

Slave labour in the eastern Ukraine separatist regions – “Gulags approved by Moscow”

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Alexander Efreshin arrives late. He got lost on the metro. He still has trouble finding his way around Kiev, with its population of three million. The thirty-year-old man waited years for his freedom. Much longer than necessary. In 2011, he was sentenced to eight-and-a-half years in prison for car theft. In April, 2014, acting president Oleksandr Turchynov declared an amnesty and Efreshin should have been released. But he wasn't. Because unfortunately, he was serving his sentence in the breakaway republic of Luhansk.

“I wasn't released because of the Luhansk revolution in 2014, when all the Ukrainian courts and other state institutions there were closed down. My lawyer petitioned for my release, but the Luhansk authorities denied it. They said the amnesty had been declared by a different state and they weren't going to honour it.”

So the muscular young man was in a penal colony during the occupation of eastern Ukraine by the separatists and the Russian military. A disproportional number of the penal camps where convicted criminals normally served their sentences are in the eastern part of the country, says the Ukrainian human rights commissioner Valeria Lutkovska.

“Twenty percent of penal institutions are in eastern Ukraine, so a very large number of people are serving their sentences there.”“

And most of those Ukrainian prisons are in the occupied areas Donetsk and Luhansk oblast – meaning they are under the rule of the separatists, explains Pavel Lisiansky. The 30-year-old man founded an aid organisation called the “Eastern Human Rights Group” years ago.

“Since Ukraine lost control of Luhansk, eleven of the twelve camps are in occupied areas.”

Meaning almost all of them. More than 5,000 people are in prison in the LPR alone, the self-declared Luhansk People's Republic. Many of them - in cases similar to Alexander Efreshin's - should have been released after 2014, but are still being held. In the republics, they are used as cheap labour. The former prisoner tells us that all the prisoners are pressed into forced labour.

“At first I had to cut down trees. Then the work got harder. I made concrete blocks that the penal colony sold to the construction industry. But the worst were the concrete posts we made for the mines, to buttress the shafts. I worked from seven in the morning until seven at night for no pay. Sometimes we got cigarettes. You used to be able to decide whether you wanted to work in prison; it wasn't mandatory. For instance, you could work just two hours a day. But they decided it was a work camp and anybody who refused was punished with detention in isolation.”

It evokes memories of the Soviet gulags. Pavel Lisiansky's Eastern Human Rights Group conducted interviews with 74 prisoners, their relatives, and eyewitnesses who experienced or observed the massive human rights violations. He accuses the new rulers in occupied Donbass of operating a network of forced labour camps, and says they are gulags approved by Moscow.

“We're dealing with state-sanctioned slavery in the middle of Europe.”“

He says some 10,000 prison inmates in the penal camps of the two separatist republics are forced into hard labour.

“That is a direct violation of human rights by the so-called people's republics of Donetsk and Luhansk. It also violates labour law, which prohibits forced labour. Those so-called people’s republics sell the products of that forced labour on the open market. If they set the slaves free, they would lose a significant source of revenue.”

The republics pocket the profits to finance the system of rule that was installed and is maintained with Russia's support. The Eastern Human Rights Group estimates the revenue from prison labour to Luhansk alone at between 300,000 and 500,000 euros a month. That number is based on a comparison with the year 2012. With the exception of three penal colonies, prisoners continue to labour as they always did, but now they are not paid for it. That is likely the main reason for prisoners’ sentences being extended.

Under the terms of the amnesty, Adam - 37, married with children - should have been released three years ago. We are unable to interview him in person, but were able to arrange a phone call. He, too, is a prisoner in a forced labour camp. Adam is not his real name; he would only allow the interview to be recorded if we agreed not to use his real name.

S.A.: Tell us something about yourself and where you are right now.

Adam: In a penal colony in Krasnyi Luch in Luhansk oblast, colony no. 19. I’ve been in prison here for eight years and seven months. I was sentenced to 10 years altogether. I don’t work. I refuse.

S.A.: Are you supposed to work?

Adam: Yes, everybody has to work. Carrying stones, sawing things, doing repairs; lots of different things, but it’s always hard work.

S.A.: Do you get money?

Adam: No, absolutely nothing. Wait a second, yes – cigarettes and tea. We don’t get extra food.

S.A.: How many people are there in the penal colony and how many of them work?

Adam: More than 600. Most of them work, far more than half of them. If you refuse, the consequences are not pleasant.

S.A.: What happens?

Adam: You're put in solitary detention, in a cellar. The minimum is 15 days, then there’s three months, then half a year.

S.A.: Were you aware of the beginning of the occupation?

Adam: Most of the guards didn’t show up; we heard the noise of the fighting outside the camp, then the regime got very strict; everything changed.

S.A.: When are you going to be released?

Adam: I should have been freed a long time ago. Under the amnesty. Along with a lot of others. But the new bosses here posted declarations saying they weren't going to follow the orders of another state.

Adam was also sent to what's called the "isolator", solitary confinement in the cellar. There is no way to know when he'll be released. Like all the prisoners, Adam has a mobile phone. Alexander Efreshin, who is now free, even had a smartphone, which he says was his salvation.

"I wrote to the Red Cross from my mobile to ask for help. I put my sister's address as a contact. Three days later, Pavel Lisiansky called to help me."

The Red Cross turned the case over to the Eastern Human Rights Group, which intervened at the end of last year. Four months later, on March 20th of this year, he finally got his release papers from the Luhansk authorities, as well as a new identity card, because the separatists do not recognise Ukrainian documents as valid.

News of Alexander Efreshin's release spread like wildfire in the prisons. Since then, smartphones have been banned. Adam, the man we spoke to on the phone, hopes that Pavel Lisiansky will help him; more than 100 other people have asked for his support. The prospects for a comprehensive solution are so far dim, since even high-ranking politicians in Kiev know nothing about the forced labour that the occupied areas are using for funds, and that they are keeping people in prison longer than they should. The deputy speaker of the Ukrainian parliament, for instance. Oksana Syroyid and her party "Samopomich" or Self Reliance are otherwise among the highly critical voices in Kiev. Her party withdrew from the governing coalition with the presidential party of Petro Poroshenko and is now in opposition.

"Everybody claims that the Ukrainian people in the occupied territories are suffering and this is true. We cannot help them, because Ukrainian law doesn't apply there. Russia doesn't want to take responsibility for those people, because it doesn't recognise the occupation. The same applies to the people who were detained and were prisoners in those territories before the occupation. Ukrainian law cannot reach them. The Ukrainian police cannot, Ukrainian prosecutors cannot, and I cannot."

Oksana Syroyid lays the blame for the dreadful state of affairs at the feet of no less than the president himself. She says Poroshenko refuses to declare martial law. It's a debate in Ukraine that has gone on almost as long as the hostilities in the eastern part of the country. Because deploying the army within domestic borders is controversial from a legal standpoint.

"There is no martial law, and there is no legally recognised occupation. So unfortunately, even international humanitarian law doesn't apply to those people."

The second aspect is that those war prisoners are considered illegally detained persons. So they are not protected by international humanitarian laws for prisoners of war."

The impartial ombudswoman for human rights, Valeria Lutkovska, also thinks that some, although not all, of the blame for the unfortunate situation of the prisoners pressed into forced labour lies with the Ukrainian government.

“These people are penalised twice because of the conflict. The state sentenced them to serve time there, but it can’t get them out of the danger there now. The government can’t help them at this time.”

The families of the prisoners are suffering too. It’s impossible to visit a prisoner in a penal colony in the occupied regions of Luhansk and Donetsk. The danger of being detained as a Kiev sympathiser is far too great, as Alexander Efreshin knows from the personal experience of his family. They couldn’t even send him food packages in prison, which he urgently needed given the hard labour and poor provisions.

Human rights activist Pavel Lisiansky says Kiev is not doing enough for the forgotten prisoners. He says that’s because they are ordinary criminals, delinquents who have no lobby, unlike prisoners of war, for instance.

“These are not political prisoners. They didn’t start talking about them too until the Minsk talks. The Ukraine doesn’t know how to deal with them; there are no laws for them. Nobody wants these prisoners, but they are people whose rights are being violated.”

The enterprising human rights activist Lisiansky is himself originally from Luhansk. If he were to go there these days, the separatists would probably arrest him immediately. But he still has access to explosive information, with fellow campaigners reporting that the separatists are trying to recruit in the penal camps. They are offering shorter prison sentences to people who join the armed insurgents. Lisiansky knows of two prisoners who have escaped forced labour that way.

Human rights ombudswoman Valeria Lutkovska has achieved more than has been revealed in the media. But she avoids talking about it because her work is far from over, and she does not want to unnecessarily endanger her chances of success.

“I do everything I can to get as many prisoners as possible transferred to territory that we control. I mean the ones who still have to serve their sentences. So far, we’ve moved 176 people.”

Most of those were sentenced to very long sentences, including life for some. In each transport, she can get a maximum of 20 people transferred from the Donetsk region to an area controlled by Kiev.

Lutkovska provides us with information only about the existence and the transfer of prisoners; she initially declines to discuss forced labour in the self-declared republics, indeed even to use the term.

“I have some information, because we talk to the people we manage to get out of there. But I won’t make any comment until we’ve gotten all of our prisoners onto our territory. Not so long as the negotiations are ongoing.”

Unlike Lisiansky from the Eastern Human Rights Group, who cites a figure of 10,000 prisoners, Lutkovska remains cautious about the number of prisoners.

“That’s a difficult question, because there is no registry of who is interned there, or has already been released but is still in Donetsk or Luhansk. We are still talking to the self-declared Donetsk People’s Republic about turning over prisoners, but there are no discussions with Luhansk; we’ve never managed to get anyone out of there.”

Lutkovska's most recent attempt to visit the occupied Luhansk territory was at the beginning of July and she was turned away. There are a total of more than 20 penal colonies in the two self-declared republics.

“There are penal colonies with 150 or 200 people, and quite a few with many more prisoners. That includes prisoners who were sentenced by Ukrainian courts before the conflict, as well as people sentenced by the local rulers. There are also prisoners of war there. So it’s almost impossible to say how many people we’re talking about.”

The largest penal colony, number 17 near Luhansk, holds as many as 1,500 prisoners. Pavel Lisyansky gathers reports of human rights violations both in the areas controlled by Kiev and in occupied Donbass. Besides the forced labourers, he keeps an eye on newly convicted defendants, who have no help.

“Over the three years in which the law of the so-called “Luhansk People’s Republic” has applied, 3,200 people have been convicted in trials. It’s possible that some of them really were criminals, but they had to defence counsel, because there is no right to that there. There was no real investigation of the crimes they were charged with. And it's unclear what the basis of their prison sentences is. We’re talking about 3,200 people. We don’t know who pronounced judgement on those people. We have informants there and we need to look into it. I am not sure that it was only judges from the so-called LPR. It’s entirely possible that judges from Russia are also working there.”

The small human rights group does not have the resources to investigate on its own. It has called on the Ukrainian government to produce lists of the people affected, as well as to transfer them to territories under Kiev’s control. They also want the government to look into eyewitness accounts of the slavery, solitary detention, and even torture in the labour camps in the self-declared republics.

Human rights activists also want the local authorities in those areas to put an end to forced labour, torture, and abuse, and to investigate those cases and remove the guilty people from their jobs. They also want international organisations like the UN, the International Red Cross, and the OSCE to be granted access to the penal camps. And they have called on Russia to exert its influence on the leaders of the republics.

Nobody in the administration of the ‘governments’ in Luhansk and Donetsk responded to the accusations of unpaid forced labour, torture, and unlawful detention. There was no comment.

The subject of slave labour in occupied Donbass has so far not been addressed during the discussions of the Normandy Four – Germany, France, Ukraine, and Russia. Nor has any progress on the issue been made at the negotiating table in Minsk.

“For a long time, I was the only one dealing with the subject, although it has now become an item on the agenda of the Minsk peace talks. However, prisoners of war are the first priority there”,

says Valeria Lutkovska, the ombudswoman for human rights. Pavel Lisyansky has also addressed the problem of forced labourers in separatist prisons with the Verkhovna Rada, Ukraine’s parliament. So far without results.

“A lot of people say they’re just criminals. I say they are citizens of Ukraine and we cannot abandon them to their fate. Nobody is doing anything for them, in contrast to political prisoners or prisoners of war. But these prisoners are our people; they’re part of our society. If we ignore them, they’ll be angry at us, which in turn could have severe consequences.”

He is committed to continue the fight for the prisoners in the gulags of the self-declared people’s republics, precisely because they have no lobby on their side.