to state for the record. In 2009, there were 4 Ahmadi school teenagers in the Layyah District. They were charged with blasphemy for allegedly writing the name of Mohammed on the walls of a mosque's toilet. These were purely fabricated charges. The BBC documented them. They served six months in prison. And they continue to face blasphemy charges, the threat of blasphemy.

It is cases like these that are not uncommon. In prior years, elderly Ahmadi women, Ahmadi mothers, Ahmadi infants have fallen victim to these laws. It spares nobody.

The persecution of the community goes beyond the blasphemy laws. Owing to pressure from religious extremists, Pakistani authorities have demolished, set on fire, forcibly occupied,

sealed, or barred the construction of over 90 mosques belonging to the Ahmadi community.

I should note that an Ahmadi can't refer to their mosque as a mosque. That, too, is an arrestable offense. After the Lahore attacks, there was a press conference because it was such a major attack. And while there, the spokesperson for the Ahmadi community said, "The two mosques that were attacked, I cannot for the record say they are mosques without you arresting me." So it is a very tragic situation.

Even the cemetery burial of Ahmadi Muslims is denied. Bodies are exhumed because they are the wrong kind of Muslims.

And, significantly, the state security -- and this is important because it is not just religious extremists. It is gate institutions that facilitate this. The police knew about the attacks that were to happen on the Ahmadi community by the Pakistani Taliban. The chairperson for the Human Rights Commission of Pakistan, Asma Jahangir, sent letters to the authorities saying, "These attacks are imminent." And, yet, they took no action. In the end, 86 people were dead.

Now, over the past year, Representative Pitts, the situation has gone from bad to worse. In June of 2011, the All-Pakistan Students Khatm-e-Nubuwat Federation distributed shocking anti-Ahmadi pamphlets in Faisalabad, which is one of Pakistan's largest cities.

The pamphlets encouraged the outright assassination of a select group of Ahmadi by name. Their names were listed. Their addresses were listed. And the letter said that they were "Wajibul Qatl," which means worthy of being killed.

When the Ahmadi leaders approached the police and said, "This hit list, which has a name and phone number of the people who are perpetrating it, should be investigated, there was no attention. There was no investigation." And, as a result, right now thousands of Ahmadis in Faisalabad live in fear.

And, just a few weeks ago, there was an assassination attempt on the president of our community in Faisalabad. He barely survived, but two people with him were severely injured.

And then earlier this year, 5,000 people held a rally in Rawalpindi. This included extremists and representatives from trade unions. They gathered outside an Ahmadi Muslim mosque, and they called for the demolition of the mosque. And they said Ahmadis were "Wajibul Qatl." And again the police have failed to take action.

I want to conclude with my description of Pakistan by highlighting two critical issues for this Commission. These two issues uniquely affect the Ahmadi community. The blasphemy laws, as you know, affect a wide group, but these two issues affect the Ahmadis in particular.

The first issue concerns the right to vote in Pakistan. From 1978 to 2002, Pakistan employed a separate electorate system that put non-Muslims and Ahmadi Muslims on separate voting lists. And that was abolished by President Musharraf on February 27th, 2002. It was an executive order he passed, executive order 7. This was a great step. The international community said, "This is terrific. We now have one person, one vote in Pakistan."

But in a remarkable move, four months later, he passed executive order 15, which said that the original order restoring the joint electorate did not apply to the Ahmadis. They were excluded from the joint electorate.

The only way an Ahmadi can vote in Pakistan is if he or she declares himself to be a non-Muslim, declares the founder of our community to be an imposter, and adds their name to a supplemental list.

Now, of course, no Ahmadi Muslim should or would ever agree to these patently discriminatory conditions. So, as a result, Ahmadis are the only religious group in Pakistan today to be excluded from the joint electorate. And this has persisted for over ten years.

The disenfranchisement of Ahmadi Muslims adversely impacts all Pakistanis because Ahmadis have a remarkable literacy rate. They are among Pakistan's most educated citizenry. So it is huge block of three million people who can't vote.

And the second issue concerns the Pakistan citizenship forums. The first is the passport form. So for all Pakistanis, if you want to renew your passport, you have to fill out a form. Every Pakistani in order to get a passport has to denounce Ahmadi Muslim beliefs and declare the founder of our community to be an imposter, every Pakistani, in order to get your passport renewed.

In other words, the Government of Pakistan forces all Pakistani Muslims seeking passports to swear under penalty of perjury their explicit opposition to our community.

And recently, earlier this month, the national database and registration authority of Pakistan instituted a new national ID card. And they have a new category called Qadiani, which is a derogatory term for our community. So if you are an Ahmadi, you have to register as a Qadiani, not a Muslim, not a non-Muslim, as a Qadiani, a separate politically charged term, just to get a national ID card.

So those two issues in particular, Representative Pitts, are issues that I think the United States can do something about. The restoration of citizenship rights is something that is less politically charged than the blasphemy laws, and it is by a stroke of a pen the executive order 15 can be repealed.

I am short of time. And I just briefly wanted to highlight two incidences in India and Bangladesh and conclude my testimony. Ahmadis are being targeted all over India. The headquarters of the Ahmadi Community, it was founded in India in 1889. There are millions of Ahmadis who are spread across India. It has fared much better than Pakistan, but there is an increasing chorus of radical voices demanding that Ahmadi Muslims be declared non-Muslim following Pakistan's example.

There are demands that Ahmadis can't do the hudge. Their books are banned. There are efforts to stop their conventions. Recently in New Delhi, the local police prevented Ahmadi Muslims from holding a Quran exhibit. And in Andhra Pradesh, they have classified Ahmadis as non-Muslims and said that their mosques should be not deemed as such. So this is spreading in India.

And in Bangladesh, there are roughly 100,000 Ahmadi Muslims there. There has been a storied history of persecution of the community for many years.

In 2001 up until 2006, the government banned the books, Ahmadi books, and publications. It has improved markedly since 2006, but the State Department recent report notes that it is getting worse. And local authorities in the Gazipur District, also in Canderel, have cracked down heavily on Ahmadis. And there has been a smattering of attacks against Ahmadis in Bangladesh.

So right now I have only provided a brief sketch of the persecution, just in South Asia. But the persecution of the Ahmadi community is worldwide. In the Middle East, in Egypt, in UAE, in Egypt, ten of our Ahmadi Muslims, central leadership, were all arrested under the article 98 F blasphemy law. This was under Hosni Mubarak's regime.

In UAE, there are laws against us in Palestine, in Kazakhstan, in the Keers Republic. In Indonesia, 27 provinces have banned the Ahmadi community. I briefed this Commission last year about Indonesia, in particular.

So, really, the source of all of this is our religious extremists who espouse a militant pervasion of Islam. In our community, it is in our DNA to oppose such extremism. That is what

our founder preached. And we would strongly believe that that must be cut at its root.

We welcome all the efforts of this Commission and appreciate the opportunity here to testify. Thank you.

Mr. PITTS. Thank you very much, Mr. Khan. Mr. El Shafie?

STATEMENT OF MR. EL SHAFIE

Mr. EL SHAFIE. Thank you so much for inviting me. And I would like to thank you. And I would like to thank as well the staffers, Ms. Kalinda for all of her hard work.

Before I start, I would like to acknowledge the presence of two of my deer friends. One of them is Mr. John Weston, member of the Canadian Parliament, who accompanied me to Pakistan. John, can you just stand? Thank you.

Mr. as well Mario Silva, the Canadian and International Director for the Holocaust Study and Research Task Force. And he also accompanied me to Afghanistan when I went there in my fact-finding mission.

Mr. PITTS. Yes.

Mr. EL SHAFIE. Today I will be speaking about two subjects or two countries, which would be Afghanistan and Pakistan. We have been in the region. One Free World International has basically 20 branches around the world. A lot of our branches are basically underground investigation branches, our intelligence-collecting, fact-finding missions.

Between Pakistan and Afghanistan, I visited the country at least seven or eight times. And we have a strong team on the ground to help the people but at the same time to get us some facts on the ground.

In Pakistan, I will discuss three issues. The first one will be the law, the 295 C and 295 B. And I am sure that has already been talked about, this, many times, especially Mr. Shahbaz Bhatti. And less than two months before that was Salmaan Taseer, the Governor of Punjab but also that the blasphemy law has been used just for personal disputes on the minority that the Christians or the Ahmadis or whoever they are, right now as we are talking like we have Aasia Bibi or Jagdeesh Kumar, which is a Hindu factory, a Hindu worker in the shoes factory that basically was killed for this blasphemy law.

We have also Dr. Robin Sardar, which was beaten and was tortured severely in six months in the Pakistani prison.

But the main incident here that took my attention was actually July 2009. Gujarat Village. It was basically a village, a Christian village. There was a Christian wedding that somebody accused that this village was basically insulting the Quran or insulting Mohammed. And the following day, 10,000 Muslim extremists attacked the village from other four villages surrounding this village. And 14 people were killed. Nine of them were burned alive. Basically we were there in the village. And this was the picture of the attack that happened in the village at this time.

The second subject will be the Hudud law in Pakistan. The Hudud law in Pakistan is basically if a woman gets raped, she must have four men witnesses or she will receive the Zina. The Zina is an adultery charge, which means that she receives 100 lashes or she will be imprisoned for life.

So by this law, if a woman gets raped, she must have four men witnesses that she got raped. I have a question. If there are four men witnesses standing around, why didn't they help her or save her? So the law is basically useless.

Now, the amendment of this law in 2006, they made it in under the criminal code. But this is they issued the law, but they never enforced the law.

Now, here is the problem with the rape of the Christian girls or even rape in general. Now, our sources indicate that there are at least 300 cases per week rape in Pakistan, Muslims or

Christians or whatever they are. But here is the problem: when rape has been used as a hate crime.

Now, rape itself is, of course, an evil crime but as well as used as a hate crime, such as Neha Munir. If you read the report, Neha Munir, she is two and a half years old. She was raped because her father refused to convert from Christianity to Islam. So the father was a farmer. The owner of the farm asked from him to convert to Islam. He refused.

He kidnapped the little child: Neha Munir. He raped her severely. And for the four years, there was little justice. There was little court. We had to help this family. And now we cooperated with the federal Minister of Immigration of Canada, Minister Jason Kenney, which is a hero in human rights. And he was able to save the little girl from Pakistan to Canada. Right now they live in Canada safe and sound.

The last issue in Pakistan that I would like to raise would be the slave camps. The slave camps, this is the bricks factory in Pakistan. Basically the bricks factory is that they go to the minorities and they tell them "When you are poor, we give you a job. We will give you a loan. And come work in this bricks factory."

In this bricks factory, once they get in, of course, they don't have money. They are unable to pay back the loan. And they work as a slave. They work day and night. I met with five years' old children that have been working basically because they become salves as a minority, some of them as well from the Ahmadi community.

There are two ways to get out of the slave factory in Pakistan. It is basically by converting to Islam or by selling your kidney. And we met with victims. And we succeed to pinpoint 660 families that are in slavery right now in Pakistan. And this is just underestimation. We are still working on more names and more investigation with this regard.

Mr. PITTS. Pardon me. Did you say selling their kidneys?

Mr. EL SHAFIE. Selling their kidneys. Yes, sir. This is the only way to get out of the slave factory, of the slave camps in Pakistan.

Now, if we are talking about Afghanistan, also in Afghanistan, I will discuss basically three subjects. Number one is woman rights. To start with woman rights in Afghanistan, in Afghanistan, there is already a lot of woman rights problems, such as forced marriages, exchange marries, underage marries.

But Hamid Karzai, the President of Afghanistan, even made it worse. In July 27, 2009, he made the Shi'a personal status law, which is basically by this law, every wife has to have sex with her husband every four days or he has the right to starve her, not to give her any food or to give her any material to sustain her life. She has to have sex with him every four days or she will not be able to eat. He has the right to starve her. This is the law in Afghanistan.

Now, here is the problem. As well, he did the blood money, which is basically they allow that if a woman gets raped, the man that rapes her, he has the right to just basically pay her -- it is called blood money -- and without getting charged for his crime.

Just a few days ago, the Ulema Council restriction of the status of woman, the Ulema consultation basically is a government-funded organization that basically they are the head of the Muslim community in Afghanistan.

Two days before the International Woman Day, they made more restrictions in woman's rights. They cannot leave their home without their husbands. They cannot travel in the schools, in the work. They are second-class citizens. That is basically what Hamid Karzai just did a few days ago, to be exact March 6 of this year, two days before the International Woman Day.

We go from here to the -- which, of course, this is the contradiction of the convention on the elimination of all forms of discrimination against women that Afghanistan actually signed on it. Go from there to Bacha bazi, or boy play. Boy play in Afghanistan is basically when you bring a small, little child and you make him wear like a little girl. And you make him dance in a party. And after they dance in a party, there is this group of men. They start trading them.

That is happening in Afghanistan today, such as Fericle, 16 years old, who gets traded from 8 to 10 times a day; such as Mukhtar, age of 16. He and his brother get raped in the refugee camp. When he ran to Afghani police and complained to the Afghani police, the Afghani police basically gave him back to the people who were raping him.

And such as Zacdishi, which is also he was raped as a child. He is 15 years old. This is what is happening in Afghanistan today.

Coming to the last part, which is freedom of religion in Afghanistan, in May 27-28, 2010, there was a television news show in Afghanistan. And this was basically a group of Christians getting baptized and converting from Islam to Christianity, most of them from the Hazaras' community or from the Hazara tribe, which the Hazara tribe is basically the Shi'a in Afghanistan. And they look Asian. So it is very easy to pinpoint them.

Mr. Abdul Sattar Khawasi, respected member of the Afghani Parliament, a deputy secretary in the lower house, said, and I quote -- this is a member, a respected member, in the Afghani Parliament in front of Afghani national TV. He said, "Those Afghans that appeared in this video, film, should be executed in public. The House should order the Attorney General and the NDS" -- NDS is the Afghani intelligence security system -- "to arrest these Afghans and execute them." Basically he said this in the Afghani national TV. Hamid Karzai immediately allowed his Interior Minister and the head of intelligence to arrest these people.

Mr. Chairman, in my hand here -- and I am willing to give you a copy if you wish and if you desire -- a secret Afghani document by the Afghani Government basically to arrest Muslims converting to Christianity, and they pinpoint their names, Ali Waleed Dreda, Salim Waleed Muhammad Nasim, Shukra Lawelad Nedarali, Rahamoto Mawaled Kareem Bishk, Ali Misradi Welad Hasanshi, told by the Afghani Government to arrest and to kill these people immediately. And this is signed by the Afghani Government.

By the way, a copy of this was given to the Canadian Human Rights Subcommittee and was translated and was investigated. And a copy of this when we went to Afghanistan, we confronted the Afghani Government with it. And they couldn't even answer us, this document. And I am willing to give you a copy of it.

Mr. PITTS. We would like to receive it. The Commission would like to receive that.

Mr. EL SHAFIE. Absolutely. Absolutely. Thank you, sir.

Mr. Chairman, if you will allow me, I will not read from these papers anymore. Allow me to speak basically from my heart just for the next minute or two.

I was a persecuted Christian myself back home in Egypt. I was tortured. I was in the Egyptian prison for seven days. Until now when I take my jacket off, I see my scars on my body. They used to put salt and lemon in my open wounds in the Egyptian prison.

My defense on these people is not because I am the head of One Free World International or another NGO or another guy wearing a suit sitting behind a desk. I used to be one of them. I know that persecution that they are facing.

Mr. Chairman, these Afghanis that converted from Islam to Christianity, you now are not talking about the bait of religion. It is not a matter of which religion is different than another. It

is a matter of freedom of religion, which is that if you want to convert or you don't want to believe in anything at all.

Our American troops and if I can point as well our Canadian troops died for the freedom of this land, died for the freedom in this land. And, yet, and, yet, there are human rights abuses. And the American Government and the Canadian Government are not doing enough to confront Hamid Karzai, the President of Afghanistan.

We are saying that Afghanistan and Pakistan is allied to the United States. Pakistan allied to the United States? They are hiding Osama bin Laden for many years beside the biggest Army military base. And they said, "Well, we didn't know about it." Well, it is one of the two. Either you are doing your job properly or you are a traitor. It is one of the two. There is no third option.

Hamid Karzai and the Pakistani Government is not a friend of the United States, is not a friend of Canada, or the West in general.

Okay. So what is the solution, Rev. El Shafie? Okay. You would pinpoint the problems. What do we do now?

Now, the cost of the war in Afghanistan is over $5 billion. This year the United States will give them as aid an extra more $3 billion, international trade over $5 billion, the same thing with Afghanistan.

Now, will you tell me, Chairman, why are we still giving aid? Why are we still having this international trade to people, their own citizens? And the question remains, why would we connect our international trade and our aid to the improvement of human rights in these countries? This is an extremely important part.

In the end, Mr. Chair, I just want to close by that, by thanking you, by thanking my colleagues from Canada, all the members of Parliament that came from Canada.

And in the end, I would like to say that the persecuted Christians are dying, but they still are smiling. It is a very deep, dark night, but they still have the candle of the living God. In the end, I would like to say that we can always kill the dreamer, but no one can kill the dream.

Thank you, Mr. Chair. I appreciate your time.

Mr. PITTS. Chair thanks the gentleman. Thank the witnesses for your compelling testimony.

And we will now begin questioning. We have been joined by our Co-chair of the Commission, Mr. MCGOVERN.

I will begin the questioning to Mr. KHAN. Pakistan's openly discriminatory, anti-Ahmadi laws remain in place, as you have said, and clearly violate international standards for religious freedom. In your opinion, what is the outlook for changes in the relevant laws? And what can the United States Government do to encourage the Pakistani Government to reform those laws?

Mr. KHAN. Thank you, Representative Pitts. That is a very important question, so a two-part answer.

With respect to the outlook of constitutionality or challenges to the anti-blasphemy laws in Pakistan, the outlook is very bleak for several reasons. First and foremost, the laws were challenged formally before the Pakistan Supreme Court in the case of Zaheeruddin v. State in 1993.

And the Supreme Court upheld the constitutionality of those laws. It was also challenged in Federal Shariat Court, the highest religious court, again in 1988. And those laws were upheld.

So in terms of legal recourse with Pakistan, the outlook is very bleak. There possibly could be renewed challenges, but in the face of Zaheeruddin, it is story precedent.

Politically within Pakistan, the issue is tenuous. Those voices who are most courageous in trying to reform the blasphemy laws were silenced. We know about Governor Taseer. We know about Minister Shahbaz Bhatti, both of whom pushed very hard for reforms. There are marginal reforms that are in play.

For example, the first information report, which is the criminal document that is brought for these blasphemy charges, there was some reform to punish frivolous claims. But that has died in government, you know, in discussion. And there is no real reform on the table as yet, but we are hopeful that that possibly could change.

However, internationally, the story is different. The most important human rights covenant in the world, the ICCPR, to which Pakistan is a signatory and in 2010, ratified articles 18, 19, 20, and 27, very much protect religious freedom, the right to change your faith, freedom of conscience.

In the face of those provisions, the anti-blasphemy laws cannot survive. And, very significantly, reservations as to the ICCPR, which Pakistan had in place, which basically said if there is a law and order justification, if there is a reason to have these anti-blasphemy laws, we can have them, have been withdrawn by Pakistan.

So now in the universal periodic review, Pakistan is up for that review next month. A major question before the international audience is how can Pakistan's blasphemy laws survive in light of the withdrawal of the reservations from the ICCPR ratification?

So I am optimistic that that issue has to be answered in the international community. And Pakistan should be held accountable for that. And it follows thereafter that, indeed, the laws should be repealed to abide by international human rights commitments.

Mr. PITTS. And what can the international community do?

Mr. KHAN. So the international community, I think, first and foremost, the universe periodic review, which is next month, NGOs and those who are interested parties and, of course, member states have an open questioning of Pakistan's commitment every four years.

So in the past four years, since 2008, what has Pakistan done to improve and reform the blasphemy laws? That was posed to them in 2008. Now in light of the ratification, with all the reservations, those questions are very critical. That debate is very critical. And Pakistan should be answerable to that.

So I do believe that the international community, including the United States, has a major role to play in that regard.

Mr. PITTS. Thank you.

Mr. EL SHAFIE, what, if any, is the outlook for further reform of Pakistan's ordinance? And what can the United States do to further encourage the Pakistani Government to reform these laws?

Mr. EL SHAFIE. I think start with that the reason the Pakistani Government needs to be confronted on all of their failure because the reason Pakistani Government I believe that they are trying to compromise and they are trying to open dialogue with extremist groups. And, by all means, I think by supporting the law and justice there, support the democratic process there, even our aid, when we give aid, we don't monitor where this aid went. We don't monitor where it has gone for.

Like when I went to Pakistan and I met with Pakistani authority, I asked them, you know, Canada gave them this amount of aid. "Where did this aid go?" They don't know. They didn't answer me.

They said, "Well, we don't know."

"Where is this aid, where this aid went?"

Connecting the aid and the international trade to the improvement of human rights and to improve the democracy there is extremely important or that is basically where giving the aid and giving the money to governments can use and abuse this money and can use it. And this has happened before in the history, Mr. Chairman.

So two things I will advise. As I said before, connecting the aid and the international trade to the improvement of human rights but, as well, when we give the aid and we give the international trade, we have to have accountability where they go; that is, go to the education, go to the support woman rights, different NGOs on the ground to make a difference.

Like this year in the 2012, the United States pledged over $3 billion aid to Afghanistan. Less than eight percent is going for human rights in Afghanistan. That is on the State Department website. That is not my information. Less than eight percent is going there, to the human rights. And I think that this is a big mistake. And I think that is what we need to change. He solution starts by us.

Mr. PITTS. You spoke very eloquently on the horrific situation in Afghanistan, particularly the status of women. It seems like that the Afghan Government is sometimes sensitive to international pressure and criticism given the outcome of the two recent high-profile cases of apostasy.

In your opinion, how will such cases be resolved after the 2014 security transition, when the international community will presumably have less influence on Afghanistan? And what is the appropriate role for the international community intervening in specific cases, like these in Afghanistan?

Mr. EL SHAFIE. Well, I think, even before we leave, we need to take a close look at the leadership of Hamid Karzai himself. Like when I was in Afghanistan, I met with his security chief. And I met with many of his government officials, including foreign affairs, including education. And we met as well with the opposition, which is Dr. Abdullah Abdullah.

And everybody indicates to me that this man is not a good friend. He is not doing a good job, Mr. Chairman. And before we leave Afghanistan, we need, really, to take a close look at the leadership of Hamid Karzai himself because after we leave Afghanistan, it will even get harder.

And, with all respect, Mr. Chairman, we are talking about Afghanistan is very sensitive about international pressure. We send our troops to die there for them. We send our children to die there for them. What is sensitive? I mean, if they are sensitive, good for them. Maybe they can take Advil or aspirin or something.

But let's say around 2,000 American soldiers died in Afghanistan. And more than 15,000 came back injured from Afghanistan. On the Canadian side, 158 Canadian soldiers died and more than 2,000 were injured. These are the blood of our children.

And I will not talk to you about the cost of the war, the over $500 billion that we spend in Afghanistan. But I think we have the right to come and say, "This will not work." We have the right.

In the last election in Afghanistan, there was the need to indicate that the results of the election were not clear and were not clean. I don't know why the international society did not interfere at this point.

So the question here is the accountability of the Afghani government before we leave Afghanistan. It is very important that before we leave Afghanistan, that we have a confrontation with Afghani President. And if he likes it or he doesn't like it, it doesn't matter. It doesn't matter. We are partners.

We paid a very heavy price in Afghanistan. And I think it is about time that we stand up for what we paid for.

Mr. PITTS. Thank you.

Just one final, Mr. KHAN, on the Ahmadis. You mentioned a hit list in Faisalabad, police failing to take action. Has our State Department engaged on this at all? Have you notified the State Department?

Mr. KHAN. Absolutely, Mr. Chairman. We have actually briefed the State Department every month on these issues. On that particular issue, which was the hit list, that was raised. The actual list itself, a copy of it, was also submitted. Whether there has been follow-up or investigation on the ground, I am not aware of, but it certainly has been raised at the highest levels.

There is indication that several of those Ahmadis on that list are being threatened, indeed may have been killed. I mean, in the past six months, there have been maybe six or seven Ahmadis who have been killed. I mentioned the assassination attempt on the president of the community in Faisalabad.

I would very much recommend that there be an actual answer to the question of whether the police have, in fact, investigated that particular document. The language in that document, which is not just in Faisalabad -- it is rampant throughout publications.

There are maybe 80 or 90 billboards using the phrase "Wajibul Qatl," "Ahmadis are worthy of being killed," openly in Lahore. We provided all of that information to the State Department. There is ample evidence, hard evidence, overwhelming evidence, that Ahmadis are being targeted for their beliefs.

There is even on media air waves, on major channel GOTV, they had a major program in which some of the leaders said that Ahmadis are "Wajibul Qatl." A day later two Ahmadis were gunned down. This was a few years ago.

So this is permeated not just locally in the provincial level but also in the federal level as well as just inaction, acting with impunity. And that I think can be rectified.

Mr. PITTS. And you said there are three million in Pakistan?

Mr. KHAN. Yes. The estimates --

Mr. PITTS. How many in India?

Mr. KHAN. Yes. There is about the same number in India as well. It is a very large, sizeable population, several million in South Asia. In Bangladesh, there is 100,000 as well. So it is a very large concentration of Ahmadis.

Many Ahmadis after the Lahore attacks have had to flee Pakistan. In my pro bono practice, I represent many refugees. Many of those Ahmadis, hundreds of those Ahmadis in those cases. The State Department has done an admirable job in helping assist with refugee processing. And PRM has worked very hard on that, particularly Assistant Secretary Schwartz.

But the major issues on the ground in Pakistan are very disturbing. And I would again repeat the emphasis should be on the restoration of citizenship rights, particularly the right to vote. Ahmadis have contributed to civil service at the highest levels.

The first Foreign Minister of Pakistan was an Ahmadi, also president of the General Assembly of the UN. President of the International Court of Justice serves Zafarullah Khan. So there have been many Ahmadis in high government.

So it actually behooves the country to empower such a block of voters and allow them to vote freely. And I think that is an executive order that should be repealed.

Mr. PITTS. And, finally, Mr. Shafie, I think you mentioned the selling of kidneys. Would you elaborate a little bit? You said 660 cases?

Mr. EL SHAFIE. Yes, families, 660 families that have been --

Mr. PITTS. Families have been what --

Mr. EL SHAFIE. They have been in the slave camps so far, as far as our investigation goes. So basically they keep them in these slave camps in Pakistan to build bricks, to make bricks.

Mr. PITTS. Yes, the brick factories.

Mr. EL SHAFIE. The bricks factories. And basically they have two ways to escape or to leave out of this: By basically converting to Islam or basically by selling their kidney.

Mr. PITTS. And that is an ongoing practice?

Mr. EL SHAFIE. It is an ongoing practice. Yes, sir. And we have actually -- like we have names. We have addresses. We know who are the people that did this or at least we asked them to do that.

Mr. PITTS. We would like to pursue that a little bit.

Mr. EL SHAFIE. Absolutely. Absolutely.

Mr. PITTS. Thank you very much for your testimony.

Mr. EL SHAFIE. Before I close, can I just request --

Mr. PITTS. Yes.

Mr. EL SHAFIE. -- to add my written statement to the record, please?

Mr. PITTS. Without objection, so ordered.

Mr. EL SHAFIE. Thank you, sir.

Mr. PITTS. The chair recognizes the co-chairman of the Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Thank you. I want to thank Mr. Pitts for helping to organize this hearing today. And I apologize for being late, but I am doing three hearings at once. And so it is difficult to be in three places at once.

You know, I recognized that South Asia is one of the most religiously diverse regions of the world and a region where religious minorities face varying levels of freedom or persecution. And religious extremists are too often tolerated or even in some cases supported by governments in the region.

This hearing is an important opportunity to shed light on the variety of situations and challenges facing religious minorities in South Asia and to highlight how much remains to be done to ensure that the rights of all religious minorities are protected throughout the region.

I came in at the tail end of your testimony. So you may have answered these questions already. And I apologize for that.

I appreciate, Mr. EL SHAFIE, your comments about Afghanistan and the need for us to confront President Karzai. I think we should have confronted him a long time ago on a whole bunch of issues. And I worry very, very deeply that his government is not only incompetent but corrupt. And it is hard to get incompetent and corrupt governments to do the right thing.

And Afghanistan is complicated. And I don't know, quite frankly, how much influence we have, but I do agree that this absolutely should be one of the priorities of our government.

Mr. KHAN, you know, Pakistan's openly discriminatory anti-Ahmadi laws remain in place, which they clearly violate international standards for religious freedoms. You may have already answered this, but I was just curious. What is the outlook for changes in relevant laws?

And, again, Pakistan is another place where I am not quite sure how much influence we have. What is it that we can do to constructively influence these governments?

One of the things, I worry sometimes if we push, then it equates a backlash sometimes. I want to make sure that when we push, that we are doing it in a way that actually encourages the kind of changes which we want these governments to take. Any advice you have would be greatly appreciated.

Mr. KHAN. Certainly, Mr. Chairman. Those are very important questions.

As I mentioned earlier in response to Congressman Pitts' question, there are prospects for reform within Pakistan. With respect to the blasphemy laws, those have been in place for 28 years.

Mr. MCGOVERN. Right.

Mr. KHAN. And it has been very difficult to change that on the ground without consequence. We know that the most vocal opponents of those laws were assassinated. There are changes within parliament to make it more difficult to bring the first information report, which is the critical key legal document that initiate these cases. And I think marginal incremental reform, perhaps not repealing the laws outright, can actually be done, but it will take a lot of -- frankly, it will take a lot of effort, both domestically and abroad, to achieve that.

I think a more realistic approach on the issue of the Ahmadi persecution is really to push for the restoration of citizenship rights. I mentioned in my testimony the Pakistan passport form. So every Pakistani who needs to renew his passport has to openly declare that our community is a false community and oppose us under penalty of perjury. It is documents like that that can easily be changed.

The lack of the right to vote being excluded from the joint electorate, when every other citizen of Pakistan can vote, but Ahmadis cannot vote unless they declare something they are not, as someone who they aren't. I think that is very troubling.

And the executive order 15 in June of 2002 that achieved that can be repealed. I think the US has an important role in the ongoing dialogue and strategic considerations that they are exploring with Pakistan to raise the issue of restoration of voting rights for Ahmadis. I think that is something that will help the nation. It will help the country. So I think that is something that can be pushed.

It is a very difficult situation, but I do believe that for six decades, Ahmadis have been suffering and that suffering has gone worse and worse each year. And I think that the time has come that beyond soft power, that there should be very high-level discussions around empowering the most moderate groups within Pakistan. Ahmadis are a tiny fraction of the population, maybe one and a half percent. But they represent almost 20 percent of the literate population.

So one out of every five literate Pakistanis is an Ahmadi. That suggests that the Ahmadi community is a community that should be empowered. And it is tragic and sad that they aren't. So I hope that this hearing and in our ongoing briefings with the State Department, we brief the State Department regularly -- that we can raise these issues. And I do have hope that it can change, particularly on the citizenship rights side of things.

Mr. MCGOVERN. Thank you. That was very helpful. And I appreciate the work that our State Department does. And I appreciate the work of the US Commission on International

and Religious Freedom and all the investigations that have been conducted by US and international human rights organizations to monitor the issue of religious freedom.

You know, this Commission was named the Tom Lantos Human Rights Commission. So our main focus is human rights.

I think too often when there are high-level discussions between our nation and other nations. Human rights doesn't figure as prominently as we would like it to. We get obsessed with issues of our strategic interest or our economic interest and all these other kinds of things. And I believe that in the long run, it is important for us to stand up for human rights very clearly because if not, then we get associated with the people who are perpetrating the human rights. We become the enablers. And so I appreciate both of you being here, and I thank you very much for your testimony.

Mr. KHAN. Thank you, sir.

Mr. PITTS. Gentleman, thanks, gentlemen. Thank the witnesses for your testimony. It is very, very helpful. And we will dismiss panel II at this time and call panel III to the witness table.

Panel III is comprised of Dr. Sachi Dastidar, Dr. Angana Chatterji, and Dr. Najid Hussain. So if you can take your places?

And in light of the time constraints, we are going a little bit overtime here -- I will ask the witnesses -- your written testimony will be entered into the official record. We ask that you summarize your opening statements in five minutes.

And so, with that, let's go in the order that was mentioned. Dr. Dastidar, you are recognized, five minutes.

Mr. DASTIDAR. Thank you.

Mr. PITTS. Thank you. I am sorry to rush you. We are under some time constraints. Thank you. And we will explore more with the questioning.

Mr. HUSSAIN? We will go down the line. You are recognized for five minutes to summarize your opening statement.

STATEMENTS OF SACHI G. DASTIDAR, DISTINGUISHED SERVICE PROFESSOR, DEPARTMENT OF POLITICS ECONOMICS AND LAW, STATE UNIVERSITY OF NEW YORK AT OLD WESTBURY; ANGANA CHATTERJI, INDIA HUMAN RIGHTS SPECIALIST; AND NAJID HUSSAIN, PRESIDENT, HASAN JAFRI FOUNDATION

STATEMENT OF MR. DASTIDAR

Mr DASTIDAR. Good morning. I thank the Commission for addressing this. The topic is very dear to me as my family, minority Hindu family, is a victim of religious ethnic cleansing, as is my wife's.

Moreover, I teach a course called Politics of India and South Asia and another course called Human Rights. I have traveled widely in India, Bangladesh, Pakistan, and Pakistani Kashmir.

So, as you suggested, I will primarily focus my comments on the plights of Hindu and other non-Muslim minorities in Bangladesh. I will also add anecdotes to the Communist-run West Bengal State in India, which in my mind is also a communal party as many in India left tends to be.

I will use my data from two of my recent books. And this is the book, Empire's Last Casualty: Indian Subcontinent's Vanishing Hindu and Other Minorities, and just released book in India called Ai Bangla Oi Bangla; or This Bengal, that Bengal.

Empire's Last Casualty documents the loss of 49 million Hindu minorities from Bangladesh census since 1947 to 2001. This loss is politically incorrect, both in India and Bangladesh. I repeat. This loss is 49 million, which is larger than 163 of the 189 nations in the World Bank's list of nations as the number of people killed, Hindus killed, a very painful topic, is between 1.4 and 3.1 million, which is larger than 75 nations in the same database.

I am moving very fast, as you can understand. Bangladesh, as you know, is a very wonderful country. Even the most Hindu, infidel, or secularist, or murtad haters will welcome you as an individual. Yet, there has always been remorseless oppression for their pre-Islamic native culture, the heritage of all Bengal Muslims.

My bias is for a secular state with the same law for all. In South Asia, the current model of only Hindu majority states, India and now Nepal, to have secular polity and every state to be discriminatory Islamic or Buddhist may not work forever.

All the states in the region have deported their indigenous Hindu minority. Hindus, along with Sikhs, Jains, Brahmos, and Buddhists were cleansed from Pakistan, Pakistan Kashmir, Bangladesh, and Afghanistan. Buddhist Sri Lanka, Burma, and Bhutan have also deported Hindu minority, at times with Christians and Muslims. And then there are Buddhists from Tibet who are in India.

In addition, we also have Hindus who have been cleansed from Kashmir in India; Mizoram, where Hinduans were cleansed; and killed in Assam; and Hindu monks and nuns have been murdered in the heart of Calcutta; and oppressed caste Hindu peasants in West Bengal.

Bangladesh is the first Muslim majority country to revolt against an Islamic constitution. Now we must sup[port the secularism.

Two thousand eight election brought a pro-secular government, but the pro-secular government didn't follow their promise to create a secular constitution. And they just endorsed a non-secular government. Although 90 to 95 percent of the victims have Bangladesh independence for Hindu minority, still the prime minister broke her pledge and kept a non-secular constitution.

Hindu minority, Bangladesh's problem of democracy is not its anti-minority root but its shameless anti-Hindu core. Hindus complain of apartheid, meaning they are not hired in the jobs.

Let me talk about Buddhists, Christians, and Ahmadiyans. They were not a target of cleansing in '71. Buddhists became a target after Chittagong was colonized. And Christian minority came after the first Gulf war and Ahmadiyas when intolerants were exported from Pakistan. Plains tribals are exactly very similar with the Hindu. So there are a number of things.

And a couple of things I want to mention probably you know. Just February 9 and 10 in Bangladesh, in an anti-Hindu violence, nine Hindu temples were torched, desecrated, or damaged where scores of Hindu homes, markets, and businesses were damaged.

And I have to mention about the Enemy Property Act, which is very similar to Nazi law of confiscation of Jewish, confiscation of Hindu property in Bangladesh just by declaring enemies of state. You just walk in and declare a Hindu living 1,000 years this way, and you could be moved overnight.

According to Professor Barkat, a Muslim, over 44 percent of confiscated Hindu properties were seized by supporters of the pro-secular party when they were in power, 74 percent anti-secular party when they were in power. This is 65 percent of Bangladesh GDP in 2007. Ninety percent of Hindu families are affected by this.

I want to also raise we are exporting tolerance in here for that. We need to address.

In summary, I have a couple of recommendations. We should promote secularism, democracy, and tolerance.

Democratic elections in Bangladesh should be held in a timely manner.

Secular constitution should be brought back.

We should support trial of the killers, which is taking place right now. That took place during '71 in the Bangladesh International Criminal Court. It is very important.

I would also argue to urge other parts of US Government and human rights groups to support this.

Trial of killers belonging to Pakistani military should also be started.

A separate tribunal should be established to look into attempts of extermination of Hindus. That word was used.

All means of funds and extremists flowing from our Middle East allies should be stopped.

All the Hindu temples, properties destroyed should be restored.

Forced conversion of girls and women should be considered a special hate crime.

A protocol of protecting minorities before the upcoming election must be developed now.

We should create ways to prevent the export of intolerance and fundamentalism from our shore. It is happening.

And a couple of other things. Hindu and other minorities should fully be integrated into army, diplomacy, and all of that.

All Hindu properties confiscated to enemy property should be returned.

Autonomy of Chittagong Hill Tracts should be established of the tribes.

And, with that, I would point you –

Sachi G. Dastidar, Ph.D.
Distinguished Service Professor
Politics, Economics and Law Department
State University of New York, Old Westbury

The Need for a Secular, Non-Discriminatory, Tolerant, Democratic Bangladesh and South Asia [1]

Good Morning.

I express my gratitude to Tom Lantos Human Rights Commission's Co-chairs Congressman Wolf and Congressman McGovern for organizing this hearing.
This topic is very dear to me as my minority Hindu family is a victim of religious ethnic cleansing, as is my wife's family. She lost her mother – a secondary victim of partition – when she was a toddler. Moreover I teach a course called "Politics of India and South Asia" and another course called "Human Rights." I have traveled, written and lectured widely in India, Bangladesh, Pakistan and Pakistani Kashmir. As you suggested I will primarily focus my comments on the plight of Hindu and other non-Muslim minorities in Bangladesh since the days of 1947 Indian partition, and her prospect for tolerance and pluralism without which there cannot be any democracy. I will also add anecdotes of the Communist-run West Bengal State in India which in my mind is also a communal party as many in Indian Bengali left tends to be. Communists were recently ousted by Miss Mamata Banerji. Bangladesh and West Bengal together was the secular united Province of Bengal in Colonial British India. After partition one headed towards intolerant Islamism and the other toward intolerant Communism. I have been working on these issues for over many decades having authored many books and articles, including *Empire's Last Casualty: Indian Subcontinent's Vanishing Hindu and Other Minorities* (2008), *Living among the Believers: Stories from the holy Land Down the Ganges* (2006). My latest book *Ai Bangla Oi Bangla* (This Bengal, that Bengal) was released a few days ago in January of 2012 in India. *Empire's Last Casualty***...** documents the loss of 49 million Hindu minorities from Bangladesh Census from 1947 through 2001 Census. Bangladesh's Hindu minority was almost one third of the population in 1947 which is down to less than 10% now in the world's 7th largest nation. Because of this loss Pakistan is now the 6th most populous nation, but in 1971 when Bangladesh was part of (East) Pakistan she had 55% of the population and (West) Pakistan only 45%. This Hindu loss is a politically-incorrect topic both in India and in Bangladesh. Even in Bangladeshi-Hindu refugee-communist-run states of West Bengal and Tripura the discussion of this loss is censored. <u>I repeat the loss is 49 million people</u>, larger than 163 of 189 nations listed in *World Bank's April 2003 World Indicator's Database*. In that period the number of Hindus killed – a very painful topic – is between 1.4 million and 3.1 million, based on high and low counts, which is larger than 75 nations of that database, yet hardly known to anyone. <u>Again it is between 1.4 and 3.1 million Hindus who lost their lives.</u> Mass Hindu killing started on the eve of Indian partition in eastern Noakhali area of Muslim League-run

[1] I will be happy to provide documentation of data/incidents related to my statements. Most of the data on killings and displacement till 2001 are from my book *Empire's Last Casualty: Indian Subcontinent's Vanishing Hindu and Other Minorities*, Firma KLM Publishers, 2008, Kolkata (Calcutta), India

British Bengal Province known as Noakhali Danga Killing when tens of thousands of Hindu girls and wives were also abducted and converted. This killing was stopped only by a one-man army of Mahatma Gandhi. I interviewed for our Documentation Project two of the individuals who went to recover some of the abducted girls there. One interview (R. Datta) is available on YouTube. I head a foundation that helps educate the poor and the orphaned in 15 schools in Bangladesh and 15 more in India. We have build nine schools and dorms in Bangladesh. I also head the Indian Subcontinent Partition Documentation Project which is saving oral history of refugees, survivors and protectors – from 1947 till today – affected by that British-created partition. Most Bangladeshi Hindus, Buddhists, and tribes now live in India.

Bangladesh is a beautiful, evergreen country. People are very warm to the last individual. Even the most pathological Hindu-haters, infidel-haters, secularist-haters, or *murtad*-haters will welcome you as an individual. Yet there is remorseless oppression going back to the 1946 Noakhali pogrom of our indigenous Hindu minority for their pre-Islamic culture, the heritage of all Bengali Muslims, by the same people. There have always been many majority-Muslim secularists and pro-tolerance activists, but they have always been marginalized. I am saddened by the denial of basic human rights to Hindus by a section of our elites, especially when vast majority killed for the independence of Bangladesh in 1971 were Hindus. A segment of elites are either unaware or unwilling to understand the depth of serious day-to-day harassment, humiliation and institutionalized discrimination directed towards Hindus, and their Buddhist, Christian cousins, and now Ahmadiyas.

My bias is for a secular state with the same law for all. If we support religious states we won't be able to support democracy with equal rights to all, and rights for the minority. In South Asia the current model of only Hindu-majority states – India and now Nepal – to have secular polity and every other state to be discriminatory Islamic or Buddhist may not work forever. All states in the region have deported their indigenous Hindu minority. Hindus along with Sikhs, Jains, Brahmos and Buddhists were cleansed from Pakistan, Pakistani Kashmir, Bangladesh and Afghanistan. Buddhist Sri Lanka, Burma and Bhutan have also deported Hindu minority for India, at times with Christians and Muslims. For prosperity, democracy and human rights all states should be secular and linguistically non-fundamentalist. I do not know if Hindus will remain divided and suicidal-fatalistic forever. In India too Hindus have been cleansed from Kashmir, (Hindu Reangs from) Mizoram, killed in Assam, (Hindu monks and nuns in) Calcutta, (oppressed-caste Hindu peasants in) Maricjhapi in West Bengal, to name a few.

Bangladesh is the first Muslim-majority country to revolt against an Islamic constitution for a secular one. Three million people gave lives for that cause. Our U.S. Administration supported a military-Islamist genocide, and actively worked against secularism, democracy and tolerance. Now we must support secularism, democracy and tolerance.

A. **2008 Election:** Minorities and secularists were very hopeful of a tolerant Bangladesh to see the rise of pro-secularists through ballot box. (I testified before that election.) How I feel about this change? Let me quote from my recently-released book:

"Recently – 2008 and 2011 – in two Bengals two peaceful revolutions took place through the ballot. Mrs. Hashina Wazed in Bangladesh replaced a narrow, pro-Islam, anti-minority group with huge majority by promising to bring back the Founding Father-created secular Constitution. Because of this promise if Mrs. Wazed received 99% of Hindu-Buddhist vote I will not be surprised. Yet I am reminded of a Bengali saying "*jei jai lankai shei hoi rabon*" or whosoever ascends the throne becomes a demon. During the Bangladesh Independence struggle Awami League Party activists, Muslim non-communal intellectuals and every single

Hindu – businessman to beggar – were targets of (Islamist) genocide. According to my research, through information provided by people in the villages and in urban neighborhoods, 90% to 95% of the victims then were Hindu minority. Still the respectable prime minister broke her own and party's pledge and made the son's of the soil, pre-Islamic indigenous Hindu, Buddhists and Christians fourth-class citizens of the nations, ignored the sacrifice of the martyrs, and offered the military Generals Ershad and Zia-created (non-secular) Constitution. Moreover, she kept the preamble written in Arabic. Love of the (Bengali) language was ignored and we disregarded the sacrifices made by Language Martyrs."[2]

Now let me talk about the plight of various groups.

B. **Hindu Minority:** Bangladesh's problem of democracy is not its anti-minority root, but in its shameless anti-Hindu core. Attack on Christians, Buddhists began only after plains and tribal Hindus were decimated. And Attack on Ahmadiya Muslims started after that. As I mentioned before the loss of Hindus from Census is 49 million till 2001; and loss of life is between 1.4 and 3.1 million.

Hindus complain of apartheid maintained against them, meaning denial of hiring of qualified Hindu minority in public service, military, police, Foreign Service, diplomatic corps, border guard and more. The current pro-secular government has promised to open up this hiring. I thank them for that promise. Three years back when several top security officials were killed by the conscripts the noted journalist Abdul Ghaffar Chowdhury, a Muslim, wrote that if only there were 5% Hindus in the armed forces this mutiny wouldn't have happened.

For our Partition Documentation Project we have interviewed scores of Hindu Bangladeshis. Every single family suffered during 1971 anti-Hindu genocide, and persecution didn't end with the independence, except for the first three years after 1971. (Attack of Hindus pujas resumed during this period.) Situation has marginally improved after the last election, but it is still precarious, then came Nandirhat.

C. **Buddhists:** Buddhists are a small minority in Bangladesh and initially they were not target of killing and cleansing. During 1971 Liberation War two of the prominent Buddhists were active supporters of the genocide. However, after forced Tibet-style colonization of Chittagong Hills by plains landless Muslim peasants transported by the Government in the 1980s attack on Buddhists started. By the way Chittagong Hills was 99% Hindu--Buddhist till that colonization. Now plight of Buddhist minority parallels Hindu minority. Successive promise of autonomy of Chittagong Hills has not yet materialized.

D. **Christian Minority:** Christians are a small minority in Bangladesh. They too were completely spared during 1971 War for their presumed connection with the West. During my field work I found that many Christian churches protected Hindus by giving them cross to wear. Yet in Bondabari Mission in Rajshahi where over 300 Hindus took shelter in 1971 Archbishop Ganguly handed Muslim killers 85 Hindu boys and men never to return reminiscent of Rwanda and Bosnia. Christians came under attack only after the First Gulf War. Since then they are facing insecurity and violence like Hindus. The first large scale attack on Christians came at Baniachar in Faridpur District when a church was bombed killing many worshippers. Other acts of violence followed since then. There were attacks at Christian girls' dorm in LakhsmiBazar in Dhaka. I just interviewed a Christian couple for our Partition Documentation Project who told us although there was

[2] *Ai Bangla, Oi Bangla: Expanded Edition* [*This Bengal, That Bengal*), Firma KLM Publisher, Kolkata (Calcutta), 2012

no problem with Christians in 1971 but in their recent visit to their villages they found insecurity and families are searching alternative arrangements for their future.

E. **Ahmadiyas:** Ahmadiyas are a very small community. Wrath against them was exported from Pakistan. Every now and then there is a call to declare them non-Muslim and attacks on those families and mosques are perpetrated by Islamist extremists. In Chantara Village in Tangail District Ahmadiyas were attacked in August of 2010, eleven of them were injured.

F. **The Plains and Hill Tribes:** Intertwined with the plains Hindus the plains tribes, mostly Hindu with small Christian minority, faced same wraths from the days of partition. As mentioned hill tribes have come under attack and colonization after their displacement when the Kaptai Lake was built, and Muslim settlers were brought in by the Government in 1980s. Since then conflicts, demonstrations, taking over of farm land, torching of homes and forced conversion have raised their ugly head. The current pro-secular administration deserves big credit for bringing back many non-Muslim Chakma tribes who were languishing in refugee camps in the hills of Tripura State of India. But the decolonization has not been carried out.

G. **Need for New Law:** I would also like to suggest creating new laws against kidnapping and forced conversion to Islam of Hindu, Buddhist, Christian girls and wives; or at least speedy arrest and trial of perpetrators. Bangladesh Minority Watch, Kapeang Foundation, Hindu Foundation, Bangladesh Hindu Buddhist Christian Unity Council, GHRD, HRCBM, Buddhist, Christian and Ahamadiya rights groups, Ghatok Dalal Nirmul Committee (to Eradicate Killers and Collaborators), Bangladesh (Anti-Communal Organization) Sampradayik Sampriti Parishad, local dailies like Jugantar, Ajkaler Khabor, BD News, Prathom Alo, Bhorer Kagoj, the Daily Star, New Age, Soja Sapta, Ittefaq, Amar Desh, Samakal, Lokayan, Janakantha, and scores of others routinely print the news of abduction, property confiscation, temple destruction, desecration and more. Then there are anti-extremist civil society groups. We need to actively support these groups.

H. **Several noted Bangladeshi** secularist Muslims have been attacked, killed, injured or exiled for promoting secularism, tolerance and human rights. Among them are poet Shamshur Rahman, writer Humayan Azad, human rights activist Shahriyar Kabir, writer Dr. Taslima Nasrin, journalist Selim Samad, writer Salam Azad, writer Ahmed Sharif, Prof. Dr. Abul Barkat, novelist Humayun Azad, poet Zia Haider and many more. We need to support their activism for the space they have created for secularists and religious minorities;

I. **Hate Crime Law:** Almost on a daily basis I receive information from home about rape, forced conversion, murder, temple desecration or destruction, confiscation of properties, and denial of jobs. Perpetrators in these cases need to be prosecuted vigorously and victims compensated. Although at the village, school or dorm level personal intimacy of majority Muslims and minority Hindus (non-Muslims) is great. Yet Hindus complain of derogatory slurs of *malaun, namo* and *dhaindar bachha* we hear on a daily basis beyond their intimate circle. Buddhists and Christians are now becoming a part of that abuse.

J. **Nandirhat, Chittagong, February 9-10, 2012 anti-Hindu Violence:** Barely a month ago another anti-Hindu organized attack took place in Bangladesh. Nine Hindu temples were torched, desecrated or damaged, with scores of Hindu homes, markets and businesses were damaged, torched or destroyed. Hindus were baffled by slow or non

response by the Government. February 10, 2012 BD News reported attacks on Hindus were preplanned by intolerant Islamist groups. In one of hopeful sign the High Court ordered the Government to compensate the Hindu victims, and arrest of criminals, the Daily Star reported on March 1, 2012. At a meeting of Hindus, Buddhists and Christians in Queens, New York City last month several Hindus indicated that their extended families were affected and others were held hostage in their own homes for over three days for fear of their lives.

K. **Enemy (Vested) Property Act:** This act is inhuman and racist which many have compared with Nazi law of confiscation of Jewish and Gypsy assets. A Hindu living for a thousand year in her homestead can become homeless overnight just by declaring her "enemies of state" by a newcomer Muslim. It is also so racist that it could not be used against the killers of Bangladeshi Presidents as they were Muslim, but was used even against the father of the idea of the Bengali nation Mr. Dhirendra Nath Dutta, a Hindu, who first demanded in Pakistani Parliament that Bengali be made the national language and that love for Bengali created the nation. After Army of the Islamic Republic of Pakistan murdered him during the 1971 Liberation War his homestead was declared "enemy property" by the new secular nation. It would be like Jefferson's home being declared enemy property by the U.S. Government. The 1971 secular government retained the Enemy Property Act, renaming it Vested Property Act. According to Prof. Barkat, a Muslim, over 44% of confiscated Hindu properties were seized by the supporters of pro-secular party when they were in power and over 74% by anti-secular party when they were in power making this immense wealth transfer from the Hindus.[3] This was over 65% of Bangladesh GDP of 2007. 90% of Hindu families are affected by this forced confiscation, without any notice and without compensation. When I interviewed Mr. Sunil Gupta, a Hindu, Minister of Land under the military ruler General Ershad in 1987 he mentioned that in the 1980s over 1.5 million acres of Hindu land, in addition to homes, ponds and businesses, was confiscated from the Hindus.[4]

L. **Decentralization:** During the military regime of General Ershad in 1980s I saw a flicker of hope with decentralization of power, and creating sort of American-, European- and Indian-style decentralized homelands with space for minorities. But once the regime came under threat they let loose anti-Hindu pogroms, and decentralization was not carried out.

M. **Exporting Intolerance and Hate from the U.S.:** We are a connected world. Promoting intolerance overseas and tolerance at home is unacceptable and won't work. I believe unless we promote tolerance and secularism overseas that intolerance will creep back home, and may pose a long-term problem for our liberal democracy. A Hindu and a Muslim who married in Bangladesh and under extraordinary pressure were able to maintain their individual religious identity. Yet in New York City the same couple was tormented by Muslims not to give their child last rites according to Hindu tradition.[5]

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[3] See Abul Barkat's *Impact of Vested Property Acton Rural Bangladesh: An Exploratory Study*, Prepared for Association for Land Reform and Development, Bangladesh; March 1996

[4] Sachi G. Dastidar, "Bangladesh and West Bengal: Glimpses of Government Policies," ***South Asia Forum Quarterly***, Editor, Dr. Mohsin Siddique; Fall; 4, 5, and 7

[5] "Hindu Muslim Family's Choice…." *N.Y. Times*, October 4, 2008; B1

They raided the home and funeral parlor. Unless stopped we will soon export this type of intolerance from our shore. Our influence and our dollar reach far in poor countries.

N. **On a personal note I would like** to seek your help in retrieving a centuries old statue of Lord Vishnu, a Hindu deity that belonged to my wife's Sengupta family temple in Barisal District of Bangladesh. After 1947 partition of Bengal as Muslim mobs descended on Hindu villages in Bangladesh (then East Pakistan) to destroy Hindu deities and temples, it was customary to "save" the deities in family ponds. Three years back while cleaning the pond local Hindus found that statue (*murti*) and started offering prayers at a local temple. Days later police came and took it away from their temple creating uproar in the neglected, marginalized, all-poor, oppressed-caste Hindu minority. Finally they reached out to my wife and me. My family and I have written dozens of letters, talked to people, traveled to Bangladesh, met with the Head of Bangladesh Police in Dhaka and the Ambassador in Washington D.C., but the caring persons were unable to do the needful, with Lord Vishnu still sitting behind bars with no prayers being offered. Local Hindus and their Muslim allies believe it is their right to worship that they had done for hundreds of years. I am seeking your help to recover that deity.

In summary, here are a few recommendations for improving human rights and for the survival of minorities in Muslim-majority Bangladesh. This, too, I believe, is applicable to other states in the region. I believe your Commission can help a lot to achieve that goal:

1. We should promote secularism, democracy and tolerance for all states in the region;
2. Democratic elections in Bangladesh be held in timely manner with observers from Bangladesh Civil Society, overseas, and Bengali-speaking expatriates;
3. The Secular Constitution should be brought back as promised in pre-election manifesto and demanded by the entire spectrum of civil society, and minority groups;
4. Support the trial of killers during independence struggle that is taking place now at the International Criminal Court in Bangladesh. <u>This is extremely important</u>.
5. Urge our U.S. government, international human rights groups, International Criminal Court, U.N. Human Rights Commission and other human rights bodies to actively support the trial. Just because Hindus are not organized or secularists have no influence does not mean our lives are expandable;
6. Trial of 1971 killers belonging to Pakistani Military and Administration should immediately be started. (Across the border in West Bengal Chief Minister Banerjee has initiated several tribunals to look into atrocities committed by the ruling Communists.) Those1971 mass murderers are now destabilizing Pakistan.
7. A separate tribunal be established to look into attempts of extermination of Hindus. (Use of that word was questioned. See Pakistan's Hamoodur Commission Report)[6];
8. By all means funds flowing from our anti-democratic, anti-women, anti-infidel, anti-tolerance, anti-secular, anti-human rights allies in the Middle-East be stopped;
9. By all means extremists supported by our anti-democratic, anti-women, anti-infidel, anti-tolerance, anti-secular, anti-human rights allies in the Middle-East be stopped;
10. All the Hindu temples of the February 2012 anti-Hindu pogrom of Nandirhat, Chittagong be restored immediately by public funds and reparation paid by anti-Hindu terrorists;
11. All the Hindu homes and businesses torched, destroyed and damaged during that Nandirhat pogrom be fully compensated and reparation paid;

[6] *Empire's Last Casualty: Indian Subcontinent's Vanishing Hindu and Other Minorities*, Firma KLM Publishers, Kolkata (Calcutta), 2008; 291-295

12. All the arsonists and criminals involved in that 2012 Nanddirhart pogrom be arrested and punished according to law;
13. Forced conversion of girls and women be considered as a special hate crime;
14. A protocol of protecting minorities before the upcoming election must be developed now;
15. Hindus, other minorities and secular Muslims who are victims of terror must be allowed to return home;
16. Create mechanisms to prevent export of intolerance and fundamentalism from our shore;
17. Perpetrators of 2001 pre- and post-election anti-Hindu violence, including gang rape, must be brought to justice. (One of our foundations provided shelters to many victims, the youngest being 8 years old.) I thank the current government as they have promised to prosecute the rapists and anti-Hindu terrorists;
18. Hindu and other minorities must fully be integrated in police, army, diplomacy, air force, border security, judiciary and administration. This will guarantee their human rights;
19. All Hindu properties confiscated through Enemy (Vested) Property Act must be returned, reparation paid and confiscators prosecuted. If Hindus were forced to leave the country, they should be invited to return back. Government should act immediately as promised.
20. In Constitution equal rights for all religions must be re-enshrined, as before;
21. Autonomy of Chittagong Hill Tracts be established like Indian Kashmir or Christian-majority Mizoram or Nagaland states of India;
22. Schooling in tribal languages be vigorously pursued;
23. We need to actively support tolerant secular groups and individuals;
24. Decentralization of administrative power should be encouraged, first with the Chittagong Hills, then elsewhere creating a space for minorities where they are a majority;
25. Help us to bring back the statue of Lord Vishnu to our Barisal village.

Question we must ask Can the State guarantee human rights to Hindu, Buddhist, Christian, Ahamadiya, and tribal minority? I believe it can as Hindu and other minorities are not engaged in violent anti-state, or anti-majority-Muslim violence.

Let me take this opportunity to thank Congressman Wolf for sponsoring a bill for a Special Envoy to Defend Religious Minorities in Muslim-majority areas, U. S. State Department, U.S C.I.R.F., Bureau of Democracy, Human Rights, and Labor, House Committee on Foreign Affairs who helped ushering in a fair election in 2008. Let me also thank Congressman Dold who spoke on the House floor citing my work, and Congressman Crowley for bringing justice to my Hindu friend whose adult son was beheaded because they hadn't given away their property free of charge and move to India.

I know thousands of individuals like their minority Hindus and others to have full rights in their homeland, but are unable to counter the intolerant anti-Hindu, anti-secular forces. I believe these suggestions will promote human rights create a progressive nation, which will be a symbol among Muslim-majority and developing nations.

With that let me end here. I will be happy to answer questions.

Thanks.

Sachi G. Dastidar

STATEMENT OF MR. HUSSAIN

Mr. HUSSAIN. Thank you, Mr. Chairman and all of the members here. Discrimination, injustice, and denial of rights, or our support to regimes those involve in such practices is the leading cause of civil unrest and terrorism.

India's large and religiously diverse population makes it one of the most pluralistic societies in the world. However, lately there has been an alarming rise in discrimination and violence against religious minorities, such as Muslims and Christians, in various states across India. Leading the charge are the States of Gujarat, Orissa, and Karnataka. Such systematic violence, in part, is attributable to a rise in Hindu nationalism, also called Hindutva.

Professor Subramanian Swami, who taught at Harvard University, recently wrote an article saying Muslims and other minorities of India must either accept Hinduism, that their ancestors were Hindus, or must accept to live as second-class citizens or leave India. Disturbed at communal intolerance of Swami, Harvard terminated his fellowship.

But Swami's call resonates with the likes of Gujarat Chief Minister Narendra Modi, who is accused of masterminding and carrying out Gujarat massacre of 2002, that followed Godhra train coach burning incident, blamed on the local Muslims, which killed 58 Hindu kar sevaks returning from Ayodhya.

Modi government swiftly arrested several hundred Godhra Muslims under the Prevention of Terrorism Act, also called as POTA, for burning the coach, which the central government inquiry ruled as a mere accident. Held without charge for ten years, 63 out of nearly 300 were subsequently charged, 31 found guilty, and 11 were awarded death penalties. And this all happened within ten years. Whoever says that our legal system or the legal wheels turn slow, that is not true. When we want, we can turn it faster.

However, for the riots that followed the coach burning, killing more than 2,000 innocent Muslims, Gujarati Muslims, not even a handful of arrests have been made. Those who planned and carried out the killings have been provided total immunity by Gujarat Government.

Police officers who helped the rioters kill Muslims were given promotions. And those who stopped the riots or saved the Muslim lives were demoted or suspended. The central government, blunted by its own abysmal handling of the 1984 Sikh riots, stayed mostly quiet at this injustice in Gujarat.

Now, I am the son-in-law of the former M.P. Hasan Jafri, who was among those killed in Gujarat genocide. And so you have visited that place, and you know how it was. His house was burned, along with dozens of innocent men, women, and children who had gathered in his house seeking protection from the violent mob. My mother-in-law, Zakia Jafri, is still fighting for justice, but justice continues to elude us, just as it does to thousands of other victims of Gujarat massacre.

More than 16,000 Muslims, displaced by the riots, are still languishing in relief colonies that are denied even the most basic amenities. Modi called these camps as baby-producing factories and refused government support. He also called the riots as a reaction to the Godhra action in working Newton's third law and announced compensation for the Hindu victims of the coach at 200,000 rupees; whereas, the Muslim victims in the riots that followed at half that value.

Now, RSS, VHP, Bajrang Dal, and many other Hindu nationalist organizations, loosely called Sangh outfits, called Gujarat as the Hindutva laboratory and pledged to replicate it elsewhere in India.

Already Christians and Muslims are targets in Karnataka, Orissa, Andhra Pradesh, and many other Indian states. Churches have burned. Lower caste Hindus who accept Christianity or Islam to escape the social stigma associated with their lower caste are being forcefully reconverted back to Hinduism.

Now, America believes and acts when needed to preserve and propagate liberty and justice, even in countries where our security and financial interests are not at stake. In the aftermath of the Gujarat massacre, our then Secretary of State Condoleezza Rice asked the Indian government to ensure justice in Gujarat.

We also canceled Chief Minister Modi's visa. Modi continues to be persona non-grata for our country and many other countries in Europe. But that has not helped the process of justice in Gujarat move swiftly or without political influence and interference from Mr. Modi.

In an effort to put a curtain on his role in the 2002 massacre, Mr. Modi is now projecting himself as a development guru. Businesses that usually disregard human rights for increased security and strong leadership from the administration are increasingly accepting Mr. Modi as the future prime minister of India.

For those of us who have not gotten the lessons learned from Adolf Hitler or the Nazi Germany, it is a deja vu. Troubling, too. Having interviewed Mr. Modi several years before he became the chief minister, eminent social scientist Professor Ashish Nandy had said, "Modi is a textbook case of a fascist." Can the United States do business with Hitler or Hitler-likes or let him continue in power anywhere? I hope not, sir.

I urge you to ensure that we do not give recognition to Mr. Modi but, rather, use the United States influence and friendship with India to ensure freedom, justice, and security for the minorities of Gujarat as well as other India states. An inclusive India would also be stronger India, sir, that would provide power for our mutual progress and economic development and growth.

That goal cannot be realized without ensuring justice to the minorities of Gujarat. Justice must be done and it must seem to be done because when justice in good faith is denied, even based on legal technicalities, which we see a lot these days, or political influences, the result is simmering frustration that further fuels the fires of terrorism.

Mr. PITTS. Thanks, gentlemen. And the chair recognizes Dr. Chatterji for five minutes for your opening statement.

And the chair welcomes another member of the Commission, Mr. FRANKS. You are recognized.

DR. NAJID HUSSAIN
PRESIDENT, AHSAN JAFRI FOUNDATION

Gujarat: A Case Laboratory in Communal Injustice

Congressman Pitt, honorable committee members, ladies and gentlemen:

Discrimination, injustice, and denial of rights, or our support to regimes those involve in such practices is the leading cause of civil unrest and terrorism.

India's large and religiously diverse population makes it one of the most pluralistic societies in the world. However, lately there has been an alarming rise in discrimination and violence against religious minorities such as Muslims and Christians in various states across India. Leading the charge are the states of Gujarat, Orissa and Karnataka. Such systematic violence in part is attributable to a rise in Hindu nationalism – also called Hindutva.

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However, for the riots that followed the coach-burning, killing more than 2000 innocent Gujarati Muslims, not even a handful of arrests been made. Those who planned and carried out the killings have been provided total immunity by Gujarat government. Police officers who helped the rioters kill Muslims were given promotions and those who stopped riots or saved Muslim victims were demoted or suspended. The Central government, blunted by its own abysmal handling of the 1984 Sikh pogrom, stayed mostly quiet at this injustice in Gujarat.

I am the son-in-law of the former M.P. Ahsan Jafri, who was among those killed in Gujarat genocide. His house was burnt along with dozens of innocent men, women and children who had gathered in his house seeking protection from the killer mob on February 28, 2002. My mother-in-law, Zakia Jafri, is still fighting for justice. But justice continues to elude us, just as it does every Muslim victim of the Gujarat massacre.

More than 16,000 Muslims displaced by the riots are still languishing in relief colonies that are denied even the most basic amenities. Modi called these camps "baby producing factories" and

refused government support. He also called the riots as a “reaction for the Godhra action” and announced compensation for the Hindu victims of the coach at two hundred thousand rupees but Muslim victims in the riots that followed at half that amount.

RSS, VHP, Bajrang Dal and many other Hindu Nationalist organizations – loosely called Sangh outfits – called Gujarat as the ‘Hindutva Laboratory’ and pledged to replicate it elsewhere in India. Already Christians and Muslims are targets in Karnataka, Orissa, Andhra Pradesh, Tamil Nadu, Assam and other Indian states. Churches are burnt, Lower Caste Hindus who accept Christianity, or Islam, to escape the social stigma associated with their caste, are being forcefully reconverted back to Hinduism.

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In an effort to put a curtain on his role in the 2002 massacre, Modi is now projecting himself as the development guru. Businesses that usually disregard human rights for increased security and strong leadership from the administration, are increasingly accepting Mr. Modi as the future Prime Minister.

For those of us who have not forgotten the lessons learnt from Adolf Hitler, it is a deja vu. Troubling too. Having interviewed Modi, several years before he became the Chief Minister, eminent social scientist Prof. Ashish Nandy had said, “Modi is a text-book case of a fascist”. Can United States do business with Hitler or Hitler-likes? Or let him continue in power? Anywhere? I hope not.

I urge you, Congressman, to ensure we do not give recognition to Mr. Modi but rather use the United States' influence and friendship with India to ensure freedom, justice and security for the minorities of Gujarat as well as other Indian states. An inclusive India would also be stronger India, that could provide power for our mutual progress, economic development, and growth.

That goal can not be realized without ensuring justice to the minorities of Gujarat. Justice must be done and it must seem to be done, because when justice in good faith is denied – even based on legal technicalities, or political influences – the result is simmering frustration that further fuels terrorism.

Thank you for listening.

STATEMENT OF MS. CHATTERJI

Ms. CHATTERJI. Representative Pitts and Representative Wolf, I thank you and the Tom Lantos Human Rights Commission for honoring me with an invitation to testify. And, Representative Pitts, I thank you for your distinguished work in South Asia.

I would like to acknowledge the dedicated work undertaken by civil society groups in support of the rights of non-dominant religious and ethnic minorities in India and in response to organized riots and violences against these minorities and as well the work undertaken by state and non-state bodies.

I will speak to a few different places. Orissa. The riots and organized violence against Christian minority communities in Orissa in December 2007 and August to October of 2008 were not unexpected.

In Orissa, since the mid 1990s, a formidable mobilization has been established by Hindutva groups, including in Kandhamal district. These groups have acted with impunity with adverse impact on economy, society, religion, and security.

The Sang Parivar family of Hindutva, Hindu supremacist organizations has a visible presence in 25 of 30 districts in Orissa and has amassed between 35 to 40 major organizations, including paramilitary camps and a massive base of a few million operating at every level of society.

December 23, 2007 Hindutva-affiliated Adivasi tribal peoples' organizations organized a march, rallying, "Stop Christianity. Kill Christians." In the violence of 2008 in Kandhamal Christians, prevalently poor, untouchable groups, and Adivasis, were forced out of approximately 450 villages. About 4,901 homes were torched and 101 places of worship. More than 18,000 persons were injured as thousands sought refuge in nearby forests. Some Christians disappeared. Some were tortured, including through rape. And approximately 92 were murdered.

The coordination of attacks across mountainous terrain in Kandhamal corroborates the violence. The violence was indeed planned, premeditated, and the police had prior knowledge of them.

The number of persons that sought shelter in relief camps operated by the state were 27,000 at its highest. Most violence injunctions were issued to minority communities, Christian and Muslim, to hide or erase their deference. Forced conversions of non-Hindus to Hinduism continued, economic and social boycotts as well. And psychosocial restitution was lacking.

State employees intimated that minority groups must recount their grievances in order to escape further violation. Early 3,300 complaints were lodged with the police by victims and survivors of the violence. And only as few as 831 registered first information reports are on record. And of them, only 510 charge sheets were issued.

In 2009, I documented testimonies of Christian women survivors of the riots. And I just want to give you a fragment from one. This woman said to me, "About 500 people surrounded the body" of her husband. "His body was aflame. They killed Christians, buried them, then placed stones over their bodies to stop resurrection."

Jammu and Kashmir. The rights of the Muslim community remain compromised. And there continues large-scale criminalization of the community. There is also concern for the rights of certain groups that are in minority in Jammu and Kashmir, such as Hindu Pundits.

Jammu and Kashmir continues to be a nuclear flashpoint between India and Pakistan. The actions and escalated militarization across the AfPak border zone and the actions of violent

groups across the IndoPak border directly impacts security and integrity of lives in Jammu and Kashmir.

The armed militancy, which began in 1988, abated to nonviolent dissent between 2004 and '7. Since 1989, an extraordinary militarization has saturated life. Approximately 70,000 have died in Gushmede, including through extrajudicial or fake encounter executions, custodial brutality, and other means. About 8,000 have been involuntarily disappeared. Lawyers have reportedly filed 15,000 petitions since 1990, inquiring, largely unsuccessfully, into the location, health of detainees, and charges against them.

Laws such as the Armed Forced Special Powers Act, the Disturbed Areas Act, the Public Safety Act provide legal immunity to security forces. Notwithstanding confidence-building measures and other activities, the situation remains critical.

Buried Evidence, a report authored by myself along with my colleagues in December 2009, documented 2,700 unknown and unmarked graves containing 2,943 bodies, including from extrajudicial executions, between 1990 and 2009. These findings were actually corroborated by the Jumma and Kashmir State Human Rights Commission in July 2011.

Women in Kashmir have been victimized by horrific forms of brutality, including rape, gang and collective rape used as a tool of torture and power. There is a need as well, certainly in the status of minorities in Jammu and Kashmir related to displacement and rehabilitation.

In Summer 2002, we documented a list of 51 civilians that were reportedly killed. In 2011, 56 civilians were reportedly killed. There is an urgent need for supporting the human rights of the affected civilian population as they live with the effects of the conflict and holding all parties to the conflict stage and non-state accountable in accordance with international standards.

I just have one more fragment. This is Punjab. Sikhs are required to marry under the Hindu Marriage Act since the Sikh Marriage Act was suspended in 1947. In August 2005, the Supreme Court denied minority status to Jains and Sikhs, depicting them as sub-sects of Hinduism. Sikhs are regularly prevented from observing remembrance days for 1984, the year of massive Sikh killings.

Incidents of police engaging and allowing the forcible removal of turbans continue as a tactic of humiliation. Cases of custodial torture are reported at regular intervals.

Gujarat, we have already spoken, Dr. Hussain has spoken to it. I just want to add one other thing, that after 2002, 240 people were held under the Prevention of Terrorism Act without due process. And 239 of them were Muslims and one was a Sikh. I wish to end by saying that human rights defenders often face threats and retaliation, including, for example, myself and my colleagues.

I thank you again.

Mr. PITTS. Thank you very much for the testimony. I will begin the question. I will start with you, Dr. CHATTERJI.

Your participation in this hearing has been criticized by one group --

Ms. CHATTERJI. Yes.

Mr. PITTS. -- who are suggesting that you are connected with Dr. Ghulam Nabi Fai. Have you ever met Dr. Fai?

Ms. CHATTERJI. Yes, I have.

Mr. PITTS. And where did you meet him?

Ms. CHATTERJI. I met him, actually, the first time, when he came to the university where I was teaching to do a talk in 2003. And then in 2006 through 2010, he invited me to present at the House of Congress, where persons such as yourself were here as well.

Mr. PITTS. Have you ever received funding from Dr. Fai?

Ms. CHATTERJI. No. And I wish to state for the record -- and my tax records and bank records will attest to this -- any time you, the FBI, any credible persons or commission wishes me to make them available, I, of course, would happily do so.

The work in Kashmir and the work on Hindu nationalism in Orissa, I have precisely because of this allegation coming up funded from my own resources and drawn on my husband's resources as well.

Mr. PITTS. Well, I attended the Kashmir Peace Conference as well. And when I attended, I had no idea that Dr. Fai was connected with Pakistan's ISI. I assume you didn't either.

Ms. CHATTERJI. No. And I have publicly criticized the ISI for their misogynist and violent actions. And I just wish to state as well for the record that I had assumed Dr. Fai to be an independent person. And had any of us known that he was, as has been alleged under violation of FARA, were acting on behalf of the ISI, we would obviously not have anything to do with it.

And I feel quite sort of disturbed. And, you know, it is highly disturbing and disillusioning.

Mr. PITTS. Yes. Thank you. I appreciate that clarification.

Now, you have written about connections between those who fund the attacks on Christians and Muslims and the Sikhs in India and some US-affiliated groups. Can you explain what the connection is?

Ms. CHATTERJI. Absolutely. There are very diasporic charities here in the United States. And, as you know, in 2002, we did this report called the "Foreign Exchange of Hate," where we actually documented connections between US charities and they have charitable status in the United States. They have raised funds. And those funds actually had been distributed, including to Orissa and Gujarat, for example, and given to Hindutva, Hindu nationalist organizations there.

And in my written submission to you, I have offered certain details. There are further details in this book as well.

Mr. PITTS. To what extent is the Hindu terrorism a threat to India's domestic security and its relationship with the neighboring Muslim majority countries?

Ms. CHATTERJI. I think that to have it be recognized as an act of terror would be very, very important. I think that internally it has called for an incredible divisiveness and dissention, especially because we have seen when Hindutva organizations have acted, they have largely gone unpunished. Those organizations have not been scrutinized.

I convened a people's tribunal in Orissa in 2005 and 2006, where we actually gave written details in the recommendation a House commission may be set up to look into their activities. None of that has actually happened.

Because Hindutva organizations and their followers are not prosecuted, for example, in 2008, when there were events going on in Jammu and Kashmir, in Kashmir, Muslim leaders were already picked up and placed under house arrest. However, in Jammu or in Orissa, reciprocally, leaders often do for organizations. That was never done to them.

I think that the divisiveness also occurs because often Hindutva organizations act or propagate the belief that they are acting on behalf of the state. And I know for a fact from state authorities, in many places, that is not the case.

However, I also know, for example, in the instance of the Narendra Modi government or the BJP segment of the government and the BJP government in Orissa, that sometimes they do act. They are able to act with the support and just sort of the government ignoring their actions.

This has caused tremendous rift in internal security, jeopardized it, and left minorities with the feeling that there is no one to stand up for them. This obviously also has cross-border repercussions because it allows for a sense almost that because in India these people are not prosecutable, it wrongly sends a message to groups across the boarder that perhaps their intervention on behalf of India's minorities is necessary.

Mr. PITTS. Thank you.

Dr. HUSSAIN, what is your sense of the role played by the Gujarati state authorities in February of 2002?

Mr. HUSSAIN. That role has been outlined out by what they call liberal media. And we as a family know that we keep seeing those tormenters and those who have actually killed other people every day up there and the marking of affairs.

So there is no question about this, that they have impunity. And Tehelka magazine actually brought out the complete account of what took place there and why it took place. How they were instructed to do what they were doing and they were helped all the way from the highest offices abroad to do what they did, actually. And they have total impunity. So the role of that situation in protecting those who kill innocent people is very, very significant.

Mr. PITTS. When I was there shortly after the riots in 2002, I asked some of the local authorities, "You were standing there. You saw what was happening. Why didn't you help?"

Their response was "We had no order to assist or help."

Ms. CHATTERJI. "To save you."

Mr. PITTS. "To save"?

Mr. HUSSAIN. Actually, just "not orders to save" but "orders not to save them."

There was a meeting allegedly, which Modi first denied that there ever was on 27th of the top officials and government administration. But then he said that there was. And that meeting, there is one police IPS officer, Sanjay Bhatt, who said that he was there in that meeting and the meeting with the Chief Minister Narendra Modi asked the colleagues to let Hindus bring the anger because of the coach-burning incident. So it was very clear that the orders did come to the police department, "Don't do anything."

And, actually, if you see the results, those police officers who helped the rioters kill the innocent Muslims, they have been given promotions. And those who actually saved the lives, they have been demoted. They have been suspended. Sanjay Bhatt is one of those who was suspended. And they have gotten out some past cases, fictitious in many of the times to show that "We can prosecute you," "We can suspend you legally."

So the whole system is working towards denying the justice to the victims of Gujarat.

Mr. PITTS. Now, if you would just a little bit more assess the national Indian Government efforts to seek justice for the victims of the Gujarat riots? And what can the US Government do in encouraging the national government in India to pursue justice for the victims?

Mr. HUSSAIN. We have, sir, the carrot and the stick both. Now, we surely should not dangle the carrot to a person who is Hitler-like. Our Secretary of State had said that justice must be done in India to the victims of Gujarat. It has not been done yet. We can emphasize that justice must be done without any obstructions from the administration, which we see increasingly. We surely can do that.

The second thing. we should not recognize Mr. Modi as the future prime minister for India. We have a ban on his visa. He cannot enter our soil. And we should continue that ban until the justice in Gujarat is done. That is something which I can as a personal -- I'm not a legal person, but as a victim of that massacre, I can tell you that that is the least we would expect from the US government today.

Mr. PITTS. Thank you.

Dr. DASTIDAR, Bangladesh has recently passed the Vested Properties Return Act. What can the US do to encourage the Bangladeshi Government to expand the act to include those citizens of Bangladesh who have left the country and do not currently reside in Bangladesh?

Mr. DASTIDAR. First, you can ask them to bring back. I mean, if you drag them out, what are they supposed to do? I have my student in my class who is from West Bank at the '92 pogrom in New York, I mean, a student in New York. His family fled to India. And then the home property was declared Indian property. Remember, it is right there. It is not there.

Indian Properties Act is so that even the killers of Bangladeshi presidents couldn't be -- their assets couldn't be taken because they are Muslim, but the founding father of the Bangladeshi idea, Dhirendranath Datta, who in Pakistan Parliament said, "Bengali should be the national language " also. And that love of the language became the nation.

Yet, when he and his son were dragged from home and murdered, that even the new secular government in '71 declared his property Indian property. It would be like I write "Jefferson's property declared an Indian property in America."

And this is 90 percent of the families are affected. The way it works, if you are a Hindu living in your property for 1,000 years, if you are a newcomer next door, just go to the police station and say, "That man is enemy." And he can have your property the next day without any compensation and without any notice.

And so, I mean, it is just during the military regime of Rashad in '87. Yes, I made the prime minister who has a son. It is there. Hindu. You save at that time 1.5 acres of Hindu land was confiscated in a tiny, small country, smaller than Wisconsin. I am sorry if you are anybody from Wisconsin. Yet, nothing has been, as he said. There is nothing. As a minister, I don't know if there is anything I can do.

And so it is -- sure, we can tell them that this should be stopped. We should return back the property and allow people to return.

Mr. PITTS. Thank you.

We have been joined by another commissioner: Mr. Trent Franks, champion of human rights around the world. Mr. Franks?

Mr. FRANKS. Well, thank you, Mr. Chairman. I certainly just want to start out by expressing a special gratitude to the chairman here. The first time that I had the privilege of

visiting India; in fact, to Gujarat Province, was with the chairman. And he has been a profound leader for human rights in the Congress and a previous friend. And I am always grateful to him for so many things.

Dr. HUSSAIN, if it is all right, I will start with you. When you referenced in your testimony that lower caste Hindus who convert to another religion are being forcibly reconverted back to Hinduism and, of course, from our Western Judeo-Christian perspective, it is a difficult concept to conceive because conversion in my mind has to do with someone's conscience. And it is not something that can be forced. It can only be convinced.

Can you explain to me what forcible conversion looks like? I mean, how does this occur?

Mr. HUSSAIN. Many of the lower caste they are called, Hindus in India, these are also called Harijans. They have social stigma associated or attached with their lower caste status. They are not given all of the rights. They are discarded, basically. So to escape that, they do accept Islam. They do accept Christianity.

Now, the conversion or the acceptance may not have anything to do, many a times, with the spirituality or the actual conviction that they --

Mr. FRANKS. Just the stated --

Mr. HUSSAIN. It could be between the state and get a better life, which is fair.

Mr. FRANKS. Yes.

Mr. HUSSAIN. And these are the ones who are forcefully -- because they are weak members of society.

Mr. FRANKS. Yes, yes.

Mr. HUSSAIN. And they are often weak and murdered.

Mr. FRANKS. Yes. Well, thank you. That makes a lot of sense to me. It is a tragedy, but at least I understand.

And I hope I am not saying your name -- Dr. Dastidar?

Mr. DASTIDAR. You are saying it very nice. That is great. Fine.

Mr. FRANKS. Okay. We will go with that.

Yes. I am so grateful for your commitment and for all of the things that you are doing to help the victims of this world. But I was concerned about one recommendation. And this is a question. This is just something I was a little concerned about, that there should be a hate crimes law that would make it a crime to use derogatory language toward people of another faith confession. And, at the same time, of course, you know, we all decry forced conversions, which tells me obviously you have a deep desire. I mean, that is obvious and a concern for protecting freedom of conscience and freedom of belief.

You know, I certainly am no proponent of derogatory language toward anybody, but I am concerned about the implications for freedom of speech that a recommendation to curb speech would have. And I am concerned that your recommendation might only protect beliefs that comport with the person who is enforcing the law, you know, at the time.

And in a sense, it appears to me as someone of a person of faith, if somebody wants to say, "Oh, your faith is nonsense," I think they have the right to say that as long as they don't say, "And if you don't do what we say, we will do" this and this "to you."

How would you propose to protect free speech and freedom of conscience at the same time that we would outlaw some speech and some beliefs?

Mr. DASTIDAR. Right. Thank you for asking. It is a difficult one, but the way I think -- actually, there are so many. "The word? No more." These are really, really delicately worded, some using from Arabic, you know.

And the way I thought is most like the way we see. We don't use "n" words anymore. If you do that, there are some consequences. So it is those kinds of things.

There are ways that the state can do things to -- yes, we want freedom of expression, but, as I said, there are words that, even in a free speech country like the United States, we go after the people if they use those things. But that is what I didn't mind, that if there are some persecutions, people are called. And the guards walking in the street, they would be called.

And, of course, I mentioned another one that is like a special hate crime for forced conversion because in Bengali, we say if somebody is forced to reconvert to Islam, we call that he receives chuab or blessing from God. You have moved one step further with any strong belief.

And so if you look at the papers, almost on a daily basis, you will find -- I get at least one or two reports on a regular basis. It is still happening. Wives are taken away and then someone becomes a second wife for somebody else. And if you try to reconvert, then it then becomes in Islam you cannot reconvert, change your religion from Islam until there is a second attack on your families.

Mr. FRANKS. Yes.

Mr. DASTIDAR. So that becomes a very delicate problem.

Mr. FRANKS. It is a difficult situation. I guess one of the things in America, you know -- and we certainly don't have it right all the time, to say the least, but people are free to say what they will, but they cannot coerce or force anybody or to repress anyone else's faith perspective.

So I would just hope -- and I say this with all the love in my heart I can muster -- that you think through that very carefully because if the wrong person is the arbiter of what hate speech is, then they can use that as a method of persecution as well in my opinion.

Dr. HUSSAIN, let me, if I could, switch to you, sir. See, I have already done that. Let me, if I could, switch to Dr. CHATTERJI.

Now, as you know, we have the International Religious Freedom Caucus here. I have the privilege of co-chairing that. And our office has certainly been aware for a long time of the dire situation of religious minorities in India. I mean, this has been something that has been a big concern.

Why does it seem to be so difficult to raise awareness about religious persecution in India and, of course, in the United States as well? Are there groups out there that don't want you to speak out about these problems? And what would motivate them? And who are they connected to?

Ms. CHATTERJI. Thank you very much for that question. I think that, for example, in my work -- and I have been doing this work since 1984 -- it is often characterized as anti-national. I understand myself to be doing the work I do out of love for the place of my birth: India. I am a citizen of India, permanent resident of the United States.

And I understand that as an academic, it is my burden to work on human rights issues and social justice to create a robust democracy because I don't think we can hide these issues or push them under the table and do business as usual.

There is both sort of a way that -- there is an interpretation that any critique of what is majority, the majoritarian nature of the state, any critique of that is discouraged. As well, there has not been the kind of work, for example, in this country, both on the issues of gender in terms

of women's rights, for example, or racism, the kind of work that has happened where I think most Americans have had to deal with it, that these are issues in society, this is what we do, not at the level that is litigious but at the level that is social and cultural. And I don't believe that we have done that work in India with regard not only religious issue, religious minorities, but also with respect to cost, for example.

There are still dalits who are persecuted simply for being dalits. There is a woman that I know, a girl, actually. She is eight years old. And she had outgrown the school that only had up to a certain grade in her village. She was very bright. Her village pulled together to buy her a bicycle so she could cycle to the school nearby.

Internationalist groups took over the cycle. They beat her father. And they said, "If she ever steps out of the village, you will have us to contend with because she is, after all, an untouchable. And her shadow cannot touch us."

Now, granted this does not happen every day, but this happens still all too frequently.

Mr. FRANKS. Well, as I mentioned to you, being in India at the time, the dalit issues were forefront in our minds. And I would say to you I left a part of my heart that will remain always in India for these precious souls that someday in the councils of eternity we will find complete equality in the eyes and land of God, you know. And so I am thankful for that.

I know you have personally suffered as a result of your work on the persecution of religious minorities in India, both in India and in the US. Can you tell us how? And who do you think is behind the religious persecution issues in India primarily? Who are the prime forces behind religious persecution? And how has that affected you personally?

Ms. CHATTERJI. I think that the network of Hindu organizations, the family of organizations known as the Sangh Parivar, led by the Rashtriya Swayamsevak Sangh, the Vishwa Hindu Parishad, the Bajrang Dal, and a few others, they are at the forefront and have organized followers at the rural and urban, but especially at the rural levels, just an intense network that exists of their people. It is the largest volunteer mobilization in the country. And they also have their counterparts in parliament. And the BJP is the Hindu Nationalist Party.

And has enjoyed power both at the national level but continues to -- for example, in Gujarat at the moment, they have been the ones to mobilize. And their counterparts in this country, those that enjoy charitable status but are affiliated with Hindutva groups in India, they are the ones that have largely mounted the attacks and targeting of not just myself but various other human rights defenders.

And for myself, I have been sort of cordoned by Hindu nationalists in Orissa threatened with rape. In Kashmir, it has been agents of the state, actually. And then when you talk to people in New Delhi, they are horrified that I have been targeted, but in Kashmir, I have been targeted.

Part of me feels that the best defense is to continue the work. It becomes overwhelming if one begins to contemplate the next time I go what can happen or even here, as you know. My invitation to your Commission itself was dissented by certain organizations.

This letter is public. It is on the internet. So I read it, actually, their letter to you. And this organization itself has very strong linkages to Hindutva organizations in India and as well here.

And I think the best defense is to continue the work and to bring to the forefront the issues that plague minority groups and others that are disenfranchised and marginalized in India.

Mr. FRANKS. And what would you say to Mr. Pitts and myself or the Congress in general? If you could have us do one thing to help address this issue, what would it be?

Ms. CHATTERJI. I would have you do 1,000 things, but I think that the work that you have done is incredibly valuable and gives many others the courage and, actually, the bandwidth to do the work that they are able to do.

But, in particular, if human rights concerns can be made central and representative -- McGovern when he was here alluded to this as well, mentioned this. If human rights concerns can be made central to every arena of relations, negotiations between the United States and India, that would be extremely, exceedingly important.

Mr.FRANKS. I think that is very, very good advice. And I want to thank the chairman here for the indulgence. And I want to thank all of you in the room, including the panelists, for your commitment to the helpless and to those in the shadows of life. And I know some day that only eternity may discover your impact, but some day that will happen. And there will be a lot of faces that will be grateful and remember what you did.

So thank you very much. And please do not stop. God bless.

Ms. CHATTERJI. Thank you very much.

Mr. PITTS. The chair thanks the gentleman and the witnesses for your testimony. I would like to thank all of the witnesses, everyone here, for your commitment to human rights, especially concerning the challenges facing religious minorities in South Asia.

Again, thank you for your patience. We have gone overtime. This is a very important hearing, very informative. You have given us very valuable insight to the Commission and helped us in our advocacy for recommendations to Congress, US Government. Thank you.

And, with that, this hearing is adjourned.

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

Tom Lantos Human Rights Commission
Hearing

Challenges Facing Religious Minorities in South Asia

Wednesday, March 21, 2012
10 a.m. – 12:00 p.m.
340 Cannon House Office Building

Please join the Tom Lantos Human Rights Commission for a hearing on the continuing plight of religious minorities in South Asia, focusing particularly on Pakistan, India, Bangladesh and Afghanistan.

South Asia is the birthplace of four world religions: Hinduism, Buddhism, Sikhism, and Jainism. It is also home to 30 million Christians and over 500 million Muslims -- about one-third of the world's entire Muslim population. Although many of the countries in the region have democratic systems of government with constitutions that provide varying degrees of protections for religious minorities, many of these systems are fragile and, in practice, religious freedoms are often constrained, in some cases by the states themselves. As a result, sectarian and religiously-motivated violence is chronic and the governments have been unable or, in some cases, unwilling to protect religious minorities.

The following witnesses will participate*:

Panel I:
- Leonard Leo, Chair, U.S. Commission on International Religious Freedom

Panel II:
- Majed El Shafie, Founder, One Free World International
- Amjad M. Khan, National Director of Public Affairs, Ahmadiyya Muslim Community USA

Panel III:
- Dr. Sachi G. Dastidar, Distinguished Service Professor, Department of Politics Economics and Law, State University of New York at Old Westbury
- Dr. Angana Chatterji, India Human Rights Specialist
- Dr. Najid Hussain, President, Ahsan Jafri Foundation

*witness list is subject to change

If you have any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or tlhrc@mail.house.gov.

Sincerely,

James P. McGovern
Member of Congress
Co-Chair, TLHRC

Frank R. Wolf
Member of Congress
Co-Chair, TLHRC