

URGENT ACTION

COURT TO HEAR ENVIRONMENTAL ACTIVIST'S APPEAL

A lower court will be considering a petition by Yevgeniy Vitishko's lawyer for a mitigated sentence after Tambov Regional Court denied the environmental activist's parole on 25 June.

Tambov Regional Court on 25 June rejected all motions by **Yevgeniy Vitishko's** defence team in favour of a parole for the environmental activist. It upheld a 15 April ruling by Kirsanovskii District Court in Tambov Region in which the judge had rejected Vitishko's request for parole and against which the defence had then appealed. According to Russian law, he can apply for parole again in six months' time.

Yevgeniy Vitishko attended the trial on 25 June by video conference. While he was transported out of the penal colony where he is being held, he was not actually taken into the courtroom at Kirsanovskii District Court. Instead, he was taken to Tambov prison from where he then joined the trial via video connection.

Yevgeniy Vitishko's defence team has filed a petition with Kirsanovskii District Court in Tambov Region requesting mitigation of the sentence against him. In the petition, the defence asks the court to replace Yevgeniy Vitishko's remaining prison term of one year and seven months with a suspended sentence. The petition is based on Article 80 of the Russian Penal Code according to which the court may replace the remaining term with a milder form of punishment. A hearing for the petition is set for 10 July.

Please write immediately in Russian or your own language:

■ Calling on the Russian authorities to immediately and unconditionally release Yevgeniy Vitishko as he is a prisoner of conscience imprisoned solely for peacefully exercising his right to freedom of expression.

PLEASE SEND APPEALS BEFORE 19 AUGUST 2015 TO:

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika
Prosecutor General's Office
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Salutation: Dear Prosecutor General

Director of the Federal Service of Execution of Punishments

Gennadii Aleksandrovich Kornienko
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Salutation: Dear Director

And copies to:

Prosecutor of Tambov Region
Vladimir Ivanovich Torgovchenkov
Prosecutor's Office of Tambov Region
ul. Lermontovskaya, 1
392000 Tambov, Russian Federation
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Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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ADDITIONAL INFORMATION

Yevgeniy Vitishko is a prominent member of the environmental organization, Environmental Watch for the North Caucasus (Ecologicheskaya Vakhta po Severnomu Kavkazu). He and his fellow activists have actively been involved in protests over deforestation, construction and illegal fencing in protected areas in Krasnodar Region. In the run-up to the Sochi Winter Olympics, Yevgeniy Vitishko, as well as other members of his organization, were continuously subjected to a harassment campaign by the Russian authorities, including repeated arrests and brief detentions, personal searches, police questioning of the activists themselves and their close relatives, and unofficial warnings from police and security officials to abstain from protesting during the Sochi Winter Olympics.

On 20 December 2013, Yevgeniy Vitishko was brought to court in relation to allegations that he had travelled outside his hometown without permission and thereby had broken the conditions of the curfew (travel restrictions) associated with a conditional three-year prison sentence, passed in June 2012, subject to a two-year probation period. The court ruled that he must serve his sentence in prison colony for breaking the curfew. His defence appealed against this decision, unsuccessfully.

The June 2012 ruling by a court in Tuapse had sentenced Vitishko for allegedly damaging a fence that had been erected illegally in a protected forest in Krasnodar region in November 2011. Yevgeniy Vitishko and other local environmental activists had asserted that the fencing was illegal, and that rare protected trees were being cut down behind it, and their intentions were to document these violations.

On 3 February 2014 the police arrested Yevgeniy Vitishko as he was leaving the Probation offices in Tuapse, where he was to report on a regular basis as one of the requirements of his conditional sentence, and said that he was suspected of theft. He was taken to court the same day and was found guilty of "petty hooliganism" on trumped-up charges of having used foul language at a bus stop earlier the same morning. He was sentenced to 15 days in detention. On 12 February 2014, Krasnodar Regional Court rejected Yevgeniy Vitishko's appeal against the court decision of 20 December 2013 and confirmed that Yevgeniy Vitishko should serve his original three-year sentence in jail. His sentence started on 18 February 2014 and on 24 February 2014 Yevgeniy Vitishko was sent to a penal colony in Tambov Region.

On 15 April, the Kirsanovskii District Court in Tambov Region rejected Yevgeniy Vitishko's request for parole. At the hearing, the administration of the penal colony insisted that Yevgeniy Vitishko could not be released on parole as he had received a number of reprimands. The reprimands included giving one of his personal clothing items to another prisoner who did not have warm clothes and was cold; sitting on his bed at an unauthorized time; sleeping in an isolation cell at an unauthorised time; storing food in an unauthorised place; receiving correspondence from his lawyer without notification of the penal colony administration; and "negligent attitude towards weeding tomatoes". Yevgeniy Vitishko has repeatedly exposed violations committed by the penal colony administration, including unlawful use of some restraint equipment against prisoners.

At the court hearing, the prosecutor supported the penal colony administration's position not to grant Yevgeniy Vitishko parole on account that he had not "admitted his guilt" and if released he would "continue doing what he was doing". Yevgeniy Vitishko's defence team pointed out that by law, parole is not conditional on admission of guilt. The court however took the prosecution and the penal colony administration's side and ruled that Yevgeniy Vitishko must continue serving his sentence.

Name: Yevgeniy Vitishko
Gender m/f: m

Further Information UA: 14/14 Index: EUR 46/2047/2015 Issue date: 8 July 2015