

Prosecutor General of the Russian  
Federation  
Yury Yakovlevich Chaika  
Prosecutor General's Office  
ul. B. Dmitrovka, d.15a  
125993 Moscow GSP- 3  
Russian Federation  
Fax: 011 7 495 987 5841;  
011 7 495 692 1725

Director of the Federal Service of  
Execution of Punishments  
Gennadii Aleksandrovich Kornienko  
ul. Zhitnaya 14, GSP-1  
119991 Moscow, Russian Federation  
Fax: 011 7 495 982 19 50;  
011 7 495 982 19 30  
Email: [udmail@fsin.su](mailto:udmail@fsin.su)

CC: Prosecutor of Tambov Region  
Vladimir Ivanovich Torgovchenkov  
Prosecutor's Office of Tambov Region  
ul. Lermontovskaya, 1  
392000 Tambov, Russian Federation  
Fax: 011 7 475 272 54 01

CC:  
Ambassador Sergey I. Kislyak,  
Embassy of the Russian Federation  
2650 Wisconsin Ave. NW,  
Washington DC 20007  
Phone: 1 202 298 5700  
Fax: 1 202 298 5735  
Email: [embassy@russianembassy.org](mailto:embassy@russianembassy.org)

May 14, 2015

#### APPEAL

We, the undersigned non-governmental not-for-profit organizations, work to protect and promote universal human rights, including the right to a healthy environment and to protect those individuals who defend these rights. Therefore, we are deeply concerned about the fate of Evgeny Vitishko, a member of

Environmental Watch on the North Caucasus (Ekologicheskaya Vakhta po Severnomu Kavkazu) and a respected environmental defender.

On 15 April 2015, the Kirsanovsky District Court in Tambov Region rejected Evgeny Vitishko's request for parole. At the court hearings, the administration of the penal colony insisted that Evgeny 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 at an unauthorized time in an isolation cell; storing food in an unauthorized place; receiving correspondence from his lawyer without notification of the penal colony administration; and "a negligent attitude towards weeding tomatoes." In reply to this, Evgeny Vitishko explained that some of those 'violations' did not happen, others are far-fetched. Also, Vitishko told the court about violations committed by the penal colony administration, including the unlawful use of restraint equipment against prisoners.

At the court hearings, the prosecutor supported the penal colony administration's position not to grant Evgeny Vitishko parole because he had not "admitted his guilt" and if released he would "continue doing what he was doing." Evgeny Vitishko's defense 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 Evgeny Vitishko must continue serving his sentence. His defense team plans to appeal the decision.

On 6 April 2015, Evgeny Vitishko was informed that the Russian Federation Supreme Court had rejected his appeal regarding his custodial sentence. Therefore, parole remains the only hope for Vitishko's release.

In view of the information described above, we:

- ask Russian competent authorities to release Evgeny Vitishko immediately and unconditionally as he is a prisoner of conscience who is imprisoned solely for peacefully exercising his right to freedom of expression;
- express our deep concern that the formal reprimands issued on insubstantial grounds are a form of harassment of Evgeny Vitishko and demand that this harassment stop immediately.

Sincerely,

1. Kate Watters, Crude Accountability, U.S.A.
2. Yulia Genin, Crude Accountability, U.S.A.
3. Rachel Denber, Human Rights Watch, U.S.A.
4. Catherine Cosman, U.S.A.
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81. Tatiana Roa Avendaño, CENSAT Agua Viva / Friends of the Earth Colombia
82. - 150. Simone Lovera, Global Forest Coalition, Executive Director (69 organizations from 45 countries)

Генеральному Прокурору  
Российской Федерации  
Чайка Юрию Яковлевичу  
125993, ГСП-3, Россия, Москва  
ул. Б. Дмитровка, 15а  
Факс: 011 7 495 987 5841;  
011 7 495 692 1725

Директору ФСИН  
Геннадию Александровичу Корниенко  
119991, ГСП-1, Россия, Москва,  
ул. Житная, 14  
Факс: 011 7 495 982 19 50;  
011 7 495 982 19 30

Копия:  
Прокурору Тамбовской области  
Владимиру Ивановичу Торговченкову  
Прокуратура Тамбовской области  
Россия, 392000, г. Тамбов,  
ул. Лермонтовская, д. 1  
Факс: 011 7 4752 725 401

Копия:  
Посольство РФ в США  
Сергею Ивановичу Кисляк  
2650 Wisconsin Ave NW, Washington,  
DC 20007  
Факс: 011 1 202 298-5735

## ОБРАЩЕНИЕ

Нижеподписавшиеся неправительственные некоммерческие организации работают в сфере защиты и поощрения универсальных прав человека, в том числе права на благоприятную окружающую среду. Мы также защищаем всех, кто защищает эти права. Поэтому мы глубоко озабочены судьбой Витишко Евгения Геннадиевича, члена Совета Экологической Вахты по Северному Кавказу, уважаемого защитника природы и прав человека.

15 апреля 2015 г. Кирсановский районный суд Тамбовской области отказал в удовлетворении ходатайства Витишко Е.Г. о его условно-досрочном освобождении. Во время судебных заседаний администрация колонии настаивала на том, что Витишко Е.Г. не может получить условно-досрочное освобождение в связи с тем, что у него имеются восемь нарушений и семь взысканий. Среди "нарушений" числятся следующие: передал свой предмет одежды другому заключённому, который замёрз, потому что у того не было тёплых вещей; сидел на своей кровати в неустановленное время; спал в штрафном изоляторе в неустановленное время; хранил продукты питания в незаконном месте; получил корреспонденцию от своего адвоката, не уведомив об этом администрацию колонии; а также «халатно отнёсся к прополке помидоров». В ответ на эти "нарушения", Витишко Е.Г. пояснил суду, что одни не соответствуют действительности, другие являются надуманными. Витишко Е.Г. также рассказал суду о нарушениях, совершенных администрацией колонии, в т.ч. о незаконном использовании спецсредств в отношении заключенных.

Прокурор поддержал позицию администрации колонии, отметив при этом, что "направленность у Витишко осталась, он не признает свою вину и собирается после выхода на свободу все делать так же. УДО он не достоин". Защита Витишко Е.Г. прокомментировала в суде, что непризнание вины не является основанием отказа в условно-досрочном освобождении. Тем не менее, суд принял позицию государственного обвинителя и администрации колонии, отказав в условно-досрочном освобождении. Защита Витишко Е.Г. будет обжаловать это решение суда.

6 апреля 2015 г. Верховный Суд РФ отказал Витишко Е.Г. в рассмотрении его жалобы на решение суда об отмене условного наказания. В связи с этим, условно-досрочное освобождение остается для Витишко Е.Г. единственной надеждой на свободу.

В связи с вышеизложенным, мы, нижеподписавшиеся,

- требуем от компетентных российских органов незамедлительно принять все необходимые меры для немедленного освобождения Витишко Е.Г. без каких-либо условий, поскольку тот является узником совести, которого лишили свободы исключительно за мирное пользование правом на свободу слова;
- выражаем глубокую озабоченность в связи с тем, что формальные нарушения и взыскания, безосновательно вынесенные в адрес Витишко Е.Г., являются формой оказания давления на него со стороны администрации исправительного учреждения, и требуем, чтобы давление на Витишко Е.Г. прекратилось немедленно.

14 мая 2015 г.

1. Kate Watters, Crude Accountability, U.S.A.
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