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Kazakhstan: Prisoner of Conscience released, but at what cost?

Serikzhan Bilash, who has been instrumental in exposing human rights violations against Muslim ethnic minorities in Xinjiang Uighur Autonomous Region (XUAR) in China was released in Almaty late on Friday night as a result of a plea bargain with the prosecution. The nature of his release raises serious questions about the state of Kazakhstan's justice system and the authorities' failure to respect and protect human rights defenders.

Serikzhan Bilash had been in detention since 10 March 2019, when he was transferred from his home in Almaty to the capital, Nur-Sultan, and placed under house arrest at the home of an acquaintance. He was charged with "incitement of social, national, clan, race, class or religious hatred" which carries a penalty of up to seven years in prison. 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 spoke about persecution of Muslims in China and stated that "Jihad today is not taking up a gun and fighting in Syria. Jihad is information and propaganda". Amnesty International believed that Serikzhan Bilash was a prisoner of conscience who was being prosecuted simply for defending the human rights of ethnic Kazakhs in China and demanded his immediate and unconditional release.

At a hearing on 29 July in Nur-Sultan, it was decided that the case would be transferred to the city of Almaty. Serikzhan Bilash was transferred to his home in Almaty on 15 August. However, he was taken to court for a hearing on 16 August at 19.30, but his lawyer was not informed or allowed access to him. Serikzhan Bilash later announced that he had agreed to stop campaigning for human rights in China in exchange for his release. He will also pay a fine equivalent to US\$300, and face travel restrictions for three months.

According to his lawyer, Serikzhan Bilash was told that unless he signed the agreement he would face seven years' imprisonment. In violation of international law, the hearing was held late at night and was reportedly closed to the public, his lawyer was not present, and she was not able to speak to her client at the court room. It is a sad indictment of the state of human rights in Kazakhstan that a human rights defender who exposed human rights violations against Kazakhs in XUAR, should be forced to admit to "inciting national hatred". He committed no crime and should have been released unconditionally.

Background

Serikzhan Bilash is a China-born ethnic Kazakh, who moved to Kazakhstan in the early 2000s and received Kazakhstani 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 US\$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's report *China: "Where are they?"*

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.

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 Sautybai 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 she has since left the country. In March 2019, China officially thanked Kazakhstan for supporting the "deradicalization programme" in XUAR.