



*One Free World International*  

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*El Shafie Ministries*

**RELIGIOUS MINORITIES IN SYRIA:  
CAUGHT IN THE MIDDLE**

A STATEMENT BY

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BEFORE THE JOINT SUBCOMMITTEE OF

**THE SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS  
CHRISTOPHER H. SMITH (R-NJ), CHAIRMAN**

AND

**THE SUBCOMMITTEE ON THE MIDDLE EAST AND NORTH AFRICA  
ILEANA ROS-LEHTINEN (R-FL), CHAIRMAN**

**OF THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON FOREIGN AFFAIRS**

**JUNE 25, 2013**

## **I. Introduction**

My name is Reverend Majed El Shafie, and I am the President and Founder of One Free World International (OFWI), an international human rights organization based out of Toronto, Canada. I would like to thank the members of the Subcommittee on Africa, Global Health, and Human Rights for the opportunity to present our comments and recommendations on this most urgent issue of the plight facing religious minorities in Syria.

For those who are not familiar with my background, I was born in Egypt to a prominent Muslim family of judges and lawyers. After I converted to Christianity and began advocating equal rights for Egyptian Christians, I was detained and severely tortured by Egyptian authorities. Sentenced to death, I fled Egypt by way of Israel and settled in Canada in 2002, establishing OFWI to share a message of freedom, hope, and tolerance for religious differences and to promote human rights in this area through advocacy and public education.

Our mission and calling at OFWI is to stand up for religious minorities and individuals around the world who are being persecuted because of their personal beliefs. We advocate on behalf of all those who are persecuted for their beliefs, regardless of religion or creed. Among other things, our work involves direct interventions with foreign governments on behalf of minorities in general or on individual cases, educating our own politicians and citizens about religious freedom and abuses of human rights in this area, humanitarian aid, and rescue missions. Our goal in putting forward the present recommendations is to encourage the United States to live up to its responsibility as a world leader and take a principled stand for justice and freedom for religious minorities in Syria who are voiceless, vulnerable, and desperate.

Today Syria is at a cross-roads. Tens of thousands of Syrians have been killed in the conflict and the United States is in a position to help determine whether this country goes down the path of freedom and respect for human rights or a path of extremism, oppression, and continued violence. To its credit, the United States has repeatedly and publicly reiterated its commitment to promote and defend freedom of religion in this region and around the world. While such public endorsements of religious freedom are an important first step, the U.S. must back its words up with action in protecting Syrian Christians and other minorities both now, while the conflict rages, and in preparing its strategy for a post-conflict Syria.

## **II. Religious Freedom**

### **1. Freedom of Religion as a Human Right and in International Law**

Freedom of religion is a fundamental, universal right that speaks to the very core of what it means to be human. The basic freedom to believe in (or not believe in) and to practice the religion of one's choice (or equally to refrain from any religious practice) forms the very basis of human dignity and is a pre-requisite for true equality under the law. After all, our ability to observe such beliefs about who we are in this universe is unique to humans among the living

beings on this planet. As a result, the right to religious freedom is recognized both by U.S. and international law as foundational and intrinsic to any truly free society, and without freedom of religion, experience has shown there can be no democracy, peace, or security.

Recognition of the rights of individuals and nations, minorities and majorities, is basic. Ultimately everyone is in some respect or at some time or place a member of a minority and one need only consider one's own position but for a moment in order to see the importance of respecting the rights of others and the universal nature of this principle, known in the Christian tradition as the Golden Rule, or "Do unto others as you would have others do unto you".

Human beings have learned this painful lesson the hard way over thousands of years of violations of this foundational principle. In fact, the United States of America was built to a large extent on the hopes of those who fled Europe centuries ago in order to be able to worship freely, and much of the unique character of the American culture, way of life, and legal institutions is based on this very foundation. Over the last century, communities and humanity as a whole have joined together to seek ways to promote respect for these painful lessons by enshrining this principle in constitutions and international documents such as the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR).

The UDHR, while not in itself binding, is considered by international law experts to reflect customary international law which in turn is binding on states. The UDHR states in Article 18 that,

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>1</sup>

However, it is not necessary to rely on general principles of morality or international law or even less on mere declarations of principle or aspiration in order to establish the rights of religious minorities. A large part of the world community has expressly agreed to submit to binding international law in this matter by signing or acceding to the ICCPR, including Syria which acceded to this covenant on April 21, 1969. Article 18 states that,

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. ...<sup>2</sup>

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<sup>1</sup> *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948).

<sup>2</sup> *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, online: Office of the United Nations High Commissioner for Human Rights <<http://www2.ohchr.org/english/law/ccpr.htm>> accessed 12 November 2011.

## 2. Religious Freedom and Syria

### a. The al-Assad Regime

Syria is a predominately Muslim country, but unlike most other Muslim countries reports of persecution of religious minorities have been relatively rare in the past. The country's totalitarian secular, socialist regime under President Bashar al-Assad has been concerned primarily with safeguarding its own status through preventing social discord by emphasizing the secular nature of the state. In this the regime has been ruthless and torture has been a common and routine technique to suppress dissent. Moreover, despite its own secular posture, it has been the primary supporter of such extremist Islamist factions as Hamas, Hezbollah, and Iran and its hostile position against Israel has been a continuously destabilizing factor in the region.

Nevertheless, under President Bashar al-Assad's secular Ba'athist party, Syrian minorities shared a relatively equal existence with their Muslim compatriots. Despite the regime's many other failings – and these have been great – its minorities experienced a measure of prosperity in business, education, and society. In fact, the country shares many similarities, both in terms of its history and the implications for religious minorities of current events, with that of its former ideological partner, Saddam Hussein's Iraq.

The constitution gives Islam a certain prominence, for example by requiring that the president be a Muslim and recognizing Islamic jurisprudence as a principal source of legislation. In practice President Assad's Alawite sect of Shi'a Islam has enjoyed some minor benefits as compared to other groups including the Sunni Muslim majority (at 74% of the population) and other Shi'a Muslims. Otherwise, however, the regime has been concerned with religious activity primarily to the limited extent that it affects public order and the status quo. On a certain level, this makes the regime an "equal opportunity oppressor".

The Syrian constitution also includes a provision affirming freedom of religion. A historic Christian community, whose presence in Syria stretches back to the earliest years and even months of Christianity and pre-dates the existence of Islam by hundreds of years, accounts for less than 10% of the population today. Christians belong primarily to various Orthodox and Catholic confessions but also include Armenians, Protestants, and others. Syria has been the home to some of the oldest Christian communities in the world without interruption since the birth of Christianity very close to 2,000 years ago. Other minorities represented are the Alawites and other Shi'a Muslims, Druze, Yezidis, and others, including a few isolated and elderly Jews. Under Assad's Ba'athist regime, these traditional communities have been able to worship within tight restrictions and, while Alawites form the core of support for the Assad regime, Christians, Sunnis and others could be found in prominent positions in government and business life.

On the other hand, any religious activity that was deemed to be subversive or threaten the regime or its secular nature or to threaten public order, including relations between religious communities, has long been of concern to authorities and pursued without mercy. As a result, the government has strictly monitored and controlled all religious activity. For example, in September 2010 it shut down eight house-churches in the north of the country in what at the time

was believed to be the beginning of a crackdown on unauthorized Christian activity. The brunt of the regime's brutality, however, has been focused on those belonging to groups determined to be extreme Islamist groups. It has walked a fine line to keep religious extremism from threatening its position by tightly controlling Muslim religious activities while simultaneously appeasing Muslim extremists in ways that often impacted on minorities.

Proselytizing was not technically illegal, but was actively discouraged and effectively forbidden as it was treated by the regime as a threat to relations among religious groups. Religion was kept strictly out of public life nor were one's religious beliefs safe to discuss with friends or neighbours for fear of being charged with proselytizing and seeing a lengthy sentence in the harsh Syrian prisons.

Christians were not actively pursued by the regime for their religious beliefs or activities apart from claims of proselytizing. However, despite its claims to protect the Christian minority the government did not necessarily come to the aid of Christians when they were in danger. On the other hand, when any excuse could be found to implicate Christians, the government would not spare any measures in pursuing them. For example, in October of 2004 two Christians were brutally murdered by a Muslim gang and a police officer after one of them requested that a rowdy group of Muslims leave his café when the Muslims' card-game turned violent. When the authorities refused to act on these crimes, some of the dead men's friends took matters into their own hands destroying some property belonging to some of those responsible. While the authorities took no action on the murders, this property damage resulted in the rapid arrest of 42 Christians, most of whom were unrelated to the events. As a result of such attitudes and treatment whereby victims and other innocents are pursued as criminals, an ancient Christian community has long lived with the constant knowledge that they must tread very carefully for their own protection and that of their loved ones and community.

Converts, on the other hand, have faced a much different situation. As in other Muslim countries, while conversion to Islam is recognized, conversion from Islam to any other religion is illegal under Shariah law. While religious identity was effectively kept out of public life, laws governing personal status are determined by a person's religious identity. This left converts vulnerable because conversion is not recognized by the Syrian government and so they continued to be dealt with under Islamic laws concerning personal status. From a practical perspective, conversions were not directly punished by the government but by the local community or the convert's family who would find ways to implement the Shariah death penalty against the apostate while the government turned a blind eye. The government itself, however, also readily used pretexts or excuses to penalize converts on other manufactured grounds. In the meantime, Syrian society is very close-knit, as in other Muslim and Middle Eastern countries, and converts were not able to relocate and typically had no choice but to leave the country.

#### b. The Current Status of Syrian Minorities

The current conflict in Syria has altered the situation for religious minorities in that country radically. They are no longer accepted, even if begrudgingly, as an established part of a secular regime. Religious minorities – and particularly the historic Christian community – are now caught between a desperate regime, vicious at the best of times, which is fighting for its life

against rebels riding a wave of successful popular uprisings against dictatorial regimes elsewhere in the Middle East that were largely driven by Muslim extremists.

While the situation in Syria is different in some ways from the regime changes that have taken place in the region, there are many similarities. The circumstances facing Syrian minorities are eerily familiar and yet somehow more tragic as extremists have strengthened and consolidated their positions in the region cutting off options for minorities. The Syrian conflict began with peaceful protests against the regime's authoritarian rule. The Syrian uprising began mostly as a genuine popular uprising driven primarily by moderate and liberal Syrians fed up with the Assad regime's tactics and encouraged by the apparent success of the other uprisings in the region. However, as the regime responded to peaceful protests with heavy-handed measures, extremist groups saw an opportunity and rapidly became more and more involved and the conflict rapidly escalated.

The Assad regime is trying to maintain its hold on power against disparate rebel forces that are openly and violently, and in many places successfully, defying the regime. As a result, it has no available capacity to protect its minorities. There have also been reports that the regime itself has intentionally attacked minorities, although it is difficult to determine whether these attacks were actually perpetrated by the regime or by rebels. Moreover, where minorities have been caught in attacks committed by the regime, this has generally been as a result of the regime's broader crackdown against the uprising and not because of any specific targeting of minorities. In either case, however, attacks by the regime against any of its unarmed civilians are despicable crimes and we do not condone any such action; but if we are to find a lasting and equitable solution for the minorities, we must begin by being honest and accurate in characterizing the threats facing them.

In the meantime, we tend to refer to "the rebels" in shorthand, as if they were a cohesive group with compatible motivations, goals, and methods. However, nothing can be further from the truth. Rather than a somewhat homogeneous rebel force, the rebels in Syria are composed of several groups with radically different and often competing agendas, particularly with regard to



A Syrian man shows marks of torture inflicted after rebels took control of a Christian area of Aleppo. (Photo: James Lawler Duggan/AFP/Getty Images)

their future plans for Syrian society, including its minorities. The moderate, liberal factions are simply tired of Assad's authoritarian methods and wish to implement a liberal, secular democracy. The Muslim extremist and terrorist elements, on the other hand, have very specific goals for turning Syria into an Islamist haven governed by Shariah law which will provide a base from which to attack western interests in the region and beyond.

These Islamist factions, which include Muslim Brotherhood, Salafist, and al-Qaeda-linked groups and are rapidly overtaking the undisciplined and poorly organized rebels as they have in other countries, operate on the assumption that minorities, particularly Alawites and Christians, support the regime. As a result, minorities are targeted both for their politics and as minorities who must either convert or be killed. Many towns captured by rebels have been cleared of their Christian populations either with the Christians fleeing the on-coming Islamists or being forced out by threats that they must convert, flee, or be killed. Demands for the payment of *jizya*, a form of protection money imposed on non-Muslims, have been seen as well.

Reports about rebel activities in towns they come to control are conflicting and it is very difficult to confirm what actually happened in individual incidents such as the captures in the spring of 2012 of Qusayr and sections of Homs, as well as multiple Christian towns and villages. Some reports indicate that rebels have made ultimatums to Christians and other minorities, in some cases to convert to Islam and in others to join the fight against the regime, or be killed, causing minorities to flee. Reports from rebel groups, on the other hand, deny any ultimatums and claim that the minorities fled voluntarily. What is clear is that Christians are fleeing the approaching rebels amid reports of Shariah courts, threats, kidnappings, rapes, and extortion.

Numerous car-bomb attacks have been placed as if with a strategic plan in place to specifically target minorities. These include bombs in minority neighbourhoods, like the mostly Christian and Druze neighbourhood of Jaramana, or placed close to churches or Christian charities. Some have caused only property damage while others have apparently been carefully and fatally timed to coincide with worshippers going to services or mourners participating in a funeral procession.

In April 2013 two bishops representing the Greek Orthodox and Syriac Orthodox churches were kidnapped by rebel forces in Aleppo. Their condition and whereabouts are still unknown, but the targeting of priests and other religious leaders is a familiar tactic of Islamist groups that sends a chilling message to minorities: if their religious leaders are not safe, no one is safe. Many who might have stayed are persuaded to flee, leaving the diminished minority even more vulnerable.

In early June 2013, a 14-year-old young Muslim boy named Mohammad Qatta serving coffee at a coffee shop in Aleppo was killed in an impromptu public execution by rebel gunmen for an off-handed comment referencing the Muslim prophet Mohammed. While details of the event are unclear and this is not strictly speaking an attack on minorities, it is a graphic example of the priorities of large segments of the rebel forces and an indication of the direction the country is headed if extremist forces succeed in consolidating their control of those forces. Incidents such as this add to the fears of minorities and increase their motivation to leave for safer areas controlled by the regime or to flee the country entirely.

Also in early June 2013, dozens of Shiite Muslims in the town of Hatlah were massacred by rebels claiming to be targeting pro-government militia members. Increasingly throughout the conflict there have been reports that rebels have looted and destroyed religious sites after taking control of minority areas, including a Shia place of worship and two churches in Idlib and Latakia governorates respectively as documented by Human Rights Watch.<sup>3</sup>

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<sup>3</sup> "Syria: Attacks on Religious Sites Raise Tensions", 23 January 2013, online: Human Rights Watch <<http://www.hrw.org/news/2013/01/23/syria-attacks-religious-sites-raise-tensions>>, accessed 21 June 2013.

### c. What Does the Future Hold?

As already mentioned, the situation in Syria bears many similarities to Iraq, with the exception that the recent regime change in that country was brought about by outside forces led by the American military invasion and occupation. Nevertheless, the experience of religious minorities in Iraq is instructive of what can be expected to take place in Syria. In the violence that followed the fall of Hussein's regime, Iraqi Christians were targeted by both Sunni and Shi'a militias. Christians fled as refugees in numbers vastly disproportionate to their share of the population, leaving their ancient community reduced to about half of its pre-invasion size in a period of less than ten years. While some have returned, they face an uncertain future in a country where their own government has no ability or interest to protect them or other minorities from Shi'a and Sunnia groups engaged in on-going sectarian violence and religious extremists. But whether they have returned, found a new home in another country, or are still waiting for a resolution to their situation, the human toll of the experiences Iraqi minorities have endured is incalculable.

The irony in this tragedy is that many Iraqi Christians who have returned have only done so because they simply had no other option. Syria, where they had sought refuge from the Iraqi crisis, is no longer safe for them and now they are being forced to flee yet again. If Syria, which was a safe haven for Christians in the region, is no longer safe, where will Syrian Christians flee? Yet in some areas they are afraid to leave their homes to go to work or buy food.

We, along with others, have argued that the situation in Iraq had all the hallmarks of the beginnings of genocide. Even though we no longer hear of daily attacks, the violence has not ended and, while it may take a little longer, the goal of the extremists remains to rid Iraq of its minorities. Our concern is that Syria will turn into another Iraq and worse – that Muslim extremists will take advantage of this opportunity to cleanse Syria of the “infidels” – Christians and other minorities – and establish an Islamist state. In fact, this process has already begun. Christianity, which has been in Syria since the months and years following its establishment, is in danger of being eradicated if this crisis is managed poorly or half-heartedly.

### **III. Religious Freedom in U.S. Foreign Policy**

Religious freedom cannot be separated from the more ‘traditional’ focuses of diplomacy and international relations – such as peace, security, and, more recently, fostering democracy. Such an approach is not only morally untenable, but also fundamentally flawed, especially in a highly religious area such as the Middle East. Despite the best efforts and predictions of western secular humanist academics and prognosticators, religion holds an enduring and even increasing relevance in our 21<sup>st</sup>-century world. In these circumstances, the absence of religious freedom has far-reaching implications beyond individual abuses that must be taken into account in the formulation of foreign policy. This statement is not intended to diminish the importance of individual cases – even if one solitary individual in a remote part of the world was denied his or her right to their beliefs and practices, we ought to treat it as an assault on the humanity of each and every one of us. However, the lack of religious freedom takes on a different dimension when entire communities and societies are affected.



Even a cursory review of history shows that societies that restrict religious freedom are far more likely to experience profound social upheaval that jeopardizes the long-term survival of democracy. The importance of religious freedom as a fundamental pre-requisite, not only for the existence of stable, rights-based democracies, but also for international peace and security and the freedom of every human being, was recognized by then-Secretary of State Hillary Clinton when she stated that,

...it is [the United States'] core conviction that religious tolerance is one of the essential elements not only of a sustainable democracy but of a peaceful society that respects the rights and dignity of each individual. People who have a voice in how they are governed—no matter what their identity or ethnicity or religion—are more likely to have a stake in both their government's and their society's success. That is good for stability, for American national security, and for global security.<sup>4</sup>

(emphasis added)

Moreover, the foundational role played by religious freedom in the United States is eloquently expressed in the preamble of the *International Religious Freedom Act* of 1998 (IRFA), where Congress stated that:

The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.<sup>5</sup>

(emphasis added)

Since the break-up of the Soviet Union and the end of the Cold War, the United States has had the unenviable position of being the world's lone super-power. This position certainly has its challenges; while many look to the United States to guarantee their security, at the same time they resent their dependency and therefore seek to reject American influence and values, especially in areas where they feel their culture and identity may be vulnerable, religious identity being one of the most obvious. However, promoting religious freedom is one area where the United States must not give in to the challenges of its role. Rather it must vigorously, but tactfully, pursue the establishment of conditions in which every member of the human community can pursue their religious beliefs and identity with only their conscience as their guide and not the dictates of the state or oppressive religious leaders. This is a critical determinant not only for peace and security in far-flung countries around the world, but ultimately for the peace and security of American citizens in their homes across the United States.

At the same time, freedom of religion in Syria must not be viewed as merely a 'means to an end,' as this will inevitably lead to the compromising of the 'means' (religious freedom) for the sake

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<sup>4</sup> Remarks by Hillary Rodham Clinton, "Remarks at the Release of the 13<sup>th</sup> Annual Report on International Freedom", 13 September 2011, online: State Department < <http://www.state.gov/secretary/rm/2011/09/172254.htm>> accessed 12 November 2011.

<sup>5</sup> U.S., Bill H.R. 2431, *International Religious Freedom Act of 1998*, 105th Cong., 1998, § 2(a)(1) (enacted).

of the ‘ends’ (national security). Religious freedom is an end in itself. Any diplomatic initiatives on behalf of religious freedom must be premised on a commitment to its intrinsic value as an inalienable right vested in individuals on the basis of their humanity alone.

Section 2 of IRFA clearly states that

(b) It shall be the policy of the United States ...:

...

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

...

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.<sup>6</sup>

(emphasis added)

In order for the United States to live up to its responsibility as the ‘leader of the free world,’ it is not enough that the American government respect the rights and freedoms of its citizens within U.S. borders. The United States must ensure that its foreign policy is consistent with the fundamental values that form the basis of American society and identity. There is no question that freedom of religion is one of these fundamental values.

Freedom of religion is absolutely intrinsic to the broader system of rights and freedoms that underpin the United States as a society and a nation. As President Obama acknowledged as much in his 2009 Cairo speech when he stated, “[f]reedom in America is indivisible from the freedom to practice one’s religion.”<sup>7</sup> Ever since the birth of the United States, American leaders have recognized that no society can be truly free if it denies an individual’s inviolable right to believe and practice his or her religion of choice. For U.S. foreign policy on Syria to be truly ‘American’ it must be reflective of and consistent with core American values, including the centrality of freedom of religion. Overlooking violations of religious freedom is to legitimize those actions and undermine the very principles that underlie American identity and society.

For all these reasons, the United States is obligated, morally, legally, and out of its own national security and self-interest, to take every measure within its power to ensure that religious minorities in Syria are able to exercise their full rights as human beings and citizens and, in particular, able to hold to and observe their religious beliefs and practices without fear.

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<sup>6</sup> IRFA, *supra* note 5 at §2.

<sup>7</sup> “Remarks by the President on a New Beginning at Cairo University, Cairo, Egypt”, 4 June 2009, online: The White House, Office of the Press Secretary <<http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09>> accessed 12 November 2011 [“A New Beginning”] (emphasis added).

#### IV. Recommendations for U.S. Foreign Policy in Syria

In June 2009 President Obama declared in Cairo that, “[f]reedom of religion is central to the ability of peoples to live together”.<sup>8</sup> Any U.S. foreign policy efforts aimed at promoting democracy, social stability, peace, and security in Syria without taking into account the issue of religious freedom and the security of religious minorities will effectively ignore one of the fundamental sources of the problems and is destined to fail. It will not only be highly ineffective, but will also risk exacerbating tensions and insecurity in the region. Estimates are that over 5 million people have been displaced from their homes due to the current conflict. That is just under one in four of Syria’s 22 million citizens. According to the United Nations High Commissioner for Refugees, about 1.6 million of those are refugees in surrounding countries, including one million who have fled in the first five months of 2013 alone.<sup>9</sup>

These refugees have fled primarily to the countries that share land borders with Syria although there are also a significant number in Egypt. All of these countries, Egypt, Lebanon, Jordan, Iraq, and Turkey, face significant internal challenges of their own even without adding to their policy agenda the enormous burden of assisting hundreds of thousands of Syrian refugees. Lebanon has continuous challenges with a population identified along religious lines and the political challenge of containing Hezbollah, but has so far managed to avoid the impact of the so-called “Arab Spring”. Jordan, on the other hand, has seen demonstrations related to the Arab Spring, and while they have not spread or taken root as a full-fledged uprising in that country, the Jordanian government is certainly not in any position to take its authority for granted. In Turkey, in the meantime, tensions have been rising over the past weeks over political protests and the government’s handling of those protests, while Iraq still has not achieved any lasting stability after the invasion and subsequent withdrawal of American and allied troops. Under these conditions the potential destabilizing force of millions of Syrian refugees in the region that is the Middle Eastern powder-keg is all too real.

In light of the frightening prospects for religious minorities in Syria, the United States must use all foreign policy tools at its disposal both to address the on-going violations, examples of which are described above, and to ensure long-term protection of the rights of religious minorities. As history has shown, diplomatic engagement and political dialogue – however sustained and constructive – is often insufficient. In order for U.S. policy in Syria to be effective, diplomatic efforts must be backed by a demonstrable commitment to take substantive policy measures and stand behind the diplomatic measures.

For some time the United States has expressed its disapproval of the Assad regime’s activities by maintaining sanctions against the regime. While by no means condoning the actions of the Assad regime, it has nevertheless sought to remain on the sidelines of this conflict and to express its support for the aspirations of the Syrian people through humanitarian aid and diplomatic support and statements.

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<sup>8</sup> “A New Beginning”, *supra* note 6.

<sup>9</sup> “Stories from Syrian Refugees: Discovering the Human Faces of a Tragedy”, online: UNHCR information portal <<http://data.unhcr.org/syrianrefugees/syria.php>>, accessed 16 June, 2013.

## 1. Military Support for the Rebels

Over recent weeks the United States has committed to providing small-scale military support to the Syrian rebel groups on the grounds that evidence which has surfaced about the regime's use of chemical weapons shows that the regime has crossed a "red line" demanding action. While we do not in any way condone the use of chemical weapons in any circumstance, we have serious and grave concerns about the United States' new policy direction and what it will mean for religious minorities and a speedy and just resolution to the violence afflicting the Syrian people.

Providing any kind of military support for the rebels is an extremely dangerous move and a no-win policy that will have disastrous consequences for Syrian minorities and American security interests. Unfortunately, the United States has gone down this road before. In the 1980s it supported Afghan rebel forces fighting against the Soviet Union's invading troops; the result was the Taliban, a safe-haven for terrorist organizations like Al-Qaeda, and a dozen-year military engagement by American troops that remains on-going. Also in the 1980s, the United States supported Iraq in its war with Iran; the result was the regime of Saddam Hussein, two wars, an invasion and full-fledged occupation, and thousands of American lives lost. As recently as the last two years, the United States supported rebels in Libya; the result was an attack on the American diplomatic mission resulting in the killing of the ambassador and three other embassy personnel and wounding of many more. Our question to American policy-makers is simple: how will Syria be any different?



A church in Homs, damaged during fighting between security forces and rebels. (Photo: Reuters)

We firmly believe that the United States has the settled intention to do everything within its power to ensure that these arms supplies do not find their way into the control of religious extremists or terrorists. These people have no scruples about using American-supplied weapons against religious minorities, whether as proxies for the Assad regime or quite simply in their capacity as religious minorities. Unfortunately, despite the best of intentions there is absolutely no way to guarantee that this will not happen. In fact, even if the moderate groups can be trusted to use these arms for their intended purpose of defending against the regime, the extremists are rapidly consolidating their position and influence over the rebels and establishing Shariah law in areas where they are in control. Under these circumstances the only thing we can truly be certain of is that, whether they are small arms or something more substantial, some or all of any weapons provided to the rebels will wind up in the hands of extremists. At that point these American weapons will be used against Syrian civilians and particularly against religious minorities, as well as against Israel, America's most important ally in the region. This is simply a matter of time.

If, however, the United States decides to go ahead with its military aid despite the obvious signs, it must demand accountability from the rebels for any aid it provides. This means that any weapons supplied must be returned to the United States once the conflict is resolved. Furthermore, if there is any evidence that weapons or ammunition provided by the United States or other western countries have been used against minorities or other civilians or against the state of Israel, all further military aid or support, as well as development and humanitarian aid must be stopped immediately with no exceptions.

## 2. Humanitarian Aid

To date the United States has committed more than \$500 million in humanitarian aid to ease the suffering of Syrian civilians. This is a critical and compassionate measure that must be maintained as long as there is a need. However, American aid must not be implemented in any way that would support or grant legitimacy to any parties in Syria that refuse to respect the rights of Syrian minorities. In order to ensure that this does not happen, the United States must create an explicit link between eligibility for American aid and respect for human rights. It must ensure that aid is given only through groups that are responsible and accountable for those funds and for their treatment of religious minorities and that such support does not function directly or indirectly to support extremist elements.

The legislative authority for such an explicit link between aid and religious freedom already exists within IRFA and the *Foreign Assistance Act* of 1961. Section 2(b) of IRFA clearly states that it “shall be the policy of the United States ... to seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of freedom of religion.”<sup>10</sup> Moreover, section 405(a) of IRFA<sup>11</sup> empowers the President to authorize the “withdrawal, limitation, or suspension of” both “development assistance” (paragraph 9) and “security assistance” (paragraph 11) in accordance with the *Foreign Assistance Act*. Section 116(a) of the *Foreign Assistance Act* further states that “no assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of international human rights,”<sup>12</sup> including “particularly severe violations of religious freedom.”<sup>13</sup>

If this authority applies to government recipients of American aid then it goes without saying that the same principle must apply equally to non-governmental or opposition groups. If the United States is serious about its commitment to religious freedom, it must take action based on this authority given to it by Congress to compel the parties in Syria to respect the rights of minorities.

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<sup>10</sup> IRFA, *supra* note 5 at § 2(b).

<sup>11</sup> *Ibid.* at § 405(a).

<sup>12</sup> *The Foreign Assistance Act of 1961, as Amended*, Pub.L. No. 87-195, § 116(a), 75 Stat 424 (enacted September 4, 1961, 22 U.S.C. § 2151 et seq.) [*Foreign Assistance Act*].

<sup>13</sup> *Ibid.* at § 116(c)(3).

### 3. Refugee Support

Despite all other efforts, Syrian civilians including religious minorities may have no other option but to flee their homes to secure their safety. Refugee protection is an essential means of protecting vulnerable people where all other efforts have failed. At the same time, evacuating religious minorities from Syria will only be a victory for the extremists. The United States must continuously work toward preventing the need for Syrian minorities to leave their homes and toward creating the conditions in which those who have left or still must leave will be safe to return to Syria both in the short and long term. However, to the extent that the violence continues to dislocate people from their homes, the United States together with its allies must not only take all steps necessary to accept as many refugees as possible, but they must also coordinate their refugee admission processes so that the minorities whose circumstances render them especially vulnerable are provided for.

To the extent possible Muslim Syrians can and ought to be encouraged to seek refuge in surrounding countries. Refugees in any circumstances are vulnerable in the countries where they seek help. They are foreigners and must learn to fit in, but they are also often seen as a burden on the host country that must supply them with physical and material support and, in prolonged situations, the means for a livelihood. However, to the extent that neighbouring countries are capable of absorbing them, the local solution will provide the easiest transition for Muslims for whom the language, culture, and religion of the neighbouring countries will be familiar.

For other minorities, particularly Syrian Christians, fleeing to the neighbouring countries would be an untenable situation. Despite the cultural and linguistic familiarity of the region, they will be equally, if not more, vulnerable in the surrounding countries as they will be at home. Not only will they be foreigners and refugees who will be seen as burdening the receiving countries, but they will also be religious minorities in countries where the local religious minorities are already vulnerable should the ever-present threat of religious extremism raise its ugly head. A striking example of what can happen is the example of Iraqi Christian refugees who fled to Syria and are now forced to flee the extremists back to Iraq where extremists continue to use every opportunity to pursue their eradication. While Jordan, Turkey, and Lebanon are currently in a rather different position, conditions in those countries could change rapidly and without warning for the worse as they have in many other countries in the region over the past two-and-a-half years. As a result, those Syrian minorities for whom seeking refuge in the surrounding Muslim countries is not a viable option must be prioritized by the United States and western countries where their religious beliefs will not cause them to be further victimized.

### 4. Supporting Minorities and Preparing for the Post-Conflict Era

While a solution to the general conflict is an urgent priority, it is equally critical to find a way to stop the specific violence that is targeting Syrian minorities and to prepare the groundwork for a future Syria where the religious minorities are treated with respect and have their equal place among their Muslim neighbours.

The closure of the United States embassy in Damascus makes it more difficult to engage in direct diplomacy with the parties. However, it was an important response to the regime's actions. The

Assad regime still has its supporters, domestically and on the international scene, but it is fairly clear that any lasting solution to the situation in Syria cannot involve a continuation of the Assad regime. Replacing it with a truly democratic option cannot be done overnight or in a few months of popular uprising. As a result, it is critical that the United States prioritize building relationships with moderate and liberal democratic elements among the rebels and Syrian opposition and use all diplomatic means to strengthen their position. Together with its European and other western allies, it must make it clear that nothing less than full equality and respect for human rights, including religious freedom, and peaceful coexistence with Israel will be acceptable for the future of Syria. At the same time, the United States must work together with its allies in order to isolate and eliminate the extremist and terrorist elements among the rebels, many of which are either of foreign origin or supported by foreign interests.

In order to ensure the success of its efforts in Syria, the United States must be honest and clear about the realities on the ground. It must not turn a blind eye to the role of extremists among the rebels and it must not play down that role in its desire to promote opposition to Assad's regime. It must not overlook the impact of the conflict on religious minorities by minimizing or ignoring the targeted nature of attacks, including those by rebel forces. Clearly the Assad regime must go, but not at any cost – if the price of its removal is the blood of religious minorities and the conscience of the American people, it is too high.

## **V. Conclusion**

Every member of the international community has undertaken a sacred trust to uphold fundamental human rights. There is no right more fundamental to human dignity and to truly free and inclusive societies than freedom of religion. In light of the horrific abuses of this basic right occurring throughout the world today, no country, the United States included, can say that it has fulfilled its duty to protect religious freedom and the vulnerable minorities to whom this freedom is denied.

Syria's minorities have historically enjoyed the ability to observe their religious beliefs and live in relative harmony and equality with their Muslim neighbours, a rare status in the Middle East. Christians have existed in this area since the very early days of Christianity and their presence is even recognized in the New Testament story of the conversion of Saul on the road to Damascus. Today, however, Christians are being pushed out of Syria by the conflict, caught between a regime indiscriminately attacking rebels and civilians, on the one hand, and a growing cadre of religious extremists and terrorists among the rebels who are directly and intentionally targeting Christians and other minorities, both for their religion and for their (presumed) politics. The outcome for Syrian Christians at this crucial juncture will have far-reaching consequences on the presence and status of religious minorities generally in the region. Moreover, how this conflict is resolved could also have devastating consequences beyond the region and its minorities, for global stability and, therefore, the security of the United States itself.

Syrian minorities need the world to listen and to find an effective way to resolve the situation in their homeland. Removing the Assad regime at any cost is not the answer. The United States and its allies must be willing to engage in the long, tedious work of developing a real, democratic

alternative to the Assad regime rather than just applying a bandaid measure that will in all likelihood backfire on Syria's minorities and moderate Muslims. The oft-heard saying that, "The enemy of my enemy is my friend" is not always true and is certainly not true in the case of the future of Syria. The United States must support religious minorities in Syria and moderate, liberal forces that will promote a strong, liberal democracy in Syria and ensure that they do not support religious extremists and terrorists prepared to hijack the aspirations of the Syrian people with their dreams of a Shariah-based Islamist haven. Today, will the United States choose to be part of the problem or the heart of the solution?



## RECOMMENDATIONS

### – SUMMARY –

Today Syria is at a cross-roads. Almost 100,000 Syrians have been killed in the current conflict. Religious minorities, particularly Christians, are caught between a fierce regime fighting for its survival and religious extremists who are rapidly gaining control of the rebel movement and pursuing a Shariah-based religious state. The United States must do all it can to address the on-going human-rights violations of religious minorities and to ensure their long-term safety and protection. It must not pursue the removal of the Assad regime at the cost of the blood of Syrian minorities and the conscience of the American people.

#### 1. Military Support for the Rebels

- Extremists and terrorist-linked groups are taking control of the disorganized and undisciplined rebel groups
- The U.S. must not supply weapons to the rebels as they will find their way into extremist and/or terrorist hands and be used against civilians, minorities, and U.S. regional interests and allies such as Israel
- If the U.S. nonetheless goes ahead with military aid, it must demand accountability from the rebels, including the return of weapons after the conflict, and deny any further aid if weapons or ammunition are used against minorities, civilians, or American allies such as Israel

#### 2. Humanitarian Aid

- The U.S. must continue to provide humanitarian aid as long as there is a need
- U.S. aid must not be implemented in a way that would support or grant legitimacy to any parties in Syria that refuse to respect the rights of religious minorities
- The U.S. must create an explicit link between eligibility for American aid and respect for the human rights of Syrian minorities

#### 3. Refugee Support

- The U.S. must work toward preventing the need for Syrian minorities to leave their homes, but must ensure the safety of those who may not ultimately have a choice
- The U.S. and its allies must prepare to accept as many refugees as possible, prioritizing those whose religious beliefs may cause them to be further victimized in surrounding countries

#### 4. Supporting Minorities and Preparing for the Post-Conflict Era

- The U.S. must make it a priority to build relationships with, and strengthen, moderate and liberal democratic elements among the rebels and Syrian opposition
- The U.S. must work with its allies to isolate and eliminate extremist and terrorist elements among the rebels, many of which are either of foreign origin or supported by foreign interests
- Policy-makers must be honest and clear about the realities on the ground, including the extent of extremist and terrorist involvement among the rebel forces and must ensure they do not work to replace one form of tyranny with another
- True democracy does not happen overnight; it must be built and nurtured from the ground up

## **Appendix A**

### **BIOGRAPHY OF REV. MAJED EL SHAFIE FOUNDER AND PRESIDENT ONE FREE WORLD INTERNATIONAL**

Rev. Majed El Shafie is a human rights advocate and founder of One Free World International (OFWI). His human rights journey started in his native Egypt that he was later forced to flee after he was severely tortured and sentenced to death for his conversion to Christianity and bringing awareness to human rights violations related to religious persecution. Belonging to a very prominent legal and political family in Egypt, Rev. El Shafie had tried to work within the Egyptian system to reform the country's human rights regime. Between the challenges he faced in these efforts, his firsthand experience as a survivor of religious persecution, the work he has engaged in since advocating for religious freedom, confronting governments that violate this fundamental right, and conducting fact-finding missions and humanitarian/rescue operations, he has obtained significant knowledge and insight into the dynamics of persecution of religious minorities by religious extremists and totalitarian governments alike.

Rev. El Shafie has established two effective human rights organizations including One Free World International (OFWI) which is one of the leading organizations advocating for religious minorities globally and has 28 branches around the world. He has organized and led delegations of parliamentarians and religious leaders to address minority rights and humanitarian issues with government leaders, including several cabinet ministers and other high-level officials, opposition leaders, and religious leaders among others in Pakistan, Afghanistan, Iraq, Israel, Cuba, and India. Rev. El Shafie has developed excellent relationships with members of the Canadian House of Commons, Senate, and Cabinet, and has built bridges with the US Congress in order to educate decision-makers about violations of religious freedom around the world. He has had the opportunity to testify four times before the Subcommittee for International Human Rights of the Standing Committee on Foreign Affairs and International Trade, twice before United States Congressional subcommittees and commissions, and before the Parliamentary Inquiry into Antisemitism in Canada. He has advocated on behalf of Christians, Falun Gong, Jews, Bahá'í's, Ahmadiyya Muslims, and China's Uyghur Muslims, among others. Leading North American and international news media have featured his work which has also been the subject of an award-winning feature-length documentary entitled "Freedom Fighter" and its companion book, also titled "Freedom Fighter".

#### **HONOURS AND AWARDS**

2012            Queen Elizabeth II Diamond Jubilee Medal

#### **HUMAN RIGHTS EXPERTISE AND ACCOMPLISHMENTS**

- Provided expert testimony of conditions facing religious minorities.
- Relied on in numerous cases in the Refugee Protection Division (Ontario) and Immigration Board (Florida).

- Created an underground human rights organization to pursue equal rights for Egyptian minorities and built organization to 24,000 members in just two years.
- Created and developed one of North America's most effective international human rights organizations focused on the rights of religious minorities around the world.
- Conducted fact-finding missions, rescue operations, and humanitarian interventions in countries where religious minorities are being persecuted and intervene directly through in-person meetings with high-level politicians and government officials regarding human rights concerns.
- Organized conferences and human rights events that attract thousands of participants every year to educate the public about religious persecution and human rights issues.

### PARLIAMENTARY AND CONGRESSIONAL TESTIMONY

Testified by invitation before parliamentary committees in Canada and congressional committees in the United States on issues related to minority rights, including:

- 21/3/2012      *The Tom Lantos Human Rights Commission, United States Congress*  
Religious Freedom in Afghanistan and Pakistan
- 22/11/2011    *The Sub-Committee on International Human Rights (SDIR, previously SDEV) of the Standing Committee on Foreign Affairs and International Trade, Parliament of Canada*  
Religious Freedom in Egypt and Iraq
- 17/11/2011    *The Subcommittee on Africa, Global Health, and Human Rights of the United States House of Representatives Committee on Foreign Affairs*  
Religious Freedom in Egypt and Iraq
- 30/11/2010    *SDIR, Parliament of Canada*  
Recommendations with Respect to Certain Issues Pertaining to the Human Rights Situation in Afghanistan
- 30/11/2009    *Parliamentary Inquiry into Antisemitism in Canada, Canadian Parliamentary Coalition to Combat Antisemitism*
- 16/6/2008     *SDIR, Parliament of Canada*  
Canadian Policy Regarding Religious Minorities with a Focus on Iraq, Egypt, and Pakistan
- 2/12/2004     *SDEV, Parliament of Canada*  
The Persecution of People of Faith

## NATIONAL AND INTERNATIONAL MEDIA COVERAGE

Television: Whistleblower (CTV National News), W5, Canada AM, The Arena, The Source, and others  
Radio: CBC Radio and others  
Print: National Post, Ottawa Citizen, Toronto Star, Toronto Sun, and others  
International: Israel (Haaretz, Jerusalem Post, Maariv, Yediot Aharonot), Denmark, Germany, France

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C. Atkins (Dir.), (2012) *Freedom Fighter* [Documentary], United States: Destiny Image.

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M. Coren, “Par for the Course” on *The Arena*, July 25, 2012, online: SunNews <<http://www.sunnewsnetwork.ca/video/search/all-par-for-the-course/1754368754001>>, accessed July 29, 2012.

E. Levant, “Beyond a Youtube Video” on *The Source*, September 13, 2012, online: The Source <<http://www.sunnewsnetwork.ca/video/featured/prime-time/867432237001/beyond-a-youtube-video/1839021026001/page/2>>, accessed September 15, 2012.

M. Coren, “US Ambassador to Libya Killed” on *The Arena*, September 11, 2012, online: SunNews <<http://www.youtube.com/watch?v=4fWd4gEuDt4>>, accessed October 1, 2012.

#### Print and Online News:

M. Maslanik, “Torture spurs man to fight for religious freedom” in *Finger Lakes Times*, October, 2006, online: Living Testimony <<http://living-testimony.blogspot.ca/2006/10/rev-majed-el-shafie-egyptian-ex-muslim.html>>, accessed July 21, 2012.

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