

# URGENT ACTION

## ENVIRONMENTAL ACTIVIST FACES PRISON IN RUSSIA

**Yevgeniy Vitishko will be imprisoned for three years if his appeal hearing fails. He did not receive a fair trial and his defence team believe the severity of the charges against him and the resulting sentence were politically motivated.**

On 20 December 2013 a court in Tuapse, near Sochi, ruled that local environmental activist **Yevgeniy Vitishko** should serve three years in prison for violating a curfew associated with a suspended sentence he received in June 2012. His appeal hearing is scheduled for 22 February 2014.

Yevgeniy Vitishko was originally sentenced to three years imprisonment in June 2012, charged with damaging a fence in November 2011, but this sentence was reduced to a two year suspended sentence. The fence had been erected in an area of protected forest in Krasnodar Region of Russia. Yevgeniy Vitishko and other local environmental activists asserted that the fencing and construction on the fenced territory were illegal, and their intentions were to document these violations. They bent down two sections of the fence to witness destruction of rare protected trees and the unlawful construction of a building behind it, and sprayed graffiti on it.

According to Yevgeniy Vitishko's defense team, the initial trial was brought about by the Region's administration and targeted him as being an active campaigner and critic of the environmental violations. The current attempt to send him to prison is an example of the authorities' efforts to stifle civil society and silence activists who have been raising the alarm about the environmental damage in Krasnodar Region in connection with preparations for Sochi Olympics.

Yevgeniy Vitishko and his co-defendant **Suren Gazaryan** (currently exiled) did not receive a fair trial. The court did not take into account the illegality of the fence and failed to examine the true extent of the damage to it, which has led to their conviction and the three year prison sentence which Yevgeniy Vitishko will have to serve if his appeal fails.

### **Please write immediately in Russian, English or your own language:**

- Calling on the Prosecutor's Office to instigate a review of the legality of the June 20, 2012 verdict against Yevgeniy Vitishko;
- Urging the authorities to revoke the request that Yevgeniy Vitishko's suspended sentence be canceled and that he serve three years in prison colony.

### **PLEASE SEND APPEALS BEFORE 21 FEBRUARY 2014 TO:**

#### **Prosecutor General**

Yurii Ya. Chaika  
15 A, Bolshaia Dmitrovka Street  
125993 Moscow  
Russian Federation

**Fax: 011 7 495 692 17 25**

**Email: prgenproc@gov.ru**

**Salutation: Dear Prosecutor-General**

#### **Also send copies to:**

Ambassador  
His Excellency Sergey I. Kislyak, Embassy of the Russian Federation  
2641 Tunlaw Road NW Washington DC 20007  
**Phone: 1 202 298 5700 | Fax: 1 202 298 5735 | Email: russianembassy@mindspring.com**

#### **Prosecutor of Krasnodar region**

Leonid G. Korzhinek  
39, Sovetskaya Street  
350063 Krasnodar, Krasnodar region  
Russian Federation

**Fax: 011 7 861 268 25 63 OR**

**011 7 861 268 50 01 (if voice answers ask for "Fax")**

**Salutation: Dear Prosecutor**

Please check with the AIUSA Urgent Action Network Office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Yevgeniy Vitishko, a 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 of Russia, which will be hosting the next Winter Olympic Games in and around the city of Sochi.

Earlier appeals by the activists to various government bodies regarding the illegal fencing were fruitless. In fact, one of the official replies even denied that the fence in question existed. On November 13 2011, the activists attempted to access the territory and intended to document violations. During the action, a number of the activists drew graffiti on the fence. Yevgeniy Vitishko was not one of them; he did, however, participate in bending a section of the fence to allow video recording of the illegal cutting down of protected trees and construction behind it.

According to his defense team, the trial that ensued has raised a number of substantial concerns about the merits of the case and procedural violation. Nevertheless, the sentence was upheld by higher instance courts. However, in October 2013 the Russian Supreme Court overruled the last instance decision not to consider an appeal and supported the defence's argument that the lower instance court had failed to consider the issue of legality of construction of the fence in question and whether the party which had allegedly suffered the damage was indeed the appropriate party, and that the lower instances court had failed to establish *mens rea* (criminal intention) on the part of Yevgeniy Vitishko in the incriminated acts.

Despite the Supreme Court's decision, and while a review of the case was still pending, the lower instance court in Tuapse ruled on December 20, 2013 that there had been three instances when Yevgeniy Vitishko had violated the curfew linked to his suspended sentence and that he should serve his original three year sentence in prison. His defense team challenged this decision in a higher court and the hearing is reportedly scheduled for 22 February 2014, although neither Yevgeniy Vitishko nor his lawyer have been duly notified of the date yet.

If the second instance court upholds the decision, Yevgeniy Vitishko will be sent to prison for his environmental activism following an allegedly unfair trial.

**Name:** Yevgeniy Vitishko (m), Suren Gazaryan (m)

**Issues:** Unfair trial

**UA:** 14/14

**Issue Date:** 22 January 2014

**Country:** Russia