

**United States House of Representatives
Committee on Oversight and Government Reform
Subcommittee on National Security
Washington, D.C.
June 13, 2013**

Testimony of Amjad Mahmood Khan, Esq.

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify today on the role of international religious freedom on United States foreign policy since the passage of the International Religious Freedom Act of 1998.

I am a Muslim-American attorney residing in Los Angeles. In my private practice, I litigate complex business and commercial matters for an international law firm. In my *pro bono* practice, I represent refugees escaping persecution. I have studied international and human rights law at Harvard Law School (where I graduated in 2004) and have written about the global persecution of the Ahmadiyya Muslim Community and surrounding issues for prominent legal journals and national newspapers. I also volunteer as the National Director of Public Affairs for the Ahmadiyya Muslim Community USA and provide my testimony today in that capacity.

I will make three main points today: *first*, I will discuss the strengths of the International Religious Freedom Act and the ways in which it has benefitted our Community; *second*, I will touch upon the Act's key role in enhancing national security; and *finally*, I will enumerate the ways in which the Act can be made even more effective.

Before I delve into these points, allow me to briefly introduce our Community.

Founded in 1889, the Ahmadiyya Muslim Community is a revivalist movement within Islam and espouses the motto of "Love for all, hatred for none." As a central tenet of its faith, the Community rejects violence and terrorism for any and all reason. When violent extremists label their acts of terrorism as 'jihad,' it is the Ahmadiyya Muslim Community that is usually first and most forceful in its denunciation, focusing on both conveying true Islamic teachings to Muslims around the world as well as removing misconceptions of Islam in the West. Today, our Community is established in more than 200 countries, and its tens of millions of adherents all follow the only spiritual caliph in the Muslim world, His Holiness Mirza Masroor Ahmad, who resides in London.

The Ahmadiyya Muslim Community is arguably the most persecuted Muslim community in the world. The U.S. State Department, the U.S. Commission on International Religious Freedom and dozens of human rights non-governmental organizations have documented the systematic persecution endured by our 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 Indonesia. In 2010 alone, 99 Ahmadi Muslims were murdered in Pakistan—the deadliest year ever for the Community. In Pakistan, our Community is declared to be “non-Muslim” by constitutional amendment and is effectively barred from participating in national elections such as the one that took place last month to elect a new government. Even using basic Islamic greetings can result in up to three years imprisonment for Ahmadi Muslims.

It is clear, then, that the International Religious Freedom Act is a critical piece of legislation for our Community, which brings me to my first main point: how the International Religious Freedom Act has helped our Community, and its strengths. The Act has helped to raise awareness within those countries in which Ahmadi Muslims, and indeed all religious minorities, face persecution, as well as in the United States, where organizations like the U.S. Commission for International Religious Freedom have advocated for the release of Ahmadi Muslim prisoners of conscience and the protection of their rights to practice their faith freely, and without fear of government or extremist reprisal.

The International Religious Freedom Act has several strengths. Over the past fifteen years, the U.S. State Department’s annual International Religious Freedom report has become increasingly more robust, detailing not just persecution, but actions taken as a result of engagement by the U.S. diplomatic corps. Legal practitioners like me routinely cite to and rely on annual International Religious Freedom reports in asylum and refugee cases here and abroad. The Act also allows for an ongoing and crucial dialogue between our Community and the U.S. State Department’s Bureau of Democracy, Human Rights and Labor.

Most importantly, however, the International Religious Freedom Act has catapulted religious freedom into the portfolios of every political section in every embassy and consulate around the world, giving persecuted communities an advocate in every country of concern. I will provide the Subcommittee two quick examples of this particular feature of the Act. First, in 2011, U.S. diplomats assigned to the United Arab Emirates (UAE) proved to be instrumental in helping to secure the release of an Emirati national and Ahmadi Muslim convert. My colleague and I personally travelled to UAE for weeks to provide free legal assistance to the Ahmadi Muslim prisoner, and I was genuinely grateful for the

U.S. Embassy's impressive diplomatic ground support and engagement. Second, in the Kyrgyz Republic in 2012, the U.S. Embassy took a keen interest in supporting our Community's right to register as a religious group and even sent representatives to observe the controversial court hearings in Bishkek.

My second main point relates to the underappreciated role the International Religious Freedom Act plays in enhancing our national security. Today, violent extremism is perhaps *the* central threat to U.S. national security, both at home and at our embassies and military installations abroad. And while terrorism has nothing to do with religion, those who carry out these acts are often brainwashed into believing that they somehow serve a religious purpose. This is true for terrorists everywhere who rely on religious justification.

As it relates to the Islamic world, by enhancing the freedom of minority sects, and protecting scholars at risk, the International Religious Freedom Act can help restore pluralism to Muslim-majority countries. By virtue of the Act, the *ulema* who support acts of violence can be challenged, not just on moral grounds, but based on international human rights principles that are consistent with Islamic law—thus removing misconceptions from the mass public that have persisted, unchecked, for decades.

Despite persecution, our Community tirelessly engages common Muslims and Islamic leaders on the true meaning of “jihad” and how violence and terrorism are never sanctioned in Islam. We do this through individual efforts on the ground in Muslim-majority countries, through our international satellite station, Muslim Television Ahmadiyya, which has a dedicated channel in Arabic, and Urdu programming as well, and through print media and the Internet. However, due to persecution, and a curbing of our freedoms of expression, our voice is often muffled, or altogether muted, in parts of the Islamic world. If Ahmadi Muslims were granted the freedom to convey their message of global peace freely and publicly, just imagine how much influence they can have on the struggle to rid the world of religious terrorism.

Having noted some of the International Religious Freedom Act's benefits and strengths, both intrinsically and in the struggle against violent extremism, I now wish to bring to the Subcommittee's attention my final main point: ways in which this Act can be strengthened, not just to further its core purpose, but to help save lives, to help other nations establish their own religious freedoms, and perhaps one day make the Act itself unnecessary. I note five areas of improvement.

The first area of improvement relates to information flow and content at the U.S. State Department's various bureaus and embassies and consulates. Despite our ever-readiness to provide information to the Department, its written

correspondence is sometimes wrought with errors concerning the persecution cases with which it deals. Some of this must be attributed to unclear information on the ground, but simply put, the political officers assigned to the International Religious Freedom portfolio, often first and second-tour professionals, must be given more training and emphasis on this subject. Their training at the Foreign Service Institute should include more practical procedural instruction, so that all officers, irrespective of cone or assignment, are able to advocate for human rights and religious freedom and understand how to interact with religious communities' representatives in the United States, gather information in the host countries, and take action.

The second area of improvement relates to responsiveness. Desk officers, regional bureaus and overseas posts are sometimes non-responsive for long stretches of time to acute requests for assistance in countries that have seen the worse violations of international religious freedom. For example, despite briefings by our Community, the U.S. Embassy in Saudi Arabia has provided only limited assistance and support relating to the release of two Saudi nationals and Ahmadi Muslim prisoners of conscience, who I am sad to report are still languishing in jail, without charge, for more than one year, and this despite a law on the books capping such confinement to six months. While our Community fully appreciates the tremendous strain and work load placed on U.S. embassies abroad, I believe a greater level of responsiveness to the concerns of vulnerable religious communities can go a long way in achieving U.S. engagement on acute issues of religious persecution.

The third area of improvement relates to prioritization. International religious freedom, despite being a portfolio item, usually takes a backseat to security, democratization and even economic issues like energy security. The tragic events of 9/11 have taught us that we must make human rights and religious freedom a tier-one issue in countries that we dub state sponsors of terrorism. Only when we break the hold of religious domination by extremist clerics will there be a viable opposition or alternative for the masses in those countries. Consistent with U.S. law and policy, under the current Leahy Process, the State Department vets its assistance to foreign security forces to ensure that recipients have not committed gross human rights abuses. When the vetting process uncovers credible information that an individual has committed a gross violation of human rights, U.S. assistance is withheld. It is unclear whether violations of international religious freedom constitute a "gross violation of human rights" for purposes of the Leahy Process, but in my view and recommendation, they should.

The fourth area of improvement relates to feedback. There is no feedback loop on the response that foreign governments have to the State Department's annual International Religious Freedom report. To be sure, government officials the world

over eagerly consume their country's report upon its release, and even voice displeasure with it, but whatever their response, it is not conveyed to the communities which are noted in those reports. Added and enhanced communications would certainly help to build confidence, measure the Act and its reports' effectiveness, and track progress in those countries.

The fifth and final area of improvement relates to structure. Currently, the Ambassador-at-Large for International Religious Freedom has not been vested with the necessary authority to take action when a country flagrantly violates human rights. For example, an empowered Ambassador-at-Large could have taken more active measures to ensure the full and free right to vote for Ahmadi Muslims ahead of Pakistan's national elections last month. Yet, our Government's support for this flagrant human rights violator continues unfettered, thereby weakening the International Religious Freedom Act's overall utility and efficacy. The Ambassador-at-Large must be empowered to directly assist with the implementation of recommendations related to the protection of international religious freedom.

In conclusion, let me say that the primary source of our Community's persecution is religious extremists who espouse a militant perversion of Islam. Our Community strongly believes that all such religious extremism must be cut at its root, and we welcome and all any and all efforts by the U.S. Government to redress global restrictions to international religious freedom. The International Religious Freedom Act provides vital safeguards to protect a fundamental universal human right. While our Community whole-heartedly supports the Act, we hope that Congress urgently improves upon the Act's limitations and shortcomings in a manner that strengthens the Act's original mandate. Our Community stands ready to assist in this process.

Thank you.

Short Biography

Amjad Mahmood Khan is litigation counsel at a prominent international law firm in Los Angeles, a post-graduate research fellow at Harvard Law School and President of the Ahmadiyya Muslim Lawyers Association USA. He also volunteers as National Director of Public Affairs for the Ahmadiyya Muslim Community USA. He graduated *summa cum laude* from Claremont McKenna College with degrees in English Literature and Government and was a member of Phi Beta Kappa. His senior thesis, “Fighting Islamic Extremism,” earned departmental honors. He later earned a “Juris Doctor” (J.D.) degree from Harvard Law School, where he served as Editor-in-Chief of the *Harvard Human Rights Law Journal*. He is a former judicial clerk to the late Honorable Warren J. Ferguson, Senior Circuit Judge for the United States Court of Appeals for the Ninth Circuit.

Mr. Khan is a frequent lecturer on topics concerning the Islamic world, particularly human rights, law and governance. He has lectured at several leading academic institutions, including Harvard Law School, Stanford Law School, Harvard Divinity School, Carnegie Mellon University, Claremont McKenna College, University of California Berkeley and the State University of New York at Buffalo. His writings have appeared in a variety of prominent journals and newspapers, including the *Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *Christian Science Monitor*, *New York Daily News*, *Harvard Human Rights Law Journal*, *Richmond Journal of Global Law and Business* and *Georgetown Journal of International Affairs*. He has testified three times before the Tom Lantos Human Rights Commission at the U.S. House of Representatives about the persecution of religious minorities in the Islamic world.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name:

AMJAD MAHMUD KHAN

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2010. Include the source and amount of each grant or contract.

NONE.

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

AHMADIYA MUSLIM COMMUNITY USA
NATIONAL DIRECTOR OF PUBLIC AFFAIRS
VOLUNTEER (UNPAID)

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

NONE.

I certify that the above information is true and correct.

Signature:



Date:

June 11, 2013