

URGENT ACTION

HUMAN RIGHTS DEFENDER FACING BOGUS CHARGES

Human rights defender Serikzhan Bilash is facing charges of “incitement of social, national, clan, race, class or religious hatred” which carry a penalty of up to seven years in prison. The first hearing was held on 29 July in Nur-Sultan, Kazakhstan’s capital city, and it was decided that the case would be transferred to the city of Almaty. Serikzhan Bilash, who had been under house arrest since 10 March in Nur-Sultan, was transferred on 15 August to his home in Almaty where he will remain under house arrest. Serikzhan Bilash is the leader of the human rights organisation Atajurt and is being prosecuted simply for defending the human rights of ethnic Kazakhs in China. He is a prisoner of conscience and should be immediately and unconditionally released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prosecutor General
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Dear Prosecutor General,

*I am writing to you concerning the arbitrarily detention and unfounded prosecution of human rights defender **Serikzhan Bilash** because of his human rights work on behalf of ethnic Kazakhs in the Xinjian Uighur Autonomous Region (XUAR) of China.*

I have learned that Serikzhan Bilash has been charged with Article 174 (1) of the Criminal Code (“incitement of social, national, clan, race, class or religious hatred”), a vaguely worded article which has been used to silence views that are perceived to be critical of the authorities. He faces up to seven years in prison if convicted. The charges against him are reportedly based on remarks that he made at a meeting with members of the Uighur community in Kazakhstan in early February 2019 at which he stated that “Jihad today is not taking up a gun and fighting in Syria. Jihad is information and propaganda”. The authorities accuse him of inciting ethnic hatred against the Chinese.

The first hearing was held in Nur-Sultan on 29 July and it was decided to transfer the case to Almaty. The only evidence against Serikzhan Bilash are testimonies of witnesses who never met or worked with him. Half of the people who were questioned by the police attended a press conference on 24 July and stated that they did not find anything in Serikzhan Bilash’s speech that could be considered as inciting ethnic hatred. Serikzhan Bilash, who had been arbitrarily detained under house arrest in Nur-Sultan since 10 March 2019, remains under house arrest in his home in Almaty since 15 August.

I urge you to drop the charges against Serikzhan Bilash and release him immediately and unconditionally as he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression and defending human rights.

Yours sincerely,

ADDITIONAL INFORMATION

Serikzhan Bilash, an ethnic Kazakh, moved to Kazakhstan from China in the early 2000s and has Kazakh citizenship. He set up the NGO Atajurt Eriktileri (Atajurt) in 2017 to assist the relatives of ethnic Kazakhs detained in Xinjiang Uighur Autonomous Region (XUAR). His organization has come under pressure from the Kazakh authorities. In February he was ordered to pay a fine of \$700, for acting in the name of an unregistered organization, despite having unsuccessfully tried to register his organization. More recently he reported that he was under surveillance and shortly before his arrest in March he moved into a hotel to protect his family.

Serikzhan Bilash has worked closely with Amnesty International researchers in exposing human rights violations in XUAR. He contributed to an Amnesty International report published in September 2018 (<https://www.amnesty.org/en/documents/asa17/9113/2018/en/>). The report documents disturbing reports of intrusive surveillance, arbitrary detention and forced indoctrination targeting Uighurs, Kazakhs and other predominantly Muslim ethnic groups in China's XUAR.

Serikzhan Bilash was detained in Almaty on 10 March and transferred that night to Nur-Sultan where a court placed him under house arrest at the house of an acquaintance in Nur-Sultan. He was not given access to a lawyer immediately, and it is not clear on what grounds he was transferred to Nur-Sultan as the alleged offence took place in Almaty. He was given access to a lawyer of his choice the day following his arrest.

The Kazakh government has been reluctant to raise the issue of human rights violations against Kazakhs living in XUAR. However, the issue has become increasingly prominent. In April 2018, Sayragul Autybai fled China and sought asylum in Kazakhstan. She had worked as an instructor in re-education camps in China and testified about the situation in the camps. She was arrested for illegally crossing the border, and spent several months fearing deportation to China before being released on bail in August. In October her application for asylum was turned down, and the hearing on her appeal is ongoing. In March 2019, China officially thanked Kazakhstan for supporting the "deradicalization programme" in XUAR.

Amnesty International has reported on violations of the rights to freedom of expression, peaceful assembly and association in Kazakhstan. Article 174 of the Criminal Code is a vaguely defined article which has been used to stifle any form of dissent. In 2018, after the opposition movement, Democratic Choice of Kazakhstan, was declared "extremist" dozens of people were questioned, and many were prosecuted for their alleged support for Democratic Choice on social media. In November 2016, Maks Bokaev and Talgat Ayan were each sentenced to 5 years in prison under Article 174 of the new Criminal Code, and other charges, for their involvement in the organization of peaceful demonstrations and their posts on social media against proposed changes to the Land Code. Talgat Ayan's sentence was commuted on 12 April 2018 and he was released, however Maks Bokaev, a prisoner of conscience, remains in prison despite his worsening health condition.

PREFERRED LANGUAGE TO ADDRESS TARGET: Kazakh, Russian, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 27 September 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Serikzhan Bilash (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/EUR57/0186/2019/en/>