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Chairman Raskin, Ranking Member Roy, and other distinguished members of the Subcommittees. Thank you for the opportunity to testify at this timely hearing entitled “Ending Global Religious Persecution”.

This past year in the Asia-Pacific region, we have seen religious repression, but also resistance.¹ Asia’s two largest and most powerful states are trying to impose their own bleak, domineering vision on the continent, perceiving minorities as a threat to “national security”. We saw this in the nominally autonomous Chinese province of Xinjiang, where the crackdown on Turkic Muslims intensified as the true horrors of the “re-education camps” became apparent. We also saw this in Kashmir, hitherto India’s only Muslim-majority state, which saw its special autonomous status revoked and in its place a siege imposed that continues to this day. The bright flames of peaceful protests were sparked across India, where millions came out on to the streets against a new law that discriminates against Muslims when deciding who can or cannot become an Indian citizen.

The politics of demonization also fell on the island nation of Sri Lanka, where anti-Muslim violence erupted in the wake of the Easter Sunday bombings – which claimed the lives of more than 250 people, mainly Christians, in three churches and three hotels. In November, Gotabaya Rajapaksa was elected president, taking his place on an already crowded stage of strongmen leaders and dimming hopes that the wounds of the decades-long internal conflict will be healed.

The wheels of justice slowly began to turn for the Rohingya, as the International Criminal Court (ICC) authorized an investigation into crimes committed by the Myanmar military in 2017. This followed a decision by Gambia to take Myanmar to the International Court of Justice for the

¹ Excerpts of this Written Testimony were taken from Amnesty International’s regional 2019 report “Human Rights in Asia-Pacific,” Published after the hearing on January 29, 2020, http://www.amnestyusa.org/wp-content/uploads/2020/01/Human-rights-in-ASIA_PACIFIC_online.pdf

crime of genocide. The coming year is likely to be as trying as the one that has just passed. But as young activists across Asia have repeatedly shown, where there is no hope, it must be created. This testimony will examine six countries where religious freedoms are at risk - China, India, Pakistan, Sri Lanka, Myanmar and Malaysia and serves as a snapshot of religious freedom trends we saw in 2019 in each of these countries.

China

In China, Beijing continued to tighten its grip on Christians and Muslims as China pushed ahead with the “sanitization of religion”, which Premier Li Keqiang reiterated at the National People’s Congress in March of 2019. Many Buddhist and Taoist temples and statues, along with mosques and churches, were damaged or destroyed on the direction of the government. The authorities jailed religious leaders who were not recognized by the party for “endangering state security”. On December 30, 2019, pastor Wang Yi of the Early Rain Covenant Church was sentenced to nine years for “illegal business operation” and “inciting subversion of state power”.

Reports about the detention of Uyghurs, Kazakhs and other predominantly Muslim ethnic groups continued in Xinjiang despite the government’s claim that it may eventually phase out purported “vocational training centers”, also known as “transformation-through-education” centers. From early 2017, after the Xinjiang government had enacted a regulation enforcing so-called “de-extremification”, an estimated up to one million Uyghurs, Kazakhs and other ethnic minority people were sent to these internment camps. Many religious figures, intellectuals and academics were detained in Xinjiang merely for exercising their rights to freedom of religion and expression. This includes Ilham Tohti, a Uyghur economist, writer and professor who was sentenced to life in prison in 2014 and Tashpolat Teyip, former president of Xinjiang University who was sentenced to death with a two-year reprieve in 2017, both on charges of “separatism”.

In March the UN High Commissioner for Human Rights stated that her office sought to engage the Chinese government “for full access to carry out an independent assessment of the continuing reports pointing to wide patterns of enforced disappearances and arbitrary detentions, particularly in Xinjiang”. In July, 25 countries issued a joint statement on Xinjiang at the UN Human Rights Council.⁴ In September, Amnesty International, together with four other human rights organizations published a joint letter to the UN Secretary General, urging the UN to step up pressure on China to end the mass detentions in Xinjiang.

In November, the New York Times and the International Consortium of Investigative Journalists disclosed two sets of leaked documents from unidentified Chinese officials detailing the crackdown in Xinjiang and the framework for facilities where hundreds of thousands of predominantly Muslim ethnic groups are being subjected to brainwashing and other ill-treatment. The descriptions in these documents matched the testimonies Amnesty International received from former detainees and overseas relatives of those sent to the camps or who went missing in Xinjiang. The documents also further disproved the Chinese government’s claims that these facilities were merely “vocational training facilities”.

India

In India, the government revoked Jammu and Kashmir's special status and launched a widespread crackdown, detaining opposition leaders and activists, denying them due process, severing communication links, and preventing access to services. Nearly two million people were pushed to the brink of statelessness in procedures that were arbitrary and discriminatory. Human rights defenders faced huge challenges, including arbitrary arrest, detention and prosecution as a means of silencing them while freedom of expression was censored with draconian laws. There was a serious lack of accountability for murders and other attacks carried out by vigilante mobs against hundreds of people based on their religious, ethnic, caste and gender identities. Rights to freedom of peaceful assembly, expression and opinion were heavily suppressed by the Indian authorities as repressive and discriminatory laws were passed by the Indian Parliament.

In August, the government revoked the special status of Jammu and Kashmir (J&K) guaranteed under Article 370 of the Indian Constitution and bifurcated the state into two union territories. This was preceded and followed by a region-wide clampdown on civil liberties, increased militarization, a communications blackout and detention of key political leaders such as Farooq Abdullah, Omar Abdullah and Mehbooba Mufti. In a move to silence critics, hundreds of other political leaders and activists were also detained under various administrative detention laws. No official information on the number of people detained, their access to lawyers or family members, where they were held and under what charges was made available.

Government-imposed restrictions prevented journalists and activists from independently documenting and sharing information about the situation, including allegations of human rights abuses. Access to emergency services, healthcare, education and other services were highly restricted. The United Nations human rights experts including the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the situation of human rights defenders, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the right to peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions described the crackdown as 'a form of collective punishment'.

While many communication services have been restored such as telephone, mobile phones, SMS etc., and most recently partial 2-G access, high-speed internet continues to be shut down. Kashmir valley accounts for half of all of the internet shutdowns in India. India subsequently reports the highest number of shutdowns in the world.

Prior to August of 2019, Kashmiri women and men throughout the country faced targeted attacks, harassment and arbitrary arrests after 42 members of the security forces were killed in Pulwama, J&K, in a suicide bomb attack in February. Kashmiri university students and traders in northern states, primarily Uttarakhand, Haryana and Bihar were beaten, threatened, and intimidated by some Hindu nationalist groups causing many students to flee their universities. In June of 2019, the authorities denied Amnesty International India permission to hold an event to launch a briefing on the misuse of the draconian J&K Public Safety Act (PSA) in Srinagar, the region's capital verbally citing the 'prevailing law and order situation' as the reason.

The Assam authorities published its National Register of Citizens in August of 2019 from which almost two million people were excluded pushing them to the brink of statelessness. The only available remedy available to those excluded from becoming stateless was through the Foreigners Tribunals, a quasi-judicial body where, in many cases, proceedings were arbitrary, and decision-making biased and discriminatory, particularly against women who were less likely to have access to identity documents to prove their status. The Tribunals, chaired by members with limited judicial experience, frequently declared individuals as “irregular foreigners” as a result of clerical errors like minor differences in spellings of names or date of birth on electoral rolls. Over 1000 declared foreigners were detained in one of the six detention centers in Assam which are rife with overcrowding and lack of segregation between undertrials, convicts and the detainees. Amnesty International India has also documented the deteriorating mental and physical health of detainees. The construction of ‘India’s largest detention center’ was underway in Goalpara, Assam which is estimated to hold around 3000 people who have been declared to be foreigners.

During the same session, the Citizenship (Amendment) Act was passed amending the Citizenship Act of 1955 to enable irregular migrants to acquire Indian citizenship through naturalization and registration. However, it restricts the eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014. The Act also reduces the requirement of residence in India for citizenship by naturalization from 11 years to 5 years for these particular communities.

Besides adversely impacting the refugees and asylum seekers, the amendments also impinge on the human rights of Indian citizens, particularly Muslims. In the winter session of the Parliament, the Union Home Minister, Amit Shah announced a nation-wide National Register of Citizens (NRC) which will document the citizenship of more than 1.3 billion people in the country raising concerns on the fate of excluded Muslims from the Register. In wake of nation-wide protests against the Act, the Government of India temporarily withdrew its announcement. The heavy-handed police response during the protests led to the death of at least 25 people and thousands of arrests.

Scores of hate crimes against Muslims and other religious groups, ethnic groups, including Dalits and Adivasi (an indigenous tribal people), as well as caste and gender-based crimes, took place across the country. Many were carried out by vigilante groups and mobs. Violent attacks included mob “lynching”. Legislation against these crimes remained inadequate. In July, the Uttar Pradesh Law Commission submitted a draft bill to the state government which aimed to strengthen laws against lynching. In August, the Rajasthan government passed its Rajasthan Protection from Lynching Bill making it the second state after Manipur to criminalize mob lynching as an offence separate from murder with stronger penalties. Government data on mob lynching by “cow protection” vigilantes remained inadequate because it failed to recognize the gravity of and discriminatory motive behind the crime and rather addressed it under provisions of the Indian Penal Code related to “rioting”, “unlawful assembly” or “murder”. The National Crime Records Bureau had not released its annual report of crime, prison and suicide statistics for the third consecutive year. The failure to collect and preserve data, along with the police’s failure to conduct an effective investigation, resulted in dozens of perpetrators being acquitted.

In June, a video of the brutal mob killing of Tabrez Ansari, a 24 year-old Muslim laborer in Jharkhand went viral. It showed him tied to a pole and being beaten by men armed with iron rods and sticks, while his attackers forced him to chant 'Jai Sri Ram' (Hail Lord Rama) and 'Jai Hanuman' (Hail Hanumana). Eleven men were charged with his murder, but the murder charge was dropped and converted to culpable homicide not amounting to murder when police claimed that the post mortem and forensic reports found he had died of a heart attack and that the killing was not remediated. However, on September 18, 2019, the police filed a supplementary charge sheet retaining the murder charge against 11 accused based on a fresh medical report after the police sought a second opinion from specialist doctors.

In August of 2019, six out of nine men charged with the murder of Pehlu Khan, a dairy farmer who was lynched on the suspicion of cow smuggling, were acquitted by a lower court in Rajasthan. The remaining three are juvenile and being tried by the court designated for trying juvenile offenders. While ordering their acquittal, the court held that the video which captured the attack on Pehlu Khan was not admissible evidence. At the same time, the police filed a case against the deceased Khan and his two sons for smuggling cows.

Pakistan

The blasphemy laws continued to be used to persecute individuals and enable human rights abuses in Pakistan. Armed groups carried out attacks on religious communities, and sectarian organizations incited hatred against religious minority groups with impunity. In September Of 2019, Nautan Lal, a school principal in Ghotki was charged with blasphemy after a mob, riled up by a religious leader, vandalized a local Hindu temple and attacked properties owned by the Hindu community.

The laws do not meet human rights standards and lack essential safeguards to minimize the risk of additional violations and abuses. While they purport to protect religious sentiments – mainly those of the Muslim majority - there are ulterior motives such as professional rivalry, personal disputes, hostility to towards religious minorities and seeking economic gains that often drive a blasphemy allegation with deadly consequences. Under Pakistani law, the death penalty is the mandatory punishment for those convicted of blasphemy under Section 295-C. At least 40 people are currently on death row on blasphemy charges.

The blasphemy laws create an environment in which some people, including complainants and their supporters, believe themselves entitled to take the law into their own hands, with violent mobs attacking the accused while the police stand aside. Even if a blasphemy-accused defendant makes it to court, there are serious security and fair trial concerns that all but guarantee a wrongful sentence. Convictions despite weak evidence, delayed appeals and acquittals and ongoing security risks make the blasphemy laws in complete contravention with freedom of religion.

In May, Asia Bibi, a Christian woman who spent eight years on death row on a false charge of blasphemy, was finally allowed to leave the country with her family. In January, the Supreme Court upheld the decision to acquit her, sparking demonstrations by armed groups. In December,

Junaid Hafeez, a professor accused of blasphemy, was sentenced to death by a court in Multan. He has been imprisoned since 2013, spending much of that time in solitary confinement. Non-state actors continued to attack individuals belonging to religious minority groups. In April, a suicide bombing claimed by the armed group calling itself the Islamic State targeted the Shi'a Hazara community in Quetta, Balochistan, killing at least 20 people. Women and girls from Christian, Hindu and Sikh communities faced a series of abuses, including forced conversions, particularly in Sindh province.

Myanmar

Crimes against humanity continued against the estimated 600,000 Rohingya Muslims still living in Rakhine State. Their rights to equality, a nationality, freedom of movement, and access to adequate healthcare, education, and work opportunities were routinely violated. Seven years after they were forced from their homes, some 128,000 people – mostly Rohingya – remained confined to squalid detention camps within Rakhine State, reliant on humanitarian assistance for their survival.

The government failed to take meaningful action to create conditions conducive for the return of the hundreds of thousands of Rohingya who fled Myanmar from 2017 and during previous waves of violence. Despite government claims, there was no progress in implementing the recommendations of the Advisory Commission on Rakhine State. The authorities severely restricted access for humanitarian workers and independent journalists.

Impunity persisted for serious human rights violations and abuses, including crimes under international law. The government refused to cooperate with international investigative mechanisms. The Independent Commission of Enquiry, established by the government to probe abuses in Rakhine State from August 2017, lacked competence, independence, and impartiality. The commission's final report, due in late August, was postponed until January 2020. In February the military announced the creation of an "Investigative Court" to examine allegations of violations and abuses in Rakhine State. The court, which would involve members of the military investigating military violations, was clearly not independent nor impartial. Investigations into ongoing violations and abuses in other parts of the country were rare, and suspected perpetrators were seldom held to account.

Despite the lack of justice in Myanmar, the UN Security Council failed to refer the situation to the International Criminal Court (ICC). Myanmar denied access to the UN Special Rapporteur on the situation of human rights in Myanmar for a second year. In September the UN Fact-Finding Mission (FFM) on Myanmar presented its final report on serious and ongoing violations. The government rejected the report – and other FFM reports published during the year – asserting that they were unfounded and without evidence.

In May, the UN published the findings of an internal review of its operations in Myanmar since 2011, concluding 42 that there were "systemic failures" within the UN system. The report made several recommendations for improved communication and cooperation; however, there was no public reporting on implementation.

In November, the ICC officially opened an investigation into the forcible deportation of Rohingya from Myanmar and other related crimes, where one or more elements occurred in the territory of Bangladesh. In July and December of 2019, the U.S. government imposed sanctions against Senior General Min Aung Hlaing, commander-in chief of the Myanmar military, and three other military officials, in connection with their role in atrocities against the Rohingya.

The Independent Investigative Mechanism for Myanmar, mandated to collect and preserve evidence of serious crimes and prepare files for criminal prosecutions, became operational in September. In November, the Gambian government filed a lawsuit against Myanmar for genocide at the International Court of Justice (ICJ). At a court hearing on provisional measures in December, a delegation led by Aung San Suu Kyi rejected accusations that the country had breached its obligations under the Genocide Convention.

Indonesia

Religious minorities in Indonesia continue to be subjected to systemic discrimination sanctioned by existing laws and regulations. They also experience physical attacks by mobs acting in the name of religion, as well as closure of their places of worship, to which the State affords little protection. In the few cases where the authorities have prosecuted those responsible for the attacks, the victims are often prosecuted alongside the attackers. This approach is a seeming effort to pursue "justice" based on the assumption that somehow the minorities have provoked the violence against them by simply existing or practicing their belief.

Blasphemy laws in Indonesia exist within a context of, and appear to contribute to, an atmosphere of intolerance which has negative social consequences for minority religious communities. Religious minority groups in Indonesia, including Shi'a, Ahmadiyya, Christian and other communities often face harassment, intimidation and attacks. In May 2018, local police evacuated at least 23 members of the Ahmadiyya religious minority in East Lombok, West Nusa Tenggara Province to another town after neighboring villagers destroyed their homes and possessions. Victims of the attack, mostly women and children, have not yet been able to return to their homes. The commander of the local police force had promised to initiate an investigation into the attacks, but no one has been prosecuted so far.

At least 1,500 members of the religious minority group the Fajar Nusantara Movement (Gafatar) – who followed 'Millah Abraham' religious belief - were forcibly evicted from their villages in Menpawah, West Kalimantan in January 2016.²² In February 2016, a Joint Ministerial Decree (No. 93/2016) was issued by three ministries²³ forbidding the 'Millah Abraham' religious belief. The authorities consider the belief 'heretic' because it intermixes the religious teachings of Islam, Christianity and Judaism.²⁴ In March 2017, three leaders of the 'Millah Abraham' religious belief were convicted of blasphemy and sentenced to between three to five years' imprisonment under Article 156(a) of the Criminal Code by a district court in Jakarta. The ruling was appealed, but was later upheld by the Jakarta High Court.

In October 2015, Christian churches were attacked by a group of at least 200 people in Aceh Singkil District despite the local government already giving in to their pressure and issued a plan to demolish 10 churches in the district for not having legitimate building permits. Although local

police had known that there was a plan to attack one of the churches, they did not provide adequate protection nor took measures to prevent the attack. The violence caused widespread panic among Christians in Aceh, and around 4,000 people fled to neighboring North Sumatra province.

At least 100 members of the forcibly evicted Shi'a community from Sampang, Madura Island, have been in temporary accommodation in Sidoarjo, East Java Province, since August 2012 after their village was attacked by an anti-Shi'a mob. They are still waiting to return to their homes in Sampang. The community reportedly faced intimidation and harassment by local government officials pressing them to convert to Sunni Islam if they wanted to return to their homes.

At least 100 people belonging to the Ahmadiyya community from Ketapang, West Lombok subdistrict, West Nusa Tenggara Province, are still displaced and living in temporary accommodation after being attacked by mobs in February 2006. The internally displaced community are still living in squalid conditions in the Provincial Capital, Mataram.

Discriminatory bylaws or regulations against religious minorities have also been issued by local authorities in a number of provinces, districts and cities across the country restricting Ahmadiyya activities and worship, citing the Joint Ministerial Decree No. 3/2008 as their legal basis. The Decree, issued by the Minister of Religious Affairs, the Attorney General, and Minister of Home Affairs, forbids the Ahmadiyya from promoting their activities and spreading their religious teachings.²⁹ In West Java, the "Regulation of the Governor of West Java No. 12/2011 concerning Prohibition of Activities of the Indonesian Ahmadiyya Congregation in West Java", among other things "prohibits followers of the Ahmadiyya community from carrying out activities... related to the spreading of interpretation and activities that deviate from the fundamental teachings of Islam".

Discrimination and violence are also experienced by *aliran kepercayaan* or local indigenous beliefs. In November 2015, a place of worship of a local indigenous community in Rembang, Central Java Province, was burned down by a mob during the process of renovation. Before the attack, the community leader had received a threat by a local Islamic organization and was asked by the Rembang District head of government to stop the renovation.

Malaysia

In Malaysia, the government tolerated a degree of criticism, but continued to use laws restricting the right to freedom of expression, such as the Sedition Act and the Communications and Multimedia Act, especially against those making comments deemed sensitive, involving race, religion or royalty. In March, a 22-year-old was sentenced to 10 years in prison for posting offensive comments about Islam on social media. In July of 2019, Islamic preacher Wan Ji Wan Hussin was sentenced to one year in prison following his failed appeal against a 2014 conviction under the Sedition Act over comments he had made about the sultan of Selangor state.

In June, the Kelantan state government announced plans to convert all Indigenous peoples in the state, who customarily practice animism, to Islam by 2049. The announcement corroborated the widely-held view that the government had a policy of converting all Indigenous peoples to Islam.

In September, the High Court dismissed the application by women's rights group Sisters In Islam to challenge a 2014 fatwa issued by the Selangor Islamic Religious Council against the organisation. Civil society organisations feared this precedent would allow Islamic authorities to undermine the rights to freedom of religion and freedom of expression.

Also in September, the authorities detained dozens of Shiites who were commemorating Ashura, a Shia holy day, in raids around the country. Witnesses reported that the police ill-treated those detained in a raid in Johor, including threatening some detainees with a gun. They were later released.

Sri Lanka

The April bombings, which claimed the lives of more than 250 people when an Islamist armed group attacked three churches and three hotels, led to the imposition of Emergency Regulations enabling arbitrary detentions and undue restricts of the rights to freedom of expression and religious belief. Sri Lanka's Muslim minority was subject to reprisal attacks by armed mobs on their homes, vehicles and shops in different parts of the country. Four death row prisoners were granted a temporary stay of execution.

Emergency Regulations remained in place until August following the Easter Bombings. The Regulations were used to severely restrict the rights to freedom of religion or belief and to freedom of expression and banned clothing that conceals the face, in a move which effectively targeted women wearing face veils. A spate of anti-Muslim violence followed the April bombings for weeks across the country, including in the towns of Negombo and Minuwangoda in the Western Province and in the North Western Province. The security forces did little to protect minority communities from attack. Refugees and asylum-seekers from Pakistan and Afghanistan were forced from their homes by angry mobs. The government, together with the UN refugee agency, relocated them to temporary shelters.