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Revival of the GULAG? Putin's Penitentiary System

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Editor’s Desk:
As Vladimir Putin approaches the constitutionally-mandated end of his presidency, the issue of succession, or lack thereof, dominates the discussion within and about Russia. The instability inherent in a change in leadership has been highlighted recently by turmoil and splits among the siloviki closest to the president and stands in marked contrast to the stability from chaos that Putin claims as the hallmark of his presidency.

However, the current situation in Russia’s prisons is as much a legacy of Putin’s rule as the alleged order he has brought to Russian political and economic life. The swelling of the prison population, the increase in the number of political prisoners, and even the resurgence of psychiatric confinement as a means of silencing individuals for political and/or criminal gain are stains on Putin’s presidency.

Over the years, Lev Ponomarev has revealed worrisome phenomena, notably in the fight for civil rights in the Soviet era, in the valiant efforts to create viable democratic parties, and in the case of atrocities in Chechnya. We are privileged to publish his analysis of the Russian penitentiary system under Putin in the hope that sunlight indeed will prove to be the best disinfectant.
Russia is attempting to demonstrate that it has fulfilled the demands of the European Court of Human Rights (which has acknowledged that conditions of detention and confinement can constitute torture, for example in the case of “Kalashnikov v. Russia,” Case Application No. 47095/99, 15 July 2002) by making the work of the Federal Service for the Enforcement of Punishments of the Russian Federation (FSIN RF, successor to the Main Directorate for the Enforcement of Punishments, which was known as GUIN) more transparent and more in line with modern European humanitarian criteria.

Despite these efforts, there remains significant contradictory evidence on the status of Russia’s penal system, such as the fact that a legislative bill on prison visitation has not been able to obtain a passing vote in the Russian State Duma for several years; Russian bureaucrats (chinovniki) happily visit Western countries and “study” at organizations that concern themselves with prisoners’ rights to visitation, yet the prison administration is becoming ever more opaque and inhumane.

A “Potemkin village” policy is in practice, allowing visitors to the prisons to view several “model” penal colonies. Access to “torture colonies” (also known as press-zones, described in greater detail below) by human rights advocates and even Justice Ministry employees is completely cut off. In order for ombudsmen to visit detention centers without special permission, it would be necessary to amend Article 24 of the Criminal Code of the Russian Federation (UIK-RF). The right to prison visitation will not be acknowledged until Article 24 is amended.

Some improvements to the situation in Russian prisons and penal colonies were achieved several years ago, due to a broad series of amnesties, which shortened many inmates’ sentences, as well as an increase in funding for the penal system. However,
these improvements are proving temporary and fleeting, as the number of prisoners once again is growing, and the number of those who are amnestied or pardoned is shrinking, while prison sentences become ever harsher, in the framework of an all-out war on “criminal ideology.”

Materials obtained by human rights advocates indicate that in recent years a fundamental change has occurred in the Federal Service for the Enforcement of Punishment of the Russian Federation (FSIN RF, formerly GUIN), which, since 1992 has been headed by General Yuri Kalinin. The FSIN system has slipped away from public and even law enforcement control almost entirely and increasingly bears the hallmarks of a repressive camp system of the totalitarian type. Consequently, considering the high level of lawlessness and violence inherent in Russia’s penal system, it is frequently compared to the Soviet-era GULAG.

According to official data as of 1 May 2007, 888,100 people are incarcerated in penal facilities, giving Russia the second largest prison population in the world. Included in this number are 709,900 inmates held in 766 penal colonies; 165,900 people held in 216 pre-trial detention facilities, seven prisons and 160 other facilities that function under the jurisdiction of the pre-trial detention system; and 12,100 inmates held in 62 juvenile corrections facilities. There are 62,400 female inmates serving their sentences in penal colonies and the women’s colonies also include eleven children’s homes, occupied by 713 children.

Those who find themselves remanded to a pre-trial detention center (SIZO) likely will be subjected to torturous conditions in overcrowded facilities, where there is a very real risk of contracting tuberculosis, HIV, hepatitis, or some other dangerous disease with far less than adequate medical care. Even General Yuri Kalinin, chief of the Internal Services and since 1992 the permanent director of Russia’s prison system, repeatedly has acknowledged the brutal conditions in the SIZOs: “The conditions in our pre-trial detention centers can be classified as torture, according to international standards. This is the deprivation of sleep, air, space.” This statement of Kalinin’s is quoted in a report
by Yakov Gilinsky of St. Petersburg, a well-known Russian expert, doctor of juridical sciences, professor, and member of the Russian Academy of Sciences’ Sociological Institute.

Although General Kalinin recognized the generally brutal nature of detention in a SIZO, he assigned responsibility for the situation exclusively to the actions of Russian police investigators and courts, who choose arrest as the most common means of crime prevention, and who, therefore, are to blame for the excessive overcrowding of the SIZO facilities.

This same report by Gilinsky notes the use of a wide range of physical and psychological torture methods to obtain testimony from those who have been arrested or detained during the course of an investigation. The use of torture as the basis for an investigation is mentioned in many reports by both Russian and international human rights organizations, as well as in the reports of federal and regional human rights ombudsmen. The term “torture” is defined according to Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Russia is a signatory and whose terms it is therefore obligated to follow. The UN definition excludes pain or suffering, which occurs as the inherent or accidental result of lawful sanctions. The fact that in the various regions a “not guilty” verdict occurs on average in only one out of every two hundred criminal cases testifies to the likelihood that a detainee will end up in a penal colony, following his or her arrest.

Once a criminal offender has received a guilty verdict and is sent to serve his sentence in a penal colony or prison, he faces a high risk of being subjected to torturous conditions, direct violence, or persecution and humiliation by prison administrators or their protégés in the notorious “discipline and order” brigades (SDiPs, a formalized network of convicts who collaborate with prison authorities and are permitted to commit acts of violence against other inmates, and who are used by the authorities to obtain confessions from other prisoners). Convicts also face the threat of extrajudicial transfer to conditions of much stricter confinement for a period of up to several months, to such
facilities as the PKT (facility containing cell-type units), the EPKT (a facility containing single cell-type units), the SUS (a more restrictive, high security facility), or the PFRSI (facility used for pre-trial detention). In spite of what the law dictates, prisoners may be sent to serve out their sentences great distances from their homes, as in the case of Mikhail Khodorkovsky, Platon Lebedev, and Mikhail Trepashkin, all of whom are from Moscow. This practice creates considerable problems for an inmate’s family members and attorneys.

Prison inmates also can be sent to the so-called “press-zones” (sections of penal colonies or sometimes even entire penal colonies that serve as facilities for torture), which are used to break down detainees morally and psychologically. According to monitoring data obtained by the human rights organizations, there are approximately forty of these press-zones.

Since it is common practice to house both ill and healthy inmates together, prisoners risk contracting a number of life threatening diseases, such as tuberculosis, HIV, and hepatitis. There is little opportunity for a prisoner to receive qualified medical assistance or even the documents necessary for him to register as disabled and be granted a pension.

The dire situation in the corrections system creates constant grounds for new instances of non-violent mass protests by the inmates, although the FSIN RF categorically denies many aspects of the systematic human rights violations and institutional secrecy.

When human rights advocates succeed in initiating an investigation into complaints filed by prison inmates or their relatives, by exerting pressure on the prosecutor’s office (prokuratura) and on federal and regional ombudsmen, the complainants immediately are transferred to other penal colonies, or are forced to withdraw their complaints, often through the use of sadistic torture, severe beatings and threats.
Despite heavy criticism levied at him by Russian Human Rights Ombudsman Vladimir Lukin, former Justice Minister and current General Prosecutor (prokurator) Yuri Chaika, as well as by a number of human rights organizations, General Kalinin retained his prison director post, even after he submitted his resignation. Taking into account the realities of Russian politics, this indicates that Kalinin has influential protectors in the highest circles of the Kremlin.

It must be emphasized once again that nearly all previously existing channels for human rights advocates, experts from the Ombudsman’s Office on Human Rights, and even parliamentary deputies to visit prison inmates have been eliminated. As a rule, they are permitted only to visit institutions that have no problems, and even then they have a very restricted itinerary: the library and the cafeteria. Even Justice Ministry employees have been barred from visiting prisons and penal colonies. On 16 January 2006, in telegram no. 10/1-50T, General Kalinin announced that members of the media could not be granted permission to film inside FSIN institutions by regional administrations, but “only with the agreement of the FSIN RF!”

As a result of the lack of oversight, FSIN officials have managed to establish a system of control over the prisons that is analogous only to totalitarian systems. First and foremost, this has entailed the creation of the aforementioned press-zones or torture colonies, in order to obtain confessions (and other self-incriminations) from prisoners, as well as for “behavioral correction” (breaking inmates psychologically). These press-zones can be found in penal colonies in approximately twenty of Russia’s regions. Yet another totalitarian innovation is the transformation of so-called “order and discipline” brigades (SDiPs) into detachments of “prison-servants” (identifiable by their red armbands), who are often employed to fill a role similar to that of the “capos” in the Nazi concentration camps, or like Kadyrov’s special forces (spetsnaz). These SDiP brigades often are granted operational control over the other inmates, although, unlike the official prison guards, their activities are not regulated by law and therefore are not subject to punishment.
Collaboration between prison administrators and crime bosses also has become a significant element in the “new GULAG,” with the aim of suppressing protests against the flagrant destruction of prison inmates’ rights (the events that occurred after the protests in L’gov in June/July 2005 serve as a typical example). Thus, the FSIN leadership has succeeded in creating a perfect system of control over prison inmates via torture, carried out by the jailors, the “red armband” convicts, and the organized crime leaders (vory v zakone).

One must give special attention to the fact that even the threat of sending a suspect to an isolation cell (izoliator), which is known to be used as a press-zone, can be enough to convince the suspect to capitulate to a police investigator’s demands and sign evidentiary documents and testimony (even if they are self-incriminating). The infamous events that took place in penal colonies IK-1 (in the village of Yagul, located in Udmurtiya’s Zav’ialovskii raion), IK-2 (in Ekaterinburg) and IK-3 (in the town of L’gov, located in Kurskii oblast’), where beatings suffered by prison inmates sparked protests by hundreds of prisoners on the night of 27 June 2005, serve as examples of this phenomenon. The list of press-zones is vast and according to (incomplete) data, these types of facilities are concentrated in about twenty of Russia’s regions.

Letters and reports from prison inmates and their relatives give a detailed picture of the harsh treatment used in the press-zones. Newly arrived inmates are told to join a “discipline and order” brigade (SDiP), and those who refuse find their lives transformed into hell: they are subjected to beatings and persecution, including rape and even murder at the hands of the red-armband capos, as well as illegal beatings and victimization from the prison administrators. Another important issue is the fact that, although the court may sentence someone to serve out his/her time in one prison facility, inmates can be transferred for many months to various types of “internal prisons,” where the regime differs significantly from that of regular prison facilities. In essence, this constitutes the imposition of a new sentence by an extra-judicial body. Even those detainees who have not yet been tried or found guilty (!) can be confined on
the grounds of penal colonies, thanks to a decree by President Yel’tsin in 1997 creating PFRSIs (pre-trial detention centers).

The worst examples of this extra-judicial means of exacerbating the conditions of an inmate’s prison sentence are limitless confinement to a ShIZO (a punishment and isolation cell, where the confinement period officially is limited to fifteen days, but can be repeated countless times), a PKT (a facility containing cell-type units, where confinement is not to exceed six months), the EPKT (a facility containing single cell-type units, where confinement is not to exceed twelve months without an investigation or court hearing), or to SUS barracks, which are subject to “special confinement conditions” (the confinement period here can last 2-3 years). Prisoners placed in such extra-judicial “internal prisons” are strictly limited or completely deprived of the right to written correspondence and parcels, access to legal documents, and visits from family, friends, etc.

The regard for prisoners’ rights has deteriorated to such an extent that even in cases where the relatives of a mistreated prisoner have succeeded in arranging a meeting between the prisoner and an attorney or representatives of human rights organizations, authorities may intervene and prevent the meeting from occurring. The attorneys and human rights advocates often are not acquainted personally with the prisoner and therefore can be palmed off on an inmate “activist,” who solemnly will assure them that the prisoner has no complaints of any kind and does not wish to meet with the defense attorneys. This is what happened when human rights advocates visited the Mordovia penal camps (which are located on the same site as the Dubrovlag penal camp of Stalin’s time), shortly after dozens of the camp’s inmates were beaten in March 2006. By the time the attorney and representatives from the office of the Human Rights Ombudsman arrived to investigate the incident, the victims of the beatings had been hidden in a zindan (dungeon), a hole in the ground covered with planks, located underneath a shop. Later, the prisoners were dispersed hastily to more remote regions.
Human rights defenders also have received reports from inmates in penal colony IK-1 in the village of Yagul (located in the Zav’yalovskii raion of the Udmurtia Republic) about extremely inhuman and humiliating practices by prison administrators, such as beatings, confinement to ShIZOs for many months, and the dousing of prisoners with water from fire hoses in the winter. Prisoners also are thrust headfirst into toilet bowls and have been forced to lick the floor; some inmates resort to swallowing pieces of wire and nails, in order to escape from these torture chambers.

One additional example of prisoners’ harsh treatment is in the testimony submitted on 19 June 2006 by attorneys T.G. Akhmedov and E.L. Liptser, regarding the unusually harsh and completely unprovoked beatings of several prison inmates by Spetsnaz personnel in the Nizhneangarsk isolation facility for temporary confinement (IVS), which is located in Buryatiya’s Severobaikal’sk raion. The beatings occurred after the prisoners had returned from a court hearing, which had been adjourned for a recess.

One more way in which prison inmates are used to exert pressure on each other is the conversion of penal colonies into “common zones,” by transferring inmates who have been convicted of serious crimes to lower level security penal colonies for “good behavior.” Hoping to exploit the improved conditions of their confinement and be paroled, these transfer prisoners become pliant tools in the hands of prison administrators, who use them to pressure and persecute prisoners convicted of less serious crimes. This phenomenon turns to fiction the concept that the penal colony settlements were created to be separate facilities from those that house inmates convicted of more serious offenses. This method of victimizing inmates was revealed when human rights advocates examined the conditions in penal colony IK-13 in Nizhny Tagil, where attorney and political prisoner Mikhail Trepashkin is serving out his sentence. This penal colony was created within the territory of an already existing, general regime (minimum security) colony; inmates sent there are deprived completely of their freedom, in violation of the sentences that have been handed down by the court.
The situation in Kaliningrad oblast’s penal colony IK-13 provides insight into yet another torture practice. According to the testimony of inmates and their relatives, regarding conditions on this new GULAG island: “The quality of medical care provided is such that it constitutes a genuine THREAT to life: a complete absence of medications, refusal to hospitalize ill inmates, no opportunity for medical examinations and a lack of specialized physicians, giving prison administrators the authority to reject medications sent to inmates by their family members, on the grounds that they were sent without a doctor’s prescription. For years, inmates have been unable to undergo the physical examination by medical and social experts which is required in order to become registered as disabled. An enormous number of inmates have become infected with tuberculosis, hepatitis and the HIV virus.”

A letter from prison inmate Vitaly Kniazev, a participant and victim of the L’gov incidents, who came from Komsomol'sk-na-Amur to address the Movement for Human Rights, serves as one example of a whole range of torture methods. At the end of June 2005, in a penal colony near the small village of L’gov in Kurskii oblast’, approximately 400-600 prison inmates inflicted injuries on themselves as a protest against the harsh treatment to which they had been subjected by prison administrators, as well as by members of the “order and discipline” brigades (SDiPs). A number of the inmates subsequently wrote appeals to the Prosecutor’s Office and to the Ombudsman on Human Rights in Russia, Vladimir Lukin. These incidents gained worldwide attention, and the Prosecutor’s Office was forced to launch a criminal investigation not only of the prisoners who were involved, but also of those penal colony authorities who participated personally in the beating of prison inmate Alexei Shatunov (it was the beating of Shatunov and others that sparked the inmates’ protest actions). Kniazev appealed to the European Court of Human Rights and, despite being subjected to brutal torture (he was burned with an electric kettle), threats, and pressure from the corrections officers, he did not retract his allegations. The only other inmate who submitted an appeal to Strasbourg, Aleksei Shatunov, who also was the only acknowledged victim of the penal colony authorities’ actions, withdrew his complaint.
The following exchange of opinions at a 15 January 2007 meeting between Russian President Vladimir Putin and human rights advocates testifies to the universally recognized nature of the systematic violation of human rights in the penal colonies, particularly the creation of convict brigades, such as the SDiPs, by the prison administration:

[Transcript excerpt]

V. Borshchev (Valerii Vasil’evich Borshchev, an expert from the Office of the Ombudsman on Human Rights in the Russian Federation and President of the Social Partnership Fund): “…in the last two and half years a breakdown has occurred. The corrections system is becoming closed off. Not so long ago, the penal colonies in Mordovia served as sites of our successful joint endeavors. Today, they are closed to society. Even the chairman of the Public Council under the head of the regional FSIN directorate, who also happens to be the former president of Mordovia and who is well-known for his constructive attitude, is not permitted to visit the penal colony. A shameful persecution of human rights advocates goes on there, as well as in other places. The same type of closed system exists in Tatarstan, Nizhny Novgorod, in the Ural okrug, St. Petersburg, and in Moscow. Deputy Director of FSIN Semeniuk did not permit a visit to the SIZO by members of the Moscow City Commission on Human Rights and its experts, which is a violation of Article 19 of the Corrections Code. The system of mutual cooperation between the corrections system (UIS) and human rights advocates, which was developed over the course of many years and through mutual efforts, is being deliberately destroyed…Without public oversight, it is not possible to truly reform the corrections system, it is not possible to overcome the defects which are inherent in it. As one [parliamentary] deputy said, ‘Without public oversight, the system is drifting in the direction of the GULAG…’ Generally speaking, the problem of violence is extremely serious. In November (2006) I was at a session of the UN Committee Against Torture and their assessment of our situation was considerably harsher than at the previous session, which took place five years ago, and I was forced to hear many unflattering words. Last year, in my capacity as chairman of the Public Council under the Ministry of
Justice, I visited the L’gov penal colony in Kurskii oblast’ where the protest actions had taken place and where several hundred people [prison inmates] had slashed their veins. There had been systematic beatings of the inmates both by corrections officers and by so-called ‘activists.’ I received 254 complaints. Two problems stood out. The first is that complaints regarding violations of legislation (zakonodatel’stvo) do not reach the proper addressee. Moreover, according to the law, as is well-known, letters to the Prosecutor’s Office (Prokuratura) and to the Ombudsman do not need to be censored; of course, they are reviewed and the Human Rights Ombudsman receives a letter with a note attached stating that there are no complainants. This review process persuades an inmate not to file a complaint. It is clear that these negotiations are not conducted on a level playing field. The second problem is the existence of so-called discipline and order brigades. In violation of Article 11 of the Criminal Code, the members of this notorious militant group are given the administrative authority to keep order. How they do this is clear.”

V. Abramkin (Valerii Fedorovich Abramkin, Chairman of the Criminal Justice Reform Assistance Fund): “…for some reason there has been an unexpected increase and over the last two years, the prison population has grown at a higher rate than the rate at which it is decreasing and this is quite deplorable. Much also has been done to improve the situation: the level of funding has quadrupled and other measures have been taken in order to rescue ourselves from disgrace – from the investigative (pre-detention) jails, which have been called hell on earth. Now it seems as though everything is moving in the right direction and we are once again striving to catch up with America and once again are getting close. At the same time, this other terrible thing is happening. We noted that the corrections system, as it is called by its own personnel, is one of the most open, however, at this time, particularly over the last three years, this system has begun turning into one of the most closed and most impenetrable, even in comparison to the MVD, the Prosecutor’s Office (prokuratura), etc. The most closed – however, if this is happening, then it may mean that they have something to hide.” (1)
It is very important to point out that in Russia, political prisoners are considered criminal offenders, are confined together with the other criminals, and are subjected to all the same deprivations and persecutions, including those practiced by the inmates themselves, and those exercised by the prison administrators. This is precisely what the situation was just prior to the attacks on Mikhail Khodorkovsky and the false charges against Mikhail Trepashkin that violate the regime’s own laws.

According to data obtained by Russian human rights advocates, the approximate number of political prisoners is as high as several dozen, including scientists and academics who have been charged with “espionage” by the special services; Mikhail Trepashkin, the attorney for victims of the 1999 terrorist attacks; those who were involved in the YUKOS affair; members of radical, democratic opposition movements; and immigrants from the North Caucasus region, who have been falsely accused of terrorism and religious extremism. Relatives of human rights advocates against whom criminal charges have been fabricated also can be added to the roster of politically-motivated arrests. A 22-year old student from Ufa, Alina Zhukova, daughter of well-known human rights activist Bashkir Zhukov, recently fell victim to this type of political persecution. With the help of a frightened provocateur, drugs were planted on her and she was arrested. In spite of the fact that the provocateur later came forward on his own and testified in court as to what had really happened, Alina was sentenced to seven years in prison.

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Note:
(1) Excerpts of the meeting between Russian President Vladimir Putin and human rights activists provided by author.