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Uyghur Tribunal – Fact Witness statement

UTFW2-012 - Erbakit Otarbay

SUMMARY

Erbakit Otarbay emigrated to Kazakhstan in 2014 with his family. His passport was confiscated by Chinese authorities in May 2017 as he came back to visit his father. When the authorities refused to return his passport, he took a job in an iron mine in Koktobay. In July 2017, he was arrested, interrogated, and taken to a detention centre. He was accused of watching illegal videos about Islam and installing an illegal application, WhatsApp, on his phone.

In detention, the witness was deprived of food and beaten. He was transferred several times between prison and “training” camps, where he had to attend classes. Later, Erbakit Otarbay was subjected to forced labour in a clothing factory. Eventually, he was released, although he remained closely monitored, until he was allowed to go back to Kazakhstan in May 2019.

Witness statement

Erbakit Otarbay

1. My name is Erbakit, my surname is Otarbay. I was born in 1973 in Qaba county, Altay prefecture. Ethnically I am a Kazakh. After graduating from high school, I worked in the oil industry there. I first came to Kazakhstan in 2009 to work at a Chinese-invested oil field in Aktobe. I emigrated to Kazakhstan in 2014 with my family.
2. My passport was confiscated by the Chinese authorities at the border on May 23, 2017, on my way to visit my sickened father back in China. After my father's surgery, Chinese authorities refused my request to turn over my passport. Since my wife and children were living back in Kazakhstan, I did not want to waste my time, and instead decided to find a job to make some money. I found a job in an iron ore mine in Koktokay, Altay prefecture. I got a call from authorities at 9:00 am on July 16, 2017, saying I hadn't canceled my 'hukou' (household registration) in Tarbaghatay after I moved to Kazakhstan and must do it today. I told them that I was planning to do it later. I thought since I had not violated any law, I should not worry and decided to do it later. My phone rang again the next morning on July 17, 2017. They (the authorities) told me that they were in Koktokay and asked where I was. They told me I must wait there, and that they will come to see me. After about 7 hours, they came. They were two policemen. They were from Tarbagatay police station. One was a Uyghur police officer named Alim. The other one was a Han police officer named Wang. They told me that they came to help me with the cancellation of my 'hukou'. They also said that they were going to take me with them, therefore I must go with them. I was then taken with the police officers all the way to Tarbagatay.
3. Tarbagatay was 600-700 kilometers away from where we started. They decided to take a half an hour rest when we arrived at a place called Tiechanggou which is very close to Tarbagatay. I requested to take a shower and change my clothes there. The policeman

named Alim agreed to my request. I took a shower and put on some clean clothes that I brought with me. We continued our trip. It was way past midnight on July 17 when we arrived in Tarbagatay.

4. They brought me to a room on the second floor at the police station. The windows of the room were all black and outside was not visible. After I took my seat, three policemen came in, followed by a cameraman. They asked me to sit on a steel chair. The first question was about the reason for my emigration to Kazakhstan. I told them that since I am a Kazakh and willing to live in Kazakhstan, I decided to move there with my family in 2014. They asked if there was any other reason. I said no other reason. They asked if I prayed. I replied that I have been busy with my work, and I have no time to pray. I also said I am not ready for religious activities and therefore I do not pray. Other questions included what my daily activities are and who I interact with, etc. I told them I talked to my neighbors. They asked if there were people that moved from China. I told them there were some and we lived in the same neighborhood, but since we are all busy with our work not everybody talks to each other. They asked me how many times I visited Kazakhstan. I told them, "You confiscated my passport, and you should be able to look it up from it." They asked if I had visited any other countries or not. I replied to them no. They asked again why I have WhatsApp installed on my phone. I told them we use WhatsApp to contact friends there. They asked why not use WeChat. I told them nobody uses WeChat there because WhatsApp is already widely used. They said they found a video clip about how to pray on my phone using WhatsApp and said I watched it. I insisted it is not about praying, it is about religious advice. I also told them that we do not pray 5 times a day in Kazakhstan. They said I violated the law by watching illegal videos and installing an illegal App on my phone.
5. They took me to a detention center that day. It was an afternoon around 3 or 4 o'clock. I was handcuffed and shackled with a black hood on my head. They did a medical exam such as heartbeat and blood pressure check. There were two other people with me. After

the exam, I was taken to my jail room handcuffed and shackled. I spent a total 98 days in that place before being taken to a different one. My weight was 98 kilograms when I was put in that place, and it dropped to 71 kilograms before they moved me to a different place. There was only one meal a day. If you complained about not getting enough food, you would be beaten. It was on October 14 or 15, 2017 that I had an argument with the guards. I was beaten so much that I passed out. When I opened my eyes, I saw I was at a hospital called Tarbagatay People's Hospital. It was Tahirjan, the deputy warden of this detention center, who took me there. The police officer on shift that night who beat me and knocked me out was a Kyrgyz man named Makay. Tahirjan was sitting right next to me after I recovered. There were 3-4 bottles of fluids being infused to my vein. I learned that I needed an energy supplement due to my unconsciousness.

6. Later, on November 23, they decided to take me to a camp. There were two more Uyghur men who went there with me. They were named Shohrat and Dilshat. In fact, on that day, they announced the names of 22 people who would be transferred from the prison to the camp. Among them, I can recall some of their names such as Alimjan, Shohrat, Abdurishit, Tursun Memet, Tursun Niyaz and Memet. People in the camp were mostly Uyghurs. There were some Dungans (Hui people) also. Some Dungan names I remember were Ma Wanhe, Ma Zhaojing, Ma Zhaohui, Ma Jingwei, and Zhao Qingcai. There were 42 people in a prison cell where only seven people could sleep at a time. There were about 10 people on each shift for two hours of sleep. Otherwise, there was no place to sleep. They said that because of our good performance at the detention center, they had approved 22 of us to go to the camp. When we were being transferred to the camp, there were two policemen sitting next to each of us in the vehicle. We all were handcuffed and shackled with a black hood on our head. It was November 23 when we entered the camp. We all were asked to kneel before they removed the handcuffs, shackles, and hoods. It was later that they allowed me to remove the yellow prison uniform that I used to wear at the detention center, and wear my own clothes brought by my parents. They informed my parents two days before my transfer that due to my good performance at the detention center I was

approved to be moved to the camp. They also asked my parents to bring some clothes for me as well. They distributed one basin, one towel and one pair of slippers for each of us. I was assigned to room number 8 on the second floor. This time I was taken to my room by two policemen without handcuffs and shackles. I was without handcuffs and shackles for the first time after 98 days. These rooms on the second floor all had metal doors. They could only be opened by police using some type of keys they carried on them. After three doors, I was taken into my room. There are 3 locks on the door of room number 8. The top one had chains, the middle one was big and the bottom one locked automatically when the door was closed. There was a tiny window on the door with metal bars and you can only see half of someone's face. There were 8 beds in this room, and when I entered, there were two young men. One was named Turghun and there was another Uyghur man who I forgot his name. They said the number of newcomers to the camp was increasing. This camp was originally a sanatorium, located along a road outside Tarbagatay, with an alcohol factory nearby. I remained in room number 8 for quite some time. The food there was a bit better than at the detention center. They gave us salad with two steamed breads in the morning and I felt a bit full there. I felt a bit satisfied since the conditions there were relatively better than the detention center. They said we would start school one week after I got here.

7. The school was a big hall with a capacity of about 100 people. There were Uyghurs, Dungans, Kazakhs and Kyrgyz. It was sometime in March, we were divided into groups according to ethnicity. On March 17, 2018, they suddenly told me they would take me back to prison again. We mainly studied the Chinese language, politics, and history. Mainly how China liberated Xinjiang, things such as Tarbagatay 's history and current situation. In addition, we would also sing red songs, such as Without the Communist Party There Would be no New China. Chinese national flag raising ceremonies always continued. On March 17, 2018, I was suddenly taken back to prison. They then asked me to call my wife and children and let them come here. They said I would be staying in jail if they didn't come. I told them that my wife and children are already citizens of Kazakhstan

and could not come. They said: “You did not get a good education here. Therefore, we will take you back to prison”. I told them it does not matter where I stay, and I do not care.

8. So, they took me back to jail on March 17th. They brought me to another newly built prison this time, not the prison where I had lived before. The prison is located outside Tarbagatay and is very large. The prison building that I was brought to had 10 rooms, one room can hold about 40 people, with 40 beds arranged as triple decks. The rooms are mixed with Uyghurs, Dungans and Kazakhs. The toilet was inside the same room. The same was true at the detention center where I stayed previously. The head of the prison was a Chinese man named Pan Xingmin. I was taken to room number 20. I was surprised to see all the Uyghur men who had stayed with me in the previous detention center in this prison. Their names were Shohrat, Kurbanjan, Alim, Abdurishit. When I asked them why they were here, they said this place is better than the detention center because they would not have to go to class. Later they changed the rules. We all had to study there as well. The school was divided into classes according to our level of education. For example, ordinarily managed class, strongly managed class, and strictly managed class. My roommates and I were assigned to an ordinarily managed class. Most of the Uyghurs were assigned to a strictly managed class. My roommates and I had two classes per day. The classroom area is a large hall surrounded by a wire mesh and the teacher stands outside the classroom while teaching. The courses were conducted in Chinese. We had to study Chinese. We were forced to speak Chinese and had to introduce ourselves in Chinese. On April 17, Pan Xingmin (the head of the prison) asked me to come to the hall where we used to take showers. He also called another Kazakh man named Turdibeg with me. Turdibeg was a teacher in a village called Ashil in Tarbagatay. “We got a notice from superior leadership. We will take you to the camp today,” said Pan Xingmin. He also said our wife and children are in Kazakhstan and asked if we are ready to go there. “Of course, we are ready. We would go back to Kazakhstan if you let us go” I said. Pan Xingmin added that they figured out Turdibeg’s wife also lives in Kazakhstan. He said we must go back to

the camp before we can be released. We were brought back to the camp exactly after one month. When we returned to the camp, we also had shackles on our feet and a black bag over our heads. We were assigned to room number 7 on the third floor. There were 8 beds in one room and one bed for each person to sleep. I did not know the people staying in the room this time. By talking to them, I learned that almost all of them were people who emigrated to or visited Kazakhstan in the past. I also heard from them that there was good news coming out to release all of us to Kazakhstan soon. We waited a week, 10 days, and there was no news. We were told to continue our school and continue our classes. On September 3, 2018, I was asked if I would be willing to go back to Kazakhstan. I said I would. They told me I did not study well and that they would take me back to the previous prison again. When I got back, the people there who thought I was going to be released were surprised to see me again. I told them I did not know what was going on. We continued with our school as before. We had to learn the same things as before. Sang red songs.

9. They held a trial in the prison on November 23. It included those who prayed, those who sold the Qur'an, and those who complained. Some names were read who would remain in prison and the other names not read would go to camp. My name was not read in this court, and I was to be taken to the camp. When I was brought to the camp, I was taken to room number 5 on the second floor. Those people who knew me in the camp were asking why they brought me in and out so many times. I thought they were going to release me soon. I heard that they opened 4 factories in the camp. One makes automobile parts, one makes garments, one makes food and drinks, and the other one is a bakery. I also heard that we will be given 2 sets of clothes and will be working in these factories, but no longer studying in the school. We still had to sing red songs before we ate, and if we didn't, there would be no food. I chose to learn how to sew and learned all the skills in 3 days. The sewing machine was a Japanese made electric machine that runs using our feet. The thread tension had three different settings: high, medium, and low. Initially, we made pant belts. The stitches must be extremely straight. If we messed it up, we had to

redo it. We tried this many times and finally learned to do well. Later we sewed other clothes. For example, school uniforms, repairman clothes, factory worker uniforms. I sewed for about a month. The food was a little better while working at this factory. Normally they do not show us the brand of the clothes. The clothing brand was stitched by their own people. Once they showed us a brand, it was a small towel used by Nanhang (China Southern Airlines) in China. Later, they scolded us for putting on the wrong brand and asked us to remove them. Then we had meetings for a whole day saying that these things should not be told anywhere else. There were cameras watching us while we were working. We had not seen any brands since that incident. We sewed pants in addition to making pant belts. Each of us used to sew different parts of a pant. One person sews pockets, another person sews the back and another one sews other parts of a pant.

10. [please state, on average, how many hours a day you worked? Also please state that you were not paid anything for the work you did – if that is correct.

11. It was the afternoon of December 23, 2018, while I was sewing pants. The loudspeaker of the factory suddenly announced my name. “Erbakit Otarbay, who is sitting in seat number 147, take your belongings and get ready immediately.” the announcement said. Two police officers came right after the announcement and took me away. They also brought more than 10 people with me. One of them was a person named Yu Jian, whose father is Chinese and whose mother is Russian. Another one was a Kazakh man named Khojarkhan. Another man named Saidulla was with his wife and his daughter from a single family. There were other people that I forgot their names in this 10 person group. We were not released immediately on that day. Instead, we were told that officials from Community Management (Shequ Guanli) have to come and sign some documents first. Two officials, one man and one woman, from my community, Hepingqu, arrived on that day. It was 2-3 o’clock that night when we arrived at my home. They first asked me to take a rest in my apartment on the third floor and finish the rest of the paperwork the next day. I could not sleep that night because for the first time in a long time I entered a room without an iron barrier. I went outside the next morning and was excited to see bright sunlight. The

community manager came and said, "You must tell us if you go somewhere. One of us has to go with you and has to be with you in everything." Although I was imprisoned in my home, I was still quite happy to be able to go out because I could go to the markets and get groceries.

12. It was May 22, 2019, when a police officer from the criminal police station arrived at my apartment. He said, "You have been approved to go back to Kazakhstan with your passport and green card. Tomorrow, a policeman will come and take you to the border by car." On May 23, 2019, a police officer brought two other women who stayed with me in the camp. One woman was named Bakit and the other was named Saltanat, both of them used to be teachers. We completed the border formalities and crossed into Kazakhstan on that day.

13. I was punished several times during my stay in the camps and prisons. Since I did not know what I did wrong, I got into a lot of arguments, and got beaten up several times with an electric baton. I have scars on my head, face, and hands. They often beat me with a stick or electric baton. They do not give you food or drink when you are punished. Sometimes they give you very little food, such as half of a steamed bread. Sometimes we had to drink the water in the toilet urinal because we had to survive. I was taken to the hospital when I was beaten and passed out. During my stay there, I also underwent appendix surgery. There were people who have died because of beatings and punishment. There was a Kazakh man named Kosun who was beaten to death. When I was released, I was asked to sign documents not to tell anyone what had happened, and what I had seen and heard there. I was also asked to be quiet, otherwise there will be consequences for my parents, aunts and other relatives who are still living there. When I called my parents some time ago, they asked me not to say anything because they will not be issued passports and will not be able to come to visit me. Since my release here (to Kazakhstan), I have exposed these things through YouTube. They are now reporting this to my family. Now when I call my family (my parents) they don't pick up the phone anymore. I can only ask my friends

about my parents' well-being. During my stay, I have seen women have their hair forcefully shaved. I have heard women screaming and crying while I am in my room. But I have not seen with my own eyes women were being sexually abused or raped. I did not see any good things while I was there. I am ready and willing to state all these things in the court.

1 **12th September 2021 (4:06:25 – 4:47:40)**

2 **Erbakit Otarbay**

3

4 *COUNSEL – In your statement you said that while in detention you were beaten*
5 *several times, including with an electric baton, and one time you ended up*
6 *unconscious in a hospital following a beating. Could you tell us a little bit more about*
7 *these beatings?*

8 ERBAKIT OTARBAY – First of all I would like to greet all the panel members. Yes, it
9 happened because I resisted, as I did not commit any crime but ended up there. So, I
10 would ask them back “why am I detained?” That is why they beat me up, and after I
11 passed out, they took me to the Tacheng Regional People’s hospital and when I came
12 to myself, I was receiving an infusion in a hospital room.

13 *COUNSEL – Could you describe some of the details of these beatings? You*
14 *mentioned in your statement the use of electric batons, kicking... Would you be ready*
15 *to talk about this?*

16 EO – I can talk about it. Because we resisted, they would take us to a separate
17 washroom where there were no cameras installed. They would beat us using electric
18 batons.

19 *COUNSEL – Were such beatings something exceptional, or were they dispensed quite*
20 *regularly in the camps?*

21 EO – Such situation would happen a lot. Whenever you resisted them, they would do
22 this.

23 *COUNSEL – What do you mean by “resist them”? Could you give us examples?*

24 EO – The food in the camp was really of bad quality, and to be honest dogs would not
25 eat that kind of food. We would ask them for better food, and more food. Whenever
26 we asked this, they would get angry, and they would say “it is your choice to eat it or
27 not eat it,” and they would then take us to that room and beat us up.

28 *COUNSEL – Could you give us a sense of the command structure in the camp? For*
29 *example, in respect of these beatings, would there be a commander who ordered*
30 *police to beat prisoners, or was each individual guard free to beat prisoners according*
31 *to their own will?*

32 EO – The ordinary policemen inside the camps could do whatever they wanted.

33 *COUNSEL – But the fact that they would take you to a room with no cameras suggest*
34 *therefore that they did not want these beatings to be recorded, and that they were*
35 *there for acting not according to camp regulations, would that be a correct*
36 *understanding of the situation?*

37 EO – They would beat us with whatever they had in their hands. They would do it only
38 in that room. I spent 98 days in the prison, and in the prison and in the detention centre
39 they would do the same thing: whenever they beat us, they would take us to such
40 separate room.

41 *COUNSEL – From your experience, either in the prison or in the detention camp, have*
42 *you ever seen or heard of a prison officer or a guard being disciplined or reprimanded*
43 *for beating prisoners?*

44 EO – Once there was an incident: two guys, since they were not given enough food,
45 they had a quarrel over one steam bun. For that, they were punished.

46 *COUNSEL – [What about guards being disciplined?]*

47 EO – I am having difficulty hearing the translation, because of the feedback and also,
48 I was hit on the ears in the camp, so I have hearing problems.

49 *[technical issues]*

50 *PANEL – When you were working in the iron ore mine, you were phoned by the police*
51 *to say you had not cancelled your household registration (hukou), why had you not*
52 *cancelled it, as you left the country three years previously?*

53 EO – I don't really know about it. What I thought was that since we moved to
54 Kazakhstan, I thought after obtaining the Kazakh citizenship I would then be able to
55 cancel the household registration back in China. That is why, it is impossible to cancel
56 the registration and to then leave China.

57 *[technical issues]*

58 *PANEL – The police phoned you and then drove you 600 or 700 kilometres to your*
59 *home to help you cancel the registration. Were you surprised that they would be driving*
60 *you 600 kilometres?*

61 EO – Yes, I was surprised. At that moment I was fearful, thinking “why are they taking
62 me there?”

63 *PANEL – Counsel mentioned WhatsApp being illegal, why is WhatsApp illegal and*
64 *WeChat was not?*

65 EO – They told me “You could use WeChat, why are you using WhatsApp instead?”
66 They also told me that I had some religious preaching on my phone, and they asked
67 why I was listening to these sermons.

68 *PANEL – You then were sent to a detention centre for 98 days. You were handcuffed*
69 *and shackled, put in a room for 42 people and you were sleeping in shifts with ten*

70 *people. When ten people were sleeping, were the other people able to sit down, or did*
71 *they have to stand up in the cell if there was no room?*

72 EO – No, actually that room was only for seven people so that is why it was not
73 possible for the others to sit down or lie down. So, when ten were sleeping, all the
74 others had to stand up, and without any movement.

75 *PANEL – During your 98 days, did you have any contact with your family?*

76 EO – No, I did not.

77 *PANEL – You were then transferred to a camp. They removed your handcuffs and*
78 *shackles, and you were allowed your own clothes. Was this camp different from*
79 *before?*

80 EO – In general, all of them were the same. The only difference was the food, and the
81 general conditions there were much better.

82 *PANEL – Then, a few weeks later, you were transferred back to prison. By “prison” do*
83 *you mean the detention centre where you were handcuffed, or do you mean the camp?*

84 EO – That was the prison in the Tachen region, for minor criminals. It was a real prison.

85 *PANEL – You said that this prison was newly-built, were the facilities any better?*

86 EO – It was a one-story building, and we would clean the room as we were given cloth
87 clean. There were between 39 and 42 people in each room. There were three-level
88 bunk beds.

89 *PANEL – Were the toilet facilities in the same room or outside?*

90 EO – The toilet was inside, but it was open\

91 *PANEL – Was it a flushing toilet or a bucket?*

92 EO – It was a modern toilet, in the corner of the room.

93 *PANEL – You then had some classes. You said there was an ordinary class, a*
94 *strongly-managed class and a strictly-managed class. How did they divide you up*
95 *between these three? Was this in terms of your education level or was it related to*
96 *something else, like being more abusive?*

97 EO – It was according to the so-called crimes of the people.

98 *PANEL – Barely a month later, there was a notice from a superior leadership to take*
99 *you back to the camp. Who was the superior leadership?*

100 EO – His surname was Pan and he was the head of the prison. He did so because I
101 “resisted,” in that I went to a both Kazakh and Chinese language school, so my
102 Chinese was really good, that is why I thought I did not need to learn this. In the end
103 he said to me that I did not receive enough education and needed to be sent back.

104 *PANEL – You said you were sent again back to a camp, but this time you had shackles*
105 *and a hood on, whereas in the camp before they took all that off.*

106 EO – Every time you are transferred between the prison and the camp, you would be
107 shackled and handcuffed and hooded.

108 *PANEL – So, it seems to me you went from the police station, the detention centre to*
109 *then camp, then prison, then camp and then back to prison. Why were they keeping*
110 *on moving you?*

111 EO – The answer is easy: I was against the rules all the time. Once the reason they
112 sent me to prison was because they asked me to call my wife and children in
113 Kazakhstan and tell them to go back to China. I did not do so, and on March 17, they
114 sent me to prison. After a month, they sent me back to the camp.

115 *PANEL – So, the last camp had factories for cars, garments, food and drinks. You*
116 *wanted to do the garment factory. What were the conditions like in the factory?*

117 EO – The factory was located on one corner of the same compound, and the sewing-
118 machines were mostly old, made-in-Japan machines, but some of them were new
119 ones. Compared to the other facilities, the clothes we were given to wear were much
120 better, and the quality of the food was better.

121 *PANEL – You are now at home. Have you any illnesses that were produced while you*
122 *were under detention, psychological or physical?*

123 EO – I have lost my hearing ability. Before being taken to the camp I weighed 98
124 kilograms and when I was released, I weighed only 71 kilograms. Now I became so
125 weak that even doing simple things makes me sweat a lot.

126 *PANEL – You describe a Kazakh man named Kosun who was beaten to death; and*
127 *then your own experience on 14th or 15th October 2017 where you were also beaten*
128 *and subsequently taken to a hospital. Why do you think they wanted to save your life*
129 *but expand somebody else's life?*

130 EO – Yes, the guy named Kosun was beaten to death, and it was done by a Kyrgyz
131 man named *Tumaghai* and I was beaten up by the same guy and ended up in the
132 hospital. When I was in the hospital the deputy-head of the prison, Tahir, was there
133 too. When I came to myself I realised that I had been shackled, handcuffed and lied
134 down on the hospital bed.

135 *PANEL – When you were working in the factory, were you given a salary and, if so,*
136 *was it enough to live on?*

137 EO – No I was not.

138 *PANEL – And where was this factory?*

139 EO – It was outside the city of Tarbaghatay.

140 *PANEL – You say that all the items that you sewed had no label on them, except on*
141 *one occasion and then you were told to take it off. Since you left that factory, have you*
142 *seen any of those clothes being sold online or in shops, anything similar to the things*
143 *that you were making?*

144 EO – I have not seen any of them being sold, because I was released on 23rd
145 December 2018, but I was still on house arrest until 23rd May, the day when they
146 accompanied me to the border with Kazakhstan.

147 *PANEL – So they released you and allowed you to leave the country. Do you know*
148 *why they allowed you to leave the country?*

149 EO – Because my wife and children were in Kazakhstan, and I am not sure, but I think
150 at some point there was a policy or a change in policy, and they allowed family
151 members to be reunited.

152 *PANEL – Thank you for your evidence.*

153 EO – Can I add something?

154 *PANEL – Yes.*

155 EO – I came to give evidence to the Tribunal, to be the voice of Turkic Muslims who
156 are suffering there. I only want to add that I asked for the asylum status here.