

The Middle East and North Africa in the 2021 USCIRF Annual Report

Jeremy P. Barker, Director, Middle East Action Team, Religious Freedom Institute
Miles Windsor, Senior Manager for Campaigns and Strategy, Middle East Action Team, Religious Freedom Institute
Salah Ali, Fellow, Middle East Action Team, Religious Freedom Institute
Daniel Harre, Intern, Middle East Action Team, Religious Freedom Institute
Brynn Keel, Intern, Middle East Action Team, Religious Freedom Institute

Introduction

On April 21, 2021 the United States Commission on International Religious Freedom ([USCIRF](#)) released its [2021 Annual Report](#). The report is significant in that it is a statutory contributor to US foreign policy formation and serves as an important component of the United States' efforts to promote international religious freedom. The USCIRF Annual Report is a valuable resource for both government and non-government entities concerned with these issues.

This article focuses on the greater Middle East and North Africa included in USCIRF's report which make up more than a third of all countries included on the list.

The USCIRF report recommended nine countries in the greater Middle East and North Africa region for designation as either a Country of Particular Concern (CPC) or Special Watch List (SWL). The following article highlights key aspects for each of those countries and in particular the recommendations for what should be done to promote greater religious freedom.

In addition, USCIRF highlighted two countries in the Middle East and North Africa that it no longer recommended for inclusion as either a CPC or SWL country: Bahrain and Sudan, along with the Central African Republic (CAR).

The positive developments in these countries are noteworthy and while recent and by no means indicate that no issues exist nevertheless represent positive trends and actions that should be encouraged and built upon.

Designation Categories and Actions:

USCIRF is an independent, bipartisan U.S. government advisory body, separate from the U.S. Department of State, that monitors and reports on religious freedom abroad and makes policy recommendations to the President, Secretary of State, and Congress.

The USCIRF Annual Report is more narrowly tailored and complementary to the State Department's Annual Report on International Religious Freedom. Provides [recommendations to the Secretary of State](#) to make designations for a Country of Particular Concern (CPC), Special Watch List country (SWL), or for non-state actors as an Entity of Particular Concern (EPC). (See the current list of designations: [IRF Report and Countries of Particular Concern - United States Department of State](#) made Dec. 2, 2020)

The designation recommendations for USCIRF are based on the categories included in the International Religious Freedom Act (IRFA, 1998) and the Frank R. Wolf International Religious Freedom Act (2016) which amended IRFA to refine and strengthen it to more effectively promote religious freedom in U.S. foreign policy.

IRFA defines *Countries of Particular Concern (CPCs)* as countries where the government engages in or tolerates “particularly severe” violations of religious freedom.

The State Department's *Special Watch List (SWL)* is for countries where the government engages in or tolerates “severe” violations of religious freedom.

As USCIRF explains,

“Under IRFA, particularly severe violations of religious freedom mean “systematic, ongoing, [and] egregious violations . . . , including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons.”

Although the statute does not specifically define severe violations of religious freedom, in making SWL recommendations USCIRF interprets it to mean violations that meet two of the elements of IRFA's systematic, ongoing, and egregious standard (i.e., that the violations are systematic and ongoing, systematic and egregious, or ongoing and egregious).

To meet the legal standard for designation as an *Entity of Particular Concern (EPC)*, a nonstate group must engage in particularly severe violations of religious freedom, as defined above, and must also be “a nonsovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.”

While USCIRF makes recommendations the formal designations are made by the President and Secretary of State and due within 90 days from the submission of the State Department's Annual

International Religious Freedom Report. Following this determination there are a menu of more than 15 actions which the president can take as a result of the designation of a country or entity as a religious freedom violator or can make the determination to issue a waiver if there is sufficient justification, an unfortunate short-coming of IRF policy has been an over-reliance on waivers or existing actions rather than taking actions specifically related to the religious freedom violations.

While these designations indicate areas where religious freedom violations are particularly severe, they also seek to encourage the U.S. Government and other actors to play an influential role in supportive positive developments in protection of religious freedom for all people in a given country. Rather than being a “prelude” to further deterioration the designations should be seen as a signal calling for more proactive engagement to push conditions in a positive direction.

(For additional explanation see: [Factsheet on International Religious Freedom Act \(IRFA\)](#)).

Positive Developments:

In its 2021 Annual Report, USCIRF highlighted positive developments in two Middle East and North Africa Bahrain and Sudan. In both countries the improved conditions were due to a combination of factors, including grassroots and civil society pressure, international advocacy, and government-initiated changes in law and policy.

These should be seen as illustration of the importance of proactive and positive engagement to promote religious freedom and not merely a “name and shame” approach.

The Special Watch List in particular is a valuable category because it can be seen to indicate opportunities for the U.S. Government and other actors to play an influential role in supportive positive developments in protection of religious freedom for all people in a given country.

Sudan

In its 2020 Report, the U.S. Commission on International Religious freedom recommended that Sudan’s status as a “Country of Particular Concern” (CPC) be downgraded and instead that the country be placed on the “Special Watch List” as a result of the Sudanese Government’s efforts to advance religious freedom. Sudan continued to undertake a number of import reforms through 2020. Most notably, the transitional government adopted the Fundamental Rights and Freedoms Act. The act addressed a number of issues including apostasy laws, female genital mutilation, and the guardianship law that greatly limited women’s rights. In response to these ongoing efforts, the USCIRF 2021 Report no longer recommends that Sudan be placed on the Special Watch List.

USCIRF is recommending that Sudan continue to build on these recent developments by establishing a religious freedom commission in accordance with the Juba Peace Agreement; by addressing the property damage and confiscation claims of churches; and by repealing the blasphemy law.

RFI recognizes the major improvements made in Sudan but urges the United States and its embassy officials to remain vigilant in monitoring the situation and promoting continued progress there as these gains are not yet enshrined in constitutional law. Furthermore, RFI urges the United States to hold the Sudanese Government accountable on its commitment to protect the religious rights of its citizens. While the progress is extremely encouraging, we must not take for granted what is a fragile landscape of progress and all parties must be determined and relentless as they seek to secure a future of liberty for the Sudanese people.

Bahrain

Bahrain is another country with improved status based on analysis of religious freedom there in 2020. It is no longer recommended by USCIRF for the Special Watch List. The key tension in Bahrain relates to the Shi'a Muslim majority which has been marginalized by the Bahraini Authorities in recent years. The Shi'a festival of Ashura was permitted with mostly reasonable Covid-19 measures and without repeats of the violence seen in previous years such as when tear gas was fired on the procession.

A further reason given for the change to the recommendation for Bahrain is the memorandum of understanding that was signed by the King Hamad Centre for Global Coexistence with the U.S. State Department. This memorandum was a pledge to combat antisemitism and the adoption of the International Holocaust Remembrance Alliance's definition of the term. Bahrain also hosted a roundtable of religious and civil society leaders discussing the importance of religious freedom to political, social, and economic flourishing in late 2019.

USCIRF expressed concern regarding the interrogation of several Shi'a religious figures relating to sermon content. As in other countries in the MENA region, Bahrain has legitimate security concerns which relate to religious sectarianism and which might be understood as genuine and reasonable issues that are motivating violations of religious freedoms. In Bahrain's case this concern relates to the neighboring Shi'a theocracy of Iran and Iran-backed terrorist groups. RFI would agree with USCIRF's assertion that "continuing to integrate rather than marginalize Shi'a Muslims in Bahrain is the best way to mitigate these groups' ability to disrupt Bahraini national security." Whilst counterintuitive to some, pluralist societies with greater religious freedom that embrace rather than fear and control peaceful religious groups are significantly more likely to be stable and secure.

Greater Middle East and North Africa Country Designations

Country of Particular Concern

Iran
Pakistan
Saudi Arabia
Syria

Special Watch List

Afghanistan
Algeria
Egypt
Iraq
Turkey

Afghanistan: Special Watch List

Afghanistan was recommended by USCIRF for inclusion on the Special Watch List as the religious freedom situation remains concerning amidst continued political instability and violence. USCIRF also recommended that the Taliban continue to be formally designated as an “Entity of Particular Concern” (EPC) for engaging in systematic, ongoing, and egregious violations of religious freedom.

The EPC category was introduced in the Frank R. Wolf International Religious Freedom Act (2016) which amended the International Religious Freedom Act (1998) to add additional tools to more effectively address religious freedom challenges. An important aspect was the EPC designation which recognizes that not only do governments violate religious freedom, but non-state actors are often severe violators of religious freedom and as such there is a need for formal policy mechanisms to recognize and respond appropriately to the religious freedom implications of their actions.

As Afghanistan continues to experience significant levels of civilian casualties, the United Nations (UN) documented 8,820 civilian casualties (3,035 killed and 5,785 injured) in 2020, it is important to recognize that these attacks often explicitly target religious minorities. In some cases these attacks have targeted Shi’a Muslims communities who experience both physical vulnerabilities as well as discrimination within the legal protections. Sikh, Hindu, Baha’i, Ahmadiyya, and Christians all expressed increased fears for their safety in 2020.

As the United States makes steps to remove its military presence out of Afghanistan before September 11, 2021, President Biden committed to remain engaged diplomatically and with significant humanitarian and development assistance. It is vital that promotion of religious freedom is a core component of that assistance not only for the good of all Afghans, but also because places with severe violations of religious freedom and religious repression often incubate the conditions for increased violent terrorist attacks.

Thus it is vital that all aspects of the administration pay close attention to the USCIRF recommendations that religious freedom concerns be included in engagement with the Afghan government. Religious freedom concerns funding and programs should be integrated “into assistance and training programs focused on countering terrorism, resolving sectarian conflict, and bolstering law and order funded by the State Department, the U.S. Agency for International Development (USAID), the Millennium Challenge Corporation, and the U.S. Department of Defense.”

Algeria: Special Watch List

The U.S. Commission on International Religious Freedom (USCIRF) released its 2021 Annual Report, recommending that the U.S. Government should place Algeria on its Special Watch List for tolerating or engaging in religious freedom violations. The report cites ongoing violations against religious minorities during the COVID-19 pandemic, including the government's campaign against the Ahmadiyya community and maintaining the closure of Protestant churches after allowing mosques to reopen.

USCIRF points out that Algeria's new constitution protects places of worship from any political or ideological influence but excludes language that protects individual rights for "freedom of conscience." Algerian citizens worry that the lack of protection of freedom of conscience will stall future progress towards religious freedom in Algeria.

USCIRF recommends that U.S. Embassy leaders meet with the National Commission for Non-Muslim Religious groups and other religious minorities to discuss violations and encourage the government to deliver responses to registration requests by non-Muslim organizations. It also encourages the U.S. Congress to hold public hearings that will encourage Algeria to reverse violations and reform procedures relating to minority religions.

The Religious Freedom Institute (RFI) supports the placement of Algeria on the "Special Watch List" and calls the Algerian Government to correct unjust laws and prejudicial attitudes to minority religious groups. In addition, RFI urges the U.S. Government and other international entities to defend the right of Protestant churches to reopen their doors to worshippers. Further RFI would urge a lifting of the repressive restrictions placed on the Ahmadiyya community, and the unconditional release of Ahmadis imprisoned or on trial for blasphemy and other religiously motivated charges. RFI will continue to recognise and defend the rights of the religious groups that form the fabric of Algerian society.

Egypt: Special Watch List

USCIRF, again, recommended that Egypt be placed on the State Department's Special Watch List with religious freedom conditions described as 'largely static.' In the annual report, some positive trends were highlighted including the public statements of President Abdel Fattah El-Sisi and other officials promoting religious inclusivity.

However, Egypt continues to present a complex picture with a variety of entrenched institutional inequalities and examples of societal intolerance. Blasphemy Laws and consequent prosecutions remain a central challenge to religious freedom and a weapon wielded against religious minorities or those who interpret Islamic teachings in alternative or unorthodox ways. Further, sectarian attacks in rural areas continue to be a plague on Christian communities. It is unsurprising given that victims are often arrested in the first instance and then "customary reconciliation councils" absolve the perpetrator, resulting in conditions of complete impunity.

While some progress was made on registration of churches and church-related properties, 388 approvals in 2020, but still there were more than 3,700 applications pending under the 2016 Church Building Law.

The USCIRF report makes some criticism of the efforts by authorities to combat extremism and extremist groups. The Islamic State's operations in the Sinai Peninsula continue to pose a serious threat as they attack government forces and civilians. The report mentioned the kidnap of a Christian businessman in Bir al-Abd last November. In the last few weeks, after the report was launched, ISIS released a video of the execution of the man Nabil Habshi. Habshi's son has been critical of the security services for not having intervened in his abduction given that there is such a heightened security presence in the town, which is known for terrorist activity.

RFI supports the recommendations made by USCIRF in this report. In particular we support calls for the Egyptian authorities to: take concrete steps toward phasing out the long-standing use of customary reconciliation councils to resolve incidents of sectarian mob violence; pass laws consistent with article 53 of Egypt's constitution which asserts equality for all citizens, including the repeal of decrees banning Baha'is and Jehovah's Witnesses and the removal of religion from official identity documents; and repeal Article 98(f) of the Criminal Code, which penalizes "ridiculing or insulting a heavenly religion or a sect following it," and in the interim limit the conditions under which the law is applied and allow charged individuals to post bail.

Iran: Country of Particular Concern

Last year's USCIRF report stated that "religious freedom conditions in Iran remained egregiously poor." It's particularly troubling therefore that this year's annual report records that "In 2020, religious freedom conditions in Iran deteriorated." As in previous years, USCIRF has recommended that Iran be designated a Country of Particular Concern (CPC).

USCIRF's report notes that "scores of Christians were arrested, assaulted, and unjustly sentenced to years in prison." The Iranian Regime also "continued to arrest Baha'is and impose lengthy prison sentences on them. Between 50 and 100 Baha'is were reported to be in prisons in Iran during 2020." Sunnis were targeted and prosecuted on charges of "waging war against God" and "corruption on Earth." The regime has been accused of mistreating the spiritual leader of the Gonabadi Sufi community, Noor Ali Tabandeh, to the point of hastening his death while under house arrest. Several Sufis who protested against the detention of their leader were arrested and subjected to deplorable mistreatment.

Iran's leaders continue to air anti-Semitic rhetoric, wild conspiracy theories are popularised (including that Covid-19 is a Jewish conspiracy) and 2020 also saw threats to and attacks on the Jewish historical site of the tombs of Esther and Mordecai.

One aspect that was not mentioned within the Iran section of the USCIRF report is its role in supporting armed militias and other groups, particularly in Iraq, Syria, and Yemen, who have actively repressed religious minorities in many instances. These regional policies have had a significant negative impact on many religious communities.

RFI would support USCIRF's recommendations, including the recommendation "to raise religious freedom in any discussions with Iran's government regarding U.S. re-entry to the Joint Comprehensive Plan of Action (JCPOA)." However, RFI would encourage a firmer approach to avoid the impression of "diplomatic lip service." RFI would urge the US and other international governments to make the advancement of religious freedom a basic prerequisite for any thawing of bilateral or multilateral relations with Iran.

Iraq: Special Watch List

Iraq was again recommended as a Special Watch List country by USCIRF for 2021. As USCIRF documented, there are a number of political, legal, and security challenges that continue to pose severe restrictions of religious freedom or which permit discriminatory treatment of individuals or communities on account of their religious beliefs or identity.

Many of Iraq's religious and ethnic minorities continue to face extreme challenges more than seven years since the genocide perpetrated against them by ISIS in 2014. Despite returns to some areas, large percentages of these communities remain internally displaced, most within the Iraqi Kurdistan Region where they fled for safety. While there has been significant investment in humanitarian and development assistance, the security and political situation and limited infrastructure has prevented large portions of those communities from returning, in particular to Sinjar and the Nineveh Plains. Religious and ethnic minority groups have not been included in the decision making and governance of these areas further leading to feelings of isolation and marginalization. As USCIRF rightly documented, have heightened concerns of persecution due to the re-emergence of ISIS, an Entity of Particular Concern (EPC) in some areas and the harassments from militias and other armed groups such as the Popular Mobilization Forces (PMFs), and the influence of regional actors including Iran and Turkey.

The issue of disputed territories, especially those areas included under Article 140 of the constitution, continues to be a source of tension that particularly impacts minority communities. While there have been some attempts towards progress, such as the Sinjar Security Agreement between the Government of Iraq and the Kurdistan Regional Government, often these have not sufficiently included the involvement of affected communities and have failed to address their concerns or be fully implemented, leaving them feeling excluded from political or security decisions.

The slow and incomplete process of pursuing justice and accountability for atrocities continues to have a negative impact on prospects for social cohesion and greater religious freedom. Communities who suffered explicit attacks, such as the Yazidi, Christians, and other minorities, have not yet seen the perpetrators held accountable for their wrongs. The Government of Iraq, the Kurdistan Regional Government, in collaboration with technical support from the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) and other bodies must take proactive steps to improve this process. Additionally, the Sunni Muslim community faces discrimination due to perceived affiliation or support for ISIS. It is imperative that transparent and effective steps be taken to hold to account those responsible and support the recovery and healing of traumatized communities. The call for a non-sectarian, transparent, and accountable political structure was a fundamental feature of the wide-spread protest movement

beginning in 2019 and continuing throughout 2020 despite the pandemic. Serious progress to ensure robust religious freedom is an important way of responding to the demands of the Iraqi people.

The United States should continue to ensure religious freedom is a central part of its engagement with the Iraqi government, including political, security, and development concerns on issues such as the resolution of the areas covered in Article 140. It is important that there is continued oversight to ensure that humanitarian and development assistance to support reconstruction and livelihood projects reaches and empowers the intended communities, particularly those who are genocide survivors. Far from a marginal issue, religious freedom dynamics are a central factor in nearly every facet of the U.S.-Iraqi relationship.

Pakistan: Country of Particular Concern

USCIRF recommended Pakistan again be re-designated as a Country of Particular Concern noting a number of significant concerns noting in particular the enforcement of blasphemy and other discriminatory laws and the failure to protect religious minorities from violent attacks from non-state actors including both formal groups and violent mobs pursuing a form of vigilante justice. In addition they highlight issues of complicity of government officials in promoting discriminatory rhetoric which further marginalizes already vulnerable communities.

One of the most significant concerns in Pakistan is the Blasphemy Law (Sections 295 and 298 of the Pakistani Penal Code). As USCIRF highlighted in a recent report, Pakistan is the worst offender in the world in terms of its use of these problematic laws against religious minorities and in many cases against Muslims who may be seen to be challenging aspects of religious teaching. The blasphemy laws have led to numerous imprisonments and severe punishments for Christians, Shi'a Muslims, the Ahmadiyya, atheists, and others. In addition to legal punishments, the mere accusation of blasphemy has often been enough to incite extrajudicial violence and even killing in numerous cases. Pakistani officials have not taken sufficient steps to deal with the abuse of these laws. As USCIRF recommended, even short of a full repeal of the law steps can be taken to mitigate its abuse. The formation of a task force or court within the judiciary that was able to adjudicate these cases in fair and transparent manner, including with penalties for false accusations could help to limit the abusive nature of these crimes. Unfortunately, as was seen in the assassination of former Minorities Minister Shahbaz Bhatti and former Governor of Punjab Salman Tasser in 2011, opposition to these laws can have deadly consequences.

Another troubling trend in Pakistan that must be dealt with is the issue of abduction, forced conversion, and forced marriage of young women from religious minority communities, particularly Hindu and Christian women. These cases continue to receive insufficient attention and often legal protections seem to be given to perpetrators responsible for this, even in the cases of young minors.

The United States should continue to insist that progress on protection of religious freedom, including taking measurable steps to address the abuse of the blasphemy laws is a critical priority for the relationship and that failure to take these steps will have consequences.

Turkey: Special Watch List

In its 2021 Annual Report, the U.S. Commission on International Religious Freedom has recommended that Turkey should be placed on the Special Watch List for the government's involvement in religious freedom violations and the culture of impunity for abusers. The government has ignored the damage and destruction of religious properties, and has converted religious museums, including the famous Hagia Sophia, and churches into mosques. USCIRF has also reported several cases of the government not permitting elections of board members of religious minority foundations, the refusal to acknowledge Alevi meeting houses as places of worship, and ignoring requests such as the longstanding call to reopen the Greek Orthodox "Halki Seminary."

USCIRF has suggested that the U.S. Embassy and consulates in Turkey track religious communities' efforts to open, renovate, and protect their property, and consider the treatment of religious minorities in its continued evaluation of the U.S.-Turkey bilateral relationship.

The Religious Freedom Institute supports USCIRF's suggestion of putting Turkey on the "Special Watch List" and urges the U.S. Government and other countries to monitor the treatment of religious properties in Turkey and the lack of protection given by the government. RFI also calls for the reopening of the Halki Seminary, and for the Turkish government to closely work with its religious minority communities to preserve and protect historic sites rather than instrumentalize them for political ends which increase the feelings of marginalization and discrimination, such as took place with the reversion of the historical Hagia Sophia and other churches and religious sites.

Saudi Arabia: Country of Particular Concern

The Religious Freedom Institute supports the decision of the U.S. Commission on International Religious Freedom to recommend the redesignation of Saudi Arabia as a Country of Particular Concern. The religious freedom situation in Saudi Arabia remains extremely poor. Construction of non-Islamic houses of worship and non-Islamic public prayer are both forbidden. Furthermore, the Saudi Government continues to arrest and abuse individuals who choose to challenge the state interpretation of Islam. As USCIRF's 2021 Annual Report points out, the Saudi Government used COVID-19 as a cover by which to discriminate against its domestic Shia population. In addition, the government continued the unjust imprisonment of Shia citizens on unfounded legal grounds.

USCIRF recommends targeting Saudi Government officials with financial and travel sanctions. The Commission also calls for the U.S. Congress to engage more in addressing Saudi behavior. Specifically, the 2021 report recommends that Congress hold public hearings to raise awareness of Saudi Arabia's prisoners of conscience, and work with government officials in other nations. Finally, the report recommends that the U.S. Congress reintroduce and pass the Saudi Educational Transparency and Reform Act which would task the U.S. State Department with monitoring and addressing religious intolerance in Saudi textbooks.

RFI supports recommendations and urges the international community to reflect on their ties and relations with the Kingdom of Saudi Arabia in light of the ongoing human rights situation. RFI remains committed to securing the religious rights of Saudi citizens and of everyone, everywhere.

Syria: Country of Particular Concern

USCIRF recommended that Syria be designated as a Country of Particular Concern. The conditions in Syria remain under severe strain with ongoing conflict and massive humanitarian needs. USCIRF highlighted the disparate situation for religious communities based on which entities controlled specific territories.

USCIRF pointed in particular to the situation in regime-controlled areas where the government seeks to maintain strict control over religious, social, and political life and to brutally repress any opposition. In Idlib, al-Qaeda affiliate Hay'at Tahrir al-Sham (HTS) which is currently designated as an Entity of Particular Concern (EPC) continues to pose a threat to religious minorities still present in the areas where it has control. In Afrin and surrounding areas, USCIRF highlighted atrocities committed by the Turkish-backed Free Syrian Army (TFSA) including abductions, destruction of houses of worship, arrests of religious minorities, and forced displacement impacting Yazidis, various Christian denominations, and other communities.

USCIRF highlighted the largely positive conditions in the Autonomous Administration of North and East Syria (AANES). While noting some concerns that continue to be raised by the Syriac Christian Community and others, USCIRF assessed that the AANES has a multi-ethnic and multi-confessional political system in the Syrian Democratic Council (SDC) which continued to allow Muslims, Christians, Yazidis, and others to practice openly, express, and even change their religious identities. This represents an impressive achievement given the numerous threats surrounding the region and the conditions in other parts of the country.

USCIRF recommendations highlight the need to continue pursuing punitive actions against those responsible for severe rights abuses, including religious freedom violations, such as government officials and militia leaders. They also urge recognition of the AANES as a legitimate local government which should be included in activities pursuant to United Nations (UN) Resolution 2254 in support of a political resolution to the ongoing conflict in Syria. Given the complicated dynamics in Syria it is vital that diplomatic, assistance, and security decisions are taken in light of their impact on vulnerable religious and ethnic minorities.

Jeremy P. Barker, Director, Middle East Action Team, Religious Freedom Institute
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The Religious Freedom Institute (RFI) is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security

Religious Freedom Institute
316 Pennsylvania Ave. SE | Suite 501
Washington, D.C. 20003
202.838.7734 | rfi.org