

# URGENT ACTION

## ENVIRONMENTAL ACTIVIST DENIED PAROLE

**On 15 April, the Kirsanovskii District Court in Tambov Region rejected Yevgeniy Vitishko's request for parole. His defence team is going to appeal the decision.**

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". In reply to this, Yevgeniy Vitishko explained about 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. His defence team is going to appeal the decision. If the higher court does not grant him parole, he will only be eligible again in six months' time.

Yevgeniy Vitishko's supporters who were at the hearing and spoke to him confirmed that he continues his hunger strike and is not planning to stop it.

### **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;
- Expressing concern that the formal reprimands issued on insubstantial grounds are a form of harassment of Yevgeniy Vitishko and calling that this harassment stops immediately;
- Calling on the penal colony authorities to provide him with any medical attention he might require while on hunger strike.

### **PLEASE SEND APPEALS BEFORE 28 MAY 2015 TO:**

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika  
Prosecutor General's Office  
ul. B. Dmitrovka, d.15a  
125993 Moscow GSP- 3  
Russian Federation  
Fax: +7 495 987 5841; +7 495 692 1725

**Salutation: Dear Prosecutor General**

Director of the Federal Service of Execution of Punishments

Gennadii Aleksandrovich Kornienko  
ul. Zhitnaya 14, GSP-1  
119991 Moscow, Russian Federation  
Fax: +7 4959 82 19 50;  
+7 495 982 19 30  
Email: udmal@fsin.su

**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  
Fax: +7 475 272 54 01

**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

Please check with your section office if sending appeals after the above date. This is the fifth update of UA 14/14. Further information: <https://www.amnesty.org/en/documents/EUR46/1410/2015/en/>

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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 been actively involved in protests regarding the deforestation, construction and illegal fencing in protected areas in Krasnodar Region.

In June 2012, a court in Tuapse conditionally sentenced him to three years in a prison colony, with a two-year probation period, for allegedly damaging in November 2011 a fence erected illegally in a protected forest in Krasnodar region. Yevgeniy Vitishko and other local environmental activists 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. For months, the activists were urging local and federal-level government agencies to address this ongoing violation, but no action was taken by the authorities. The activists then took down two sections of the fence to photograph the violations, and sprayed graffiti on the fence.

Yevgeniy Vitishko and his co-defendant Suren Gazaryan, who has since left the country and received asylum abroad on the basis that he was being targeted for his environmental activism, did not receive a fair trial. There were a number of substantial concerns about the merits of the case and procedural violations. Some of these concerns were expressly noted by the Russian Supreme Court which ruled, in October 2013, that the lower instance court should have considered the issue of legality of construction of the fence and the identity of the fence's legal owner, on which the defence had been insisting. Despite the ruling of the Supreme Court, a lower court took a view that there were no grounds for reviewing Yevgeniy Vitishko's case.

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, questioning of activists themselves and of their close relatives by police, and unofficial warnings from police and security officials to abstain from protesting during the Sochi 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 his conditional sentence. The judge ruled that for this he should serve the original three-year sentence in a prison colony.

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 told he was suspected of a 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. It was only after Yevgeniy Vitishko began serving this sentence that his lawyer was able to see him.

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 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.

According to the Russian Criminal Code, conditions for parole include the "convict's behaviour, attitude to study and work when serving his sentence, including commendations and reprimands which the convict received ... as well as a submission of the penal institution's administration regarding whether it is worthwhile to release the prisoner on parole".

Name: Yevgeniy Vitishko  
Gender m/f: m

Further information on UA: 14/14 Index: EUR 46/1470/2015 Issue Date: 16 April 2015