

# URGENT ACTION

## ENVIRONMENTAL ACTIVIST LOSES APPEAL

**On 12 February, the Krasnodar regional court ruled that detained environmentalist Yevgeniy Vitishko must serve three years in a penal colony. Amnesty International believes that he is a prisoner of conscience, persecuted for speaking out against environmental damage in Krasnodar region.**

On 12 February the Krasnodar regional court rejected **Yevgeniy Vitishko's** appeal, thus upholding the decision of a lower court. The latter decision stated that the activist had violated a curfew imposed on him in connection with his conditional three-year prison sentence and therefore must serve three years in a prison colony. The activist's original conviction had been delivered in a politically motivated unfair trial. The recent appeal hearing was initially scheduled for 22 February, but was then moved forward to coincide with Yevgeniy Vitishko's 15-day detention in the town of Tuapse, under trumped-up charges of "hooliganism". As a result, he could only take part in the appeal hearing by video link. In response to the verdict Yevgeniy Vitishko announced a hunger strike.

On 18 February, Yevgeniy Vitishko was due to be released, having served 15 days detention for "hooliganism", and was supposed to make his own way to a penal colony to serve the three-year sentence. However, it was announced that he would not be released, but taken straight to the colony under escort of prison officers. Amnesty International has received information that he is currently in transfer, but the particulars of his destination are unknown.

### **Please write immediately in Russian or your own language calling on the authorities to:**

- Insist on an immediate and unconditional release of Yevgeniy Vitishko. He is a prisoner of conscience;
- Without delay inform his family and his lawyer as to his whereabouts and the state of his health;
- Ensure that Yevgeniy Vitishko receives all necessary medical support in particular in relation to his hunger strike.

### **PLEASE SEND APPEALS BEFORE 1 APRIL 2014 TO:**

#### Prosecutor General

Yurii Ya. Chaika  
15 A, Bolshaia Dmitrovka Street  
125993 Moscow  
Russian Federation  
Fax: +7 495 692 17 25

**Salutation: Dear Prosecutor General**

#### Prosecutor of Krasnodar region

Leonid G. Korzhinek  
39, Sovetskaya Street  
350063 Krasnodar, Krasnodar region  
Russian Federation  
Fax: +7 861 268 25 63  
Or +7 861 268 50 01 (if voice answers,  
ask for "Fax")

**Salutation: Dear Prosecutor**

#### Director of the Federal Service of Execution of Punishments

Gennadii Aleksandrovich Kornienko  
ul. Zhitnaya 14, GSP-1  
119991 Moscow  
Russian Federation  
Tel: +7 495 982 19 00  
Fax: +7 495 982 19 50; +7 495 982 19  
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**Salutation: Dear Director**

### **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 second update of UA14/14. Further information:

<http://www.amnesty.org/en/library/info/EUR46/007/2014/en>

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### ADDITIONAL INFORMATION

Yevgeniy Vitishko, a prominent member of the environmental organisation Environment Watch for North Caucasus (Ecologicheskaya Vakhta po Severnomu Kavkazu), and his fellow activists have been actively involved in protests regarding the deforestation, construction and illegal fencing in areas of protected forest in Krasnodar Region. He, as well as other members of his organization, have continuously been subjected to a harassment campaign by the Russian authorities in the run-up to the Sochi Winter Olympics. They have been subjected to 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.

Yevgeniy Vitishko was arrested by police on 3 February as he was leaving the offices of the penitentiary authorities in Tuapse 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 and sentenced to 15-day detention. It was only after Yevgeniy Vitishko began serving this sentence that his lawyer was able to see him.

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, and some of these 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. Shortly after this, 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, and the judge ruled that for this he should serve the original three-year sentence in a prison colony.

Name: Yevgeniy Vitishko  
Gender m/f: m

Further information on UA: 14/14 Index: EUR 46/013/2014 Issue Date: 18 February 2014