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### Abstract

In 2022, Russia reinvaded Ukraine, scaling up a military conflict that began in 2014 with its sudden annexation of Crimea. With the invasion came the establishment of filtration camps, to divide up captured Ukrainians into civilian and combatant groups, for deportation, imprisonment or release. At time of writing, over one million Ukrainians and at least 240,000 children have been confirmed to have been sent to Russia, but the actual numbers are estimated to be far higher. These Ukrainians are caught in a two-way human pipeline that has also led to the conscription of Russians, mainly from ethnic minority or rural areas, to fight and die in the war. We argue that the Kremlin's war has given rise to a new form of governance characterized by a

set of laws, policies, and practices that can be introduced at will through presidential decrees, and marshalled to create a state-wide system of oppression – a Ru.Lag, weaponizing transportation, deportation and forced labor. The Kremlin's war machine depends on state direction, not only of the military-related industries but also of legislative and judicial institutions. The Ru.Lag reaches all present on Russian-controlled territories, regardless of their nationality, and through its utilitarian commodification of human bodies and disregard for individual autonomy evokes the Soviet Gulag of old.

## Introduction

On 24 February 2022, Russia launched a massive invasion of Ukraine, scaling up a military conflict that began in 2014 with the sudden annexation of Crimea. As early as March 2022, reports were emerging of up to 402,000 Ukrainians having been forcibly abducted and taken to Russian controlled territories, including some 15,000 people from the besieged city of Mariupol.<sup>1</sup> Commentators argued that Russia was engaging not only in the forced removal of populations, but were also guilty of war crimes,<sup>2</sup> including genocide.<sup>3</sup> Russia was quick to claim that any transportations of local nationals out of Ukraine constituted an 'evacuation',<sup>4</sup> but human rights monitors stated at the time that deportees had been stripped of their passports and forced to sign papers saying that they would remain in Russia in the districts that they were moved to for up to two years to work without payment, effectively rendering them as slaves.<sup>5</sup> Many were reportedly moved to economically depressed and remote areas of Russia,<sup>6</sup> away from their resources and support networks. As Ukrainians were forcibly relocated across Russian controlled

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<sup>1</sup> Blitz, Brad & Lewis, Alexandra. "Putin's Gulag-Based Empire: Of Abduction, Deportation, & Modern Slavery", *Byline Times*, 3 March 2022. Available at: <https://bylinetimes.com/2022/03/31/putins-gulag-based-empire-of-abduction-deportation-and-modern-slavery/>

<sup>2</sup> Human Rights Watch (2022). 'Ukraine: Executions, Torture During Russian Occupation -- Apparent War Crimes in Kyiv, Chernihiv Regions'. 18 May 2022. Available at: <https://www.hrw.org/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>

<sup>3</sup> See. Paladino, Jason (2022). 'Russian filtration camps: "Black holes of human rights abuses" where Ukrainians face torture and loyalty tests', *GRID*, 8 August, 2022. Available at: <https://www.grid.news/story/global/2022/08/08/russian-filtration-camps-black-holes-of-human-rights-abuses-where-ukrainians-face-torture-and-loyalty-tests/>

<sup>4</sup> Interfax. "Over 384,000 people evacuated to Russia from Ukraine, LPR, DPR - Russian Defense Ministry". Available at: <https://interfax.com/newsroom/top-stories/77276/>

<sup>5</sup> Tondo, L. Henley, J. & Boffey, J. (2022). "Ukraine: US condemns 'unconscionable' forced deportations of civilians from Mariupol", *The Guardian*. 20 March 2022. Available at: <https://www.theguardian.com/world/2022/mar/20/russia-bombed-mariupol-art-school-sheltering-400-people-saysukraine#:~:text=Forced%20civilian%20deportations%20from%20Mariupol,of%20the%20devastated%20port%20city>

<sup>6</sup> Bo Lillis, K.; Atwood, K. & Bertrand, N., CNN. "Russia is depopulating parts of eastern Ukraine, forcibly removing thousands into remote parts of Russia", *CNN*, 5 May 2022, Available at: <https://edition.cnn.com/2022/05/26/politics/ukraine-filtration-camps-forcibly-remove-russia/index.html>

territories, Russians citizens, mainly from impoverished areas and ethnic minority backgrounds, were *also* mobilized by the thousands and sent with little to no training to fight in Ukraine.<sup>7</sup> Thus Russia's war offensive has created a two-way human pipeline that serves the state's strategic objectives by means of subjugation and punishment, alongside forced conscription.

This article explores how the legacies of state control over mobility inform our understanding of Russia's conduct of the war in Ukraine, and its reliance on forced labor and transportation. We record how the practices of abduction, recruitment, and forced relocations fit within a wider history and describe how this system operates in both the occupied Donbas and Luhansk regions of Ukraine and in Russia, based on a review of the emerging literature. We suggest that the grand scale commodification of human beings caught within this system evokes the Soviet Union's infamous Gulag system of old. We describe it as a *Ru.Lag* – a Russia-wide Gulag, a system of forced labor and displacement writ large, which covers every facet of the Russian military intervention in Ukraine. This article begins with a review of forced labor and population controls throughout Russia's history, before describing the contemporary governance of oppression. We consider the emerging accounts of serious human rights violations, and chronicle how the Ru.Lag operates, from the abduction of civilians, to their processing in 'filtration camps', and subsequent detention, removal and subjugation in systems of economic and military exploitation. Our central argument is that while Russia's past informs our understanding of the current abuse of human rights, the Putin regime has also instilled distinctly new modes of oppression, which sustain the war effort in Ukraine.

### **Forced Labor and Population Controls in Tsarist Russia and the Soviet Union**

Russia has for generations used deportation and involuntary resettlement as a form of social control, and a means to generate labor. Punishment involving expulsion and exile was used against dissidents and undesirables, all too often followed by further restrictions on personal mobility, including enslavement. Transportation was also used more practically to develop lands or relocate troublesome populations. One need look no further than Russian language classics such as Gogol's *Dead Souls* (1842), Turgenev's *Sketches from a Hunter's Album* (1852) and Dostoyevsky's *Demons* (1871-2) to see that complex debates around national interest versus the immorality of serfdom, slavery and the commodification of people are deeply codified in Russia's cultural heritage and arguably complicated by questions around the needs of collectivism versus individualism, as well as around Orthodox conformity versus multiculturalism. While collectivist values prevailed in Tsarist Russia, they were taken to an extreme after the Bolshevik Revolution. Ostrovsky writes that the Bolshevik dream of utopia was one of 'collective living devoid of any personal habits'.<sup>8</sup> Putin, from his first days in office, has

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<sup>7</sup> Roth, A. (2022). "It's a 100% mobilisation': day one of Russia's drive to build its army: Reports ethnic minorities may be disproportionately affected while protesters in Moscow drafted on arrest" in *The Guardian*, 22 September 2022. Available at: <https://www.theguardian.com/world/2022/sep/22/russia-mobilisation-ukraine-war-army-drive>

<sup>8</sup> Ostrovsky, A. (2015). *The Invention of Russia: The Journey from Gorbachev's Freedom to Putin's War*, p. 80.

held onto this vision, hailing 'the state as a key driver of success and a force of consolidation'.<sup>9</sup> In Putin's Russia, Ostrovsky argues, strength and security come from 'patriotism, collectivism, *derzhavnost* - a tradition of being a great geopolitical state power that commands the attention of other countries - and *gosudartvennichestvo*, the primacy of the state', not from individual freedoms or deviations.<sup>10</sup> Kliucharev and Muckle agree that:

*'traditional Russian values [include]: community spirit; collectivism; a tough (authoritarian) system of directing society by a centralized state; a striving for justice and fairness; and the prior claim of the spiritual and moral over the material.'*<sup>11</sup>

The primacy of these ideas helps to explain the pernicious lasting legacy of forced labor and population control within Russian politics and penal administration, which are fundamentally utilitarian, involving the removal of threats to Russian order (rather than rehabilitation) and the exploitation of human capital when possible. Russia's current high rate of recidivism,<sup>12</sup> at its base, serves as a reminder that even in the present day prison system, the rehabilitation of offenders is not a genuine objective.

In Imperial Russia, serfdom was presented as ontologically different from slavery, which existed alongside it for centuries. After all, slaves were thought of legally as property, while serfs were defined as people, though this afforded them little advantage. Although the Russians maintained that there was a distinction between slavery and serfdom, this distinction often collapsed in practice. The serf was considered an unfree person who belonged to the land, and could in principle only be sold with it, but landowners found loopholes through which to bypass these laws or falsified records to sell serfs as individuals too. A product of the authority's feudal dependency on peasants, serfdom had existed since the 12th Century, as informed in *Russkaya Pravda*, the legal code of Kievan Rus', and continued into the 19th Century. After Peter 1 abolished slavery in 1723, serfdom became the dominant form of economic oppression, expanding deep into the Russian Empire, including into Ukraine during the reign of Catherine the Great (1762-1796). There is some evidence that while serfs were reserved to the Russian royal family and the landowning class, commercial firms sold serfs as slaves both within Russia and abroad. Being tied therefore to Tsardom, the system was justified culturally as an extension of God's will – for if the Tsar was born into power by Divine design, then the serfs were born to be subjugated. Since suffering brought people closer to God, and the serfs were made to suffer,

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<sup>9</sup> Ibid, p. 264.

<sup>10</sup> Ibid.

<sup>11</sup> Kliucharev, G. & Muckle, J. (2005) 'Ethical values in Russian education today: a moral maze', *Journal of Moral Education*, 34:4, 465-477, DOI: [10.1080/03057240500412521](https://doi.org/10.1080/03057240500412521), p. 474.

<sup>12</sup> Strzelecki, Jan. "Russia behind bars: the peculiarities of the Russian prison system." *OSW Centre for Eastern Studies* (2019). Available at: <https://www.osw.waw.pl/en/publikacje/osw-commentary/2019-02-07/russia-behind-bars-peculiarities-russian-prison-system>

their exploitation for the collective development of Russia was deemed natural. This continued even after the abolition of trade in African slaves by Emperor Nicholas I in 1842, and only started to see reform in the Baltic provinces in the early 19th Century, before Alexander II emancipated the serfs in 1861.

Serfdom, however, had deep roots and just two generations after it was abolished both Lenin and Trotsky supported the militarization of labor, which entailed converting military units into armies of labor, and pressing industrial workers to carry out particular tasks under military supervision.<sup>13</sup> Although now focused on industrial expansion, it relied on similar forms of coercion previously seen in the Tsarist period, namely the imposition of military rule over the people who were forcibly conscripted and engaged in the state's military-industrial production centers, which made sense to the Bolsheviks within the Russian cultural context. Primary sources on the political development of the first years of the Soviet Union and immediately following the Civil War record how any prospect of enhancing individual rights soon gave way to collectivization and, with that, the return of forced labor. This was especially true under Stalin, who felt that Lenin had made too many concessions to the peasantry to protect rural production during the Russian Civil War (when Lenin had allowed peasants to sell symbolic surpluses of grain to ensure they continued to feed his troops in return). Stalin quickly reversed these alleged capitalist *indulgences*.

The newly created Soviet system established industrial-scale labor camps and facilities stretching across the far reaches of Russian lands, and eventually into the central Asian Soviet republics. We now have extensive written evidence of the place of the Gulag ('Corrective Labor Camps'), as chronicled by Solzhenitsyn,<sup>14</sup> in the political development of the Soviet Union. Established by Lenin in the 1920s and then greatly extended under Stalin, the Gulag was 'a flourishing system of camps, colonies, prisons, special settlements, and other more fleeting and specialized units of isolation and forced labor'.<sup>15</sup> The Gulag served as an instrument of repression for seemingly random sections of society, accused of political crimes and corruption, who were sent to work in Siberian penal camps and elsewhere under the harshest of conditions. Oleg Khlevniuk argues that the rapid expansion of forced labor throughout the Soviet economy was indicative of the integration of the Gulag economy,<sup>16</sup> though historians argue about the degree to which that economy can be thought to have been truly productive. Healey, for instance, notes that:

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<sup>13</sup> See Hewes, Amy (1923). "Trade Union Development in Soviet Russia." *The American Economic Review* 13/ 4, pp. 618–37. <http://www.jstor.org/stable/1803875>.

<sup>14</sup> Solzhenitsyn, Alexander. I, *The Gulag Archipelago, 1918-1956: an Experiment in Literary Investigation*. New York :Harper & Row, 1974.

<sup>15</sup> Khlevniuk, Oleg (2015), 'The Gulag and the non-Gulag as one interrelated whole', *Kritika: Explorations in Russian and Eurasian History* 16/3: 479-498. (Translated by Simon Belokowsky)

<sup>16</sup> *Ibid*, p. 488.

*Many critics of Stalinism have asserted emphatically, with entirely understandable motives, that the Gulag yielded little of value: shallow canals, useless railways, faked production figures. The imperative of punishment and the desperately high cost paid in human lives overwhelmed any genuine value created.*<sup>17</sup>

Nevertheless, maps produced by the dissident Avraham Shifrin illustrate the reach of the Gulag and suggest how the Communist Party of the Soviet Union drove the expansion of the state right into the lives of workers across the vast territory of the Soviet Union.<sup>18</sup>

**Illustration 1: The Gulag System**



<sup>17</sup> Healey, Dan. "Lives in the Balance: Weak and Disabled Prisoners and the Biopolitics of the Gulag." *Kritika: Explorations in Russian and Eurasian History* 16, no. 3 (2015): 527-556. DOI:10.1353/kri.2015.0047.

<sup>18</sup> See: Shifrin, Abraham. *The First Guidebook to Prisons and Concentration Camps of the Soviet Union*. Bantham Books, 1982.

Obedience was the cardinal virtue. Rural workers toiled under military supervision, urban workers were encouraged to weed out traitors for themselves alongside Stalinist purges that followed.

While the Soviet leader Nikita Khrushchev, as part of his de-Stalinization programme, condemned the use of forced labor, patriotic justifications of forced labor have seemingly won out in the long run under Putin, who has sought to rehabilitate Stalin and encourage a more 'positive' view of Russia's past among Russian children and young people.<sup>19</sup> For example, in 2007, the Kremlin introduced the so-called "Filippov textbooks" to history classrooms across Russia. Designed to teach secondary school students to love their Motherland, the books favored a 'rational' approach to the teaching of Stalinist history, whereby the justifications for his decisions were examined and critiqued based on imagined options that Stalin had available, rather than being evaluated on the basis of any inherent (im)morality. Stalin's 'mobilization system', 'purges and all', was depicted as 'unavoidable'.<sup>20</sup> Gjerde explains that in the books, Stalin himself 'is presented as a normal leader':

*'The text has one single reference to Stalin's rule as "tyranny", but also this reference is firmly embedded in a section where Stalin is given considerable credit for winning the war'.<sup>21</sup>*

Smith asks whether the state's approach to mythmaking and history under Putin 'mean the inevitable rehabilitation of Stalin' in Russian patriotic discourse, and concludes that the answer is 'not necessarily'. Putin, he wrote in 2004, had not overtly praised Stalin's leadership (though an argument could be made based on Putin's most recent speeches that this is no longer true). Nevertheless, Smith conceded, 'the statist motivation does require remembering industrialization and the conduct of World War II at the very least as unmitigated successes'.<sup>22</sup> This motivation has been deliberately integrated into the Russian teaching of Soviet history, and it can be extrapolated from this history that if repressions and forced labor were necessary in the past for the collective good, then they may also be justified for their use in the present within Putin's Ru.Lag.

Khlevniuk clarifies that while millions were incarcerated under Stalin, those outside of the Gulag who were presumed to lead 'notionally free' lives occupied in essence merely a 'non-Gulag' space, and could not be said to enjoy real freedom.

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<sup>19</sup> Edele, M. 'Fighting Russia's History Wars: Vladimir Putin and the Codification of World War II', *History and Memory* 29, no.2 (2017), p. 105.

<sup>20</sup> Gjerde, K.L. 'The use of history in Russia 2000–2011: the Kremlin and the search for consensus', *East European Politics*, 31:2 (2015), 149-169, DOI: [10.1080/21599165.2015.1035779](https://doi.org/10.1080/21599165.2015.1035779) p. 159.

<sup>21</sup> Ibid, p. 160.

<sup>22</sup> Smith, K.E. 'Whither Anti-Stalinism?', *Ab Imperio*, 4 (2004), 433-448. DOI: [10.1353/imp.2004.0099](https://doi.org/10.1353/imp.2004.0099). p. 446.



*'Between 1930 and 1952, judiciary and extrajudiciary organs issued nearly 30 million sentences (including repeat sentences for "recidivists") for punishments that fell short of imprisonment. These were largely sentences of corrective labor without confinement to a camp or colony. In many cases, those receiving such sentences faced grim conditions, and the punitive garnishment of wages pushed their families to the brink of starvation.'*<sup>23</sup>

He notes that given the diversity of Gulags, and the prevalence of poverty in Russia, sometimes life inside the Gulag was considered to provide better living conditions. Still, in the totalitarian Stalinist system, there was little basis for distinction between the Gulag and non-Gulag spaces. As Jacques Rossi in his *Gulag Handbook* records, inmates referred to their camps as the 'small zone' (*malaiia zona*), and life outside in the Soviet Union was the 'large zone' (*bol'shaia zona*).<sup>24</sup> He writes:

*'In attempting precisely to delineate the boundaries between Gulag and non-Gulag, we are forced instead to recognize their close interconnection. Residential buildings and prisons were located side by side, and the space between them was minimal in both a geographical and a legal sense. An impenetrable wall separated Gulag and non-Gulag, punctuated by legal gates and semilegal breaches. Conceding this much is merely a starting point for the historian.'*<sup>25</sup>

Martin Kragh supports this claim, and argues that at its peak in 1940, 'the Soviet industrial labor force was the most regimented in the world, blurring usual distinctions between free and forced labor.'<sup>26</sup> Again, this was achieved through an entrenched system of 'authoritarian ethics', which were codified within Soviet culture through education and propaganda to promote 'self-sacrifice and collective responsibility' for the sake of a brighter tomorrow.<sup>27</sup> In his iconic *Everything was forever, until it was no more*, Yurchak notes that even if the 'notionally free' population of the Soviet Union did not all by the final years of the USSR uniformly believe in the state's vision of utopia, their conformity with it was codified and heavily ritualized through daily participation and repetition of behavior and work practices that signaled acquiescence. Given the brutally repressive character of the state, and its history of issuing punishments not

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<sup>23</sup> Khlevniuk, 'The Gulag and the Non-Gulag as One Interrelated Whole'. p 482.

<sup>24</sup> See: Rossi, J. *The Gulag Handbook: An Historical Dictionary of Soviet Penitentiary Institutions and Terms Related to the Forced Labour Camps*. Paragon House, 1989.

<sup>25</sup> Ibid. p. 485.

<sup>26</sup> Kragh, M. 'Free and Forced Labour in the Soviet Economy: An Uncertain Boundary' in Hansen, Julie and Rogachevskii, Andrei (eds)., 'Punishment as a Crime? Perspectives on Prison Experience in Russian Culture, Uppsala Studies on Eastern Europe, University of Uppsala, 2014.

<sup>27</sup> Arkhangelskiy, A. 'The Black Hole Where Russia's Ethics Should Be'. Moscow: Carnegie Moscow Centre, 2016. Available at:

only for explicit deviance or criminality, but more often seemingly for no reason at all, the acceptance of collectivist values became for many a means of survival. As Piacentini summarizes: 'the Soviet regime manufactured deviance through the subversion of ideology in order to create a factory of workers' and 'dispensed fear through the arbitrary use of crime legislation' as part of the Gulag Archipelago.<sup>28</sup>

While there is no agreement on the numbers who were sent to the Gulags and perished there, historians estimate that between 1928–53, about 14 million prisoners passed through the system of Gulags, in addition to millions of others sent to satellite camps, labor settlements, and prisons; though there are debates as to whether these figures reflect capacity or actual victims.<sup>29</sup> In spite of the wealth of evidence, official Russian history minimizes the scale of abuse and tends to focus only on the 4 million deemed politically oppressed, excluding the wider millions imprisoned for criminal offenses – in the non-Gulag space – which shines a light on the politicized manner in which criminality is defined in Russia, then and now.<sup>30</sup> Discussions around the prevalence of the Gulag also fail to note that rates of incarceration in Russia have only increased under Putin, or that many of Russia's prisons are built on top of sites where Gulags once stood.<sup>31</sup>

Yet, even within the Soviet Union, after Khrushchev dissolved the Gulag system in 1960 and most of the prison camps in Siberia were emptied and prisoners released, the state relied on systems of surveillance, residency and mobility controls to prevent movements between cities and to manage industrial production, and these methods also had lasting legacies. The *Propiska* literally means "record" and was used to designate an individual's place of residence in the internal passport required by Soviet law from 1932 onwards. While the propiska stamp had its antecedents in Tsarist Russia, when residency permits were used to tie serfs to the land,<sup>32</sup> the propiska system came into effect during the height of Stalin's programs of industrialization and collectivization. The formal function of the propiska, namely, registration, quickly served to record the movement of people within the Soviet Union and demarcate those fit for inclusion or exclusion in the greater Socialist project. It did so by restricting access to scarce resources, including food and housing. Even though it had no constitutional foundation, the propiska

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<sup>28</sup> Piacentini, Laura Francesca. 'Work to live: The function of prison labour in the Russian prison system', PhD Thesis, Bangor University (2002), p.3.

<sup>29</sup> See the debate between Robert Conquest and Stephen Wheatcroft, Conquest, Robert. 'Victims of Stalinism: A Comment', *Europe-Asia Studies*, 49/7, 1997.

<sup>30</sup> This is not unique to Russia. Criminal statistics are heavily politicised in all settings. For example, in conflict affected states, homicides are often subsumed into battle casualty statistics to inflate the perceived need for foreign military support. See Lewis, A. *Violence and Fragility: A Study of Violent Young Offending in Yemen and Other Conflict-Affected States*. York: University of York, 2012.

<sup>31</sup> Pallot, Judith. "The Gulag as the crucible of Russia's 21st-century system of punishment.' *Kritika: Explorations in Russian and Eurasian History* 16, no. 3 (2015), 681-710. DOI:[10.1353/kri.2015.0044](https://doi.org/10.1353/kri.2015.0044). p. 688.

<sup>32</sup> See Matthews, M. *The Passport Society: Controlling Movement in Russia and the USSR* (Boulder, CO: Westview (1993).

epitomized the extension of the state into the lives of everyday Soviets, and by the 1950s it had expanded across the former Soviet Union.<sup>33</sup> During phases of intensive economic development and agricultural collectivization, the propiska was used to curb the flight of migrants from rural areas to the growing industrial centers.<sup>34</sup> Since only those who were able to secure the official stamp enjoyed access to civil, social and political rights such as employment and voting in key regions, the propiska acted as a precondition to settlement and also controlled social relations. It enabled the authorities to track the whereabouts of residents, and also functioned as a part of a broader campaign of internal security and terror.<sup>35</sup> The propiska became central to the state's obsession with socially engineering Soviet citizens. According to David Shearer its surveillance function reflected Stalin's preoccupation with borders and territorial security and was a vital part of the state apparatus that enabled the Soviet leadership to redistribute resources, colonize land, identify, control and exterminate specific populations.<sup>36</sup> It remained unchallenged until 1991 after which it was later abolished and replaced by a system of registration controls which had many similar characteristics and continued to regulate the right to residency, even after the demise of Communism.

### **Enduring Legacies: Oppression, Surveillance, Transportation and Forced Labor in Putin's Russia**

Today, we find continuities with both the Gulag system of mass incarceration, as well as the system of residency controls. Strzelecki notes that most of the prison colonies and prisons that continue to be in use now in Russia were built under Stalin's regime.<sup>37</sup> Both philosophically and quite literally *physically* the contemporary Russian penal system is built from the bones of the Gulag Archipelago and serves a similar role in society as a threat of arbitrary and degrading punishment that demands 'discipline' and conformity in the Foucauldian sense. This is not always evident from the literature: early works from the immediate post-Soviet years in particular denote concern for ongoing human rights violations in Russia's prisons, but such concern is generally tempered by an undercurrent of optimism for the possibility of reform. The 1990s and early 2000s brought extreme socio-cultural change for Russia, during which the country reached for a new national trajectory following the collapse of the Soviet Union in 1991, and it looked for a time as though that trajectory would involve a turn towards Europe through

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<sup>33</sup> Schiabe, D. S. Life in Russia's "closed city": Moscow's movement restrictions and the Rule of Law, *New York University Law Review*, 76, (2001): 344–373.

<sup>34</sup> Matthews, *The Passport Society*.

<sup>35</sup> Blitz, B. K. 'Decentralisation, Citizenship and Mobility: Residency Restrictions and Skilled Migration in Moscow'. *Citizenship Studies*, 11, no 4 (2007). 383-404.

<sup>36</sup> Shearer, D. 'Elements near and alien: passportization, policing, and identity in the Stalinist state, 1932–1952', *Journal of Modern History*, 76, (2001), 835–881.

<sup>37</sup> Strzelecki, J. (2015). 'Russia behind bars', p. 9.

the introduction of new and more liberal prison standards. Piacentini & Katz note for example that:

*'when Russia joined the Council of Europe in 1996 it did indeed accede to a series of Council of Europe Conventions immediately including new Criminal and Procedural Codes and a Criminal Correctional Code with the legal obligation to integrate European standards and principles into all legislation covering places of confinement and the European Prison Rules'.*<sup>38</sup>

Yet these changes would not last. The 1990s were beset by gangster economics and rampant corruption that emerged out of the sudden liberalization of the Russian economy, which undermined the country's path to democratization following the collapse of the USSR. Putin rose to power in 1999 on a platform of strong governance to combat emerging disaffection among the general population, who had begun to lose faith in Russian so-called liberalism under Yeltsin. After over twenty years in power, Putin's politics have become increasingly anti-Westernist and anti-democratic.<sup>39</sup> An extreme masculinization of Putin as a 'strong man' and leader can be traced in state-controlled media, where he is pictured standing in opposition to 'Gayropa' (i.e. 'Gay Europe') – a 'degenerate' Europe 'manifested in the collapse of the traditional gender order' and 'the triumph of homosexuals and feminists'<sup>40</sup>. In this discourse, Russia is 'a bastion of "moral principles"' that stands against the corrosive influence of 'such values as tolerance, secularism, and, above all, democracy'.<sup>41</sup> The decline of individual freedoms and the return of Gulag-thinking in the penal sector have emerged as a natural by-product of this authoritarian turn, and reforms have been curtailed.

As Judith Pallot argues, 'despite shifts in penal policy after the Revolution, in the immediate post-Stalin period, and between 1984 and 1993, the pillars on which the current Russian system of punishment is constructed have remained remarkably constant over time.'<sup>42</sup> To illustrate this point, she calls attention to contemporary examples of forced labor. In 2021, Pallot informed that the FSIN (the Russian Federal Corrections Service) was negotiating a contract with the Russian Railway Authority to deploy penal labor to work on the Baykal-Amur railway project. Pallot described this as a provocative development, writing,

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<sup>38</sup> Piacentini, L., & Katz, E. 'Carceral framing of human rights in Russian prisons', *Punishment & Society*, 19, no. 2 (2017), 221–239. <https://doi.org/10.1177/1462474516665609> p. 227.

<sup>39</sup> Lewis, A. & Lall, M. (forthcoming) From Decolonisation to Authoritarianism: The Co-option of the Decolonial Agenda by Elites in Russia and India.

<sup>40</sup> Riabov, R. & Riabova, T. 'The Remasculinization of Russia? Gender, Nationalism, and the Legitimation of Power Under Vladimir Putin', *Problems of Post-Communism*, 61, no 2 (2014), pp. 23-35. p. 29.

<sup>41</sup> Ibid.

<sup>42</sup> Pallot, J. (2015). 'The Gulag as the Crucible of Russia's 21st-Century System of Punishment.'

*'the Baikal Amur Corrective Labor Camp, known as BAMLAG, was once the largest of the 1930s camps. At its height in 1938, it held 20% of all gulag prisoners. By that same year, it had accounted for 40,000 deaths, including 837 executions'.*<sup>43</sup>

She further registered her surprise that the right to subcontract to this private company was legally permissible. For this reason, Pallot concluded that this experiment was 'an extension of the punishment of forced labor as an alternative to deprivation of freedom.'<sup>44</sup> Strzelecki comes to a similar conclusion in his analysis of the Russian prison system, believing that 'Despite several attempts to reform the prison system in Russia, they still resemble the Soviet Gulag', precisely because of persisting 'human rights violations and torture', which are common, and the reality that the 'prison service is a machine that knows well how to hide pathologies and earn extra money' through the exploitation of inmates.<sup>45</sup> As we have argued throughout, this demonstrates a continued state-driven emphasis on the culture of collectivism, which demands a removal of threats and deviance, the punishment of offenders, and utilitarian exploitation of human capital as an added bonus when this is deemed possible.

In November 2022, fresh evidence of incarceration and forced labor appeared in both the Russian and international press with journalists recording an announcement by the FSIN for the Sverdlovsk region that some 250 people had been sentenced to 'obligatory work' in Nizhny Tagil, and would serve out their sentences at the Uralvagonzavod industrial plant. What was significant about this news item was that the production site was both a cargo-train manufacturer and a producer of tanks and armored vehicles for the Russian military.<sup>46</sup>

*'Convicts will work as machine operators, turners, milling and drill operators, grinders, electric welders, mechanics, and crane operators. The state garnishes between four and 20 percent of the salaries earned by people sentenced to forced labor. Still, FSIN officials emphasize that only convicts who are eager to "reform" themselves are eligible for these industrial jobs.'*<sup>47</sup>

These recent reports suggest that, once again, forced labor is central to present-day Russia's political and military infrastructure and that the state continues to use it in order to exact punishment, and drive forward industrial production. It comes as no surprise therefore that

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<sup>43</sup> Pallot, J. (2021), 'The cold logic of forced labour in Russia'. *Riddle*. Available at: <https://ridl.io/the-cold-logic-of-forced-labour-in-russia/>

<sup>44</sup> Ibid.

<sup>45</sup> Strzelecki, J. (2015). *Russia behind bars: the peculiarities of the Russian prison system*, p. 9.

<sup>46</sup> Yahoo News. '250 convicts will serve forced-labour sentences at Nizhny Tagil tank and armored-vehicle construction plant', *Meduza*, 29 November 2022. Available at: <https://meduza.io/en/news/2022/11/29/250-convicts-will-serve-forced-labour-sentences-at-nizhny-tagil-tank-and-armored-vehicle-construction-plant>

<sup>47</sup> Ibid.

prisoners across Russia may also now choose to have their sentences commuted if they volunteer to join the war effort in Ukraine, where joining the military carries with it a presidential pardon after six months of service and a promised salary of 100,000 Rubles per month.<sup>48</sup> As many as 11,000 prisoners signed up for the opportunity when it was introduced in September 2022, and their number has since been growing.<sup>49</sup>

Yet this is not where the comparison to the Gulag ends. Key to Russia's penal history are the symbolic role of geography and the opportunities that landscape provides for isolation, punishment and forced labor. Laurelle, who has written extensively on the topics of Russian identity and culture, writes that, while for Europeans, a key construction of identity is history, many Russian thinkers and philosophers have sought to define the Russian nation geographically<sup>50</sup> through three metanarratives, each providing Russia a component of its uniqueness:

1. Eurasianism – the idea that ‘Russia’s territory is larger than other countries in the world and forms a specific continent’<sup>51</sup>;
2. Cosmism – the idea that Russia, being the first in space, has the highest reach into the universe (and is by implication closer to an Orthodox God); and,
3. Arctism – that Russian character is informed by the country having the furthest reach into the harsh landscapes of the North.

Laurelle explains:

*In their own ways, these three metanarratives all involve spatial criteria: the territorial dimension and the location between Europe and Asia (Eurasianism); the conquest of space as a new way of continuing territorial expansion that has messianic meaning (Cosmism); and the Nordic location of Russia as the revenge over the lost Soviet territories (Arctism).<sup>52</sup>*

Thus, a persisting tradition of Russian punishment from Tsarist times into the present day has been the threat of being sent away, either into exile, into Siberia, or into a distant penal

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<sup>48</sup> *Guardian*, ‘“We thieves and killers are now fighting Russia’s war”: how Moscow recruits from its prisons’, *The Guardian*, 20 September 2022. Available at: <https://www.theguardian.com/world/2022/sep/20/russia-recruits-inmates-ukraine-war-wagner-prigozhin>

<sup>49</sup> Ibid.

<sup>50</sup> Laruelle, M. *Russian Eurasianism: An Ideology of Empire*, Washington DC: Johns Hopkins University Press. 2008, p. 31.

<sup>51</sup> Laruelle, M. *Russian Nationalism: Imaginaries, Doctrines, and Political Battlefields*, London: Routledge. 2019, 39.

<sup>52</sup> Ibid.

colony, of which the long degrading journey remains a key feature of the suffering of prisoners, which is created through the deliberate 'impairment' of their sense of geography.<sup>53</sup> Badcock & Pallot note that in Putin's Russia, the rail journey to prison:

*'remains traumatic for many. In the decades after the death of Stalin conditions in transport improved. The reduction in numbers of prisoners having to be moved meant that purpose-built carriages could be used which had bathroom facilities, fixed bunks and better ventilation. However, the overcrowding, poor food, overlong journeys and the convoy guards' degradation rituals that had developed during the gulag years were to endure. ... Just as in the Soviet period, lack of knowledge about the destination is central to exiles' pains of punishment.'*<sup>54</sup>

Given persisting legislative and practical restrictions on social mobility in Russia, the vastness of the country, and its cultural diversity, transportation from one facility to another can feel like transportation to a foreign country and has the effect of totally isolating some prisoners from their families and loved ones:

*'When, for example, prisoners talk in interviews about going to "another country" or insist that it is normal for Russians "to be sent to katorga" or that women from the south are "in exile" in colonies in the North and Siberia, they are positioning themselves within an historical stereotype about Russian incarceration as exile.'*<sup>55</sup>

That transportation is understood by researchers of prison conditions to be frightening, disorienting, isolating and dehumanizing for Russian prisoners puts into sharp relief the potential weaponization of this tool as a system to punish Ukrainian civilians and prisoners of war for resisting Putin's expansionist agenda, as the following section explores.

### **The Governance of Oppression: Abduction, Removal, Incarceration and Forced Labor**

Putin's war machine depends on state direction, not only of the military-related industries but also of legislative and judicial institutions. We argue that the current war in Ukraine has given rise to a new form of governance characterized by a set of laws, policies, and practices that can be introduced at will through presidential decrees, and marshalled to create a state-wide system of oppression – a Ru.Lag.

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<sup>53</sup> Pallot, J. 'The Gulag as the crucible of Russia's 21st-century system of punishment', p. 700.

<sup>54</sup> Badcock, S. & Pallot, J. 'Russia and the Soviet Union from the Nineteenth to the Twenty-First Century', *A Global History of Convicts and Penal Colonies*. Ed. Clare Anderson. London: Bloomsbury Academic, 2018. p. 285.

<sup>55</sup> Ibid.

A central plank of Putin's war machine is the attempt to control information and discourse on the war in Ukraine. With this aim in mind, on 4 March 2022 the Kremlin introduced a series of administrative and criminal laws,<sup>56</sup> prohibiting anti-war statements, criticism of the Russian military and state bodies, as well as any support for the application of sanctions on the Russian state. The introduction of these laws precipitated the outflow of foreign media from Russia, but they have since been used to silence domestic critics, as evidenced in the arrest and imprisonment of Ilya Yashin, who spoke out against the war and was sentenced to 8 years on 9 December 2022.<sup>57</sup>

In October, the Kremlin extended its control over the occupied territories in Ukraine, with the imposition of martial law in Donetsk, Kherson, Luhansk and Zaporizhzhia regions, where Russia seized existing prisons and established new ones for the processing of Ukrainian civilians and combatants. This legislation, which was approved by the upper house of the Russian Duma, suggested that further restrictions were in train, including further attempts to curb civil liberties and rights to travel, gather in public, as well as stricter censorship and greater powers granted to law enforcement agencies. Unlike the Gulag of Soviet times, which depended on repression and fear, the Ru.Lag's reliance on law presents an alternative system which allows the Kremlin to create a prison state writ large. Hence, the Ru.Lag touches every facet of Russian society.

Central to the Ru.Lag is the threat of arrest, detention and removal, and forced labor, including in closed cities, as well as forced conscription. Most worrying, the Ru.Lag reaches all present on Russian-controlled territories, regardless of their nationality, and is leading to the arbitrary arrest and deportation of Ukrainian civilians and combatants out of Ukraine and into Russia. At time of writing, over one million Ukrainians and at least 240,000 children have been confirmed to have been sent to Russia, but the actual numbers are estimated to be far higher.<sup>58</sup> Although the mass deportation of foreign nationals is prohibited under international humanitarian law and Article 49 of Geneva Convention IV specifically prohibits the deportation of protected persons, there is much evidence of serious human rights violations and contraventions of these laws. As legal scholar Michael N. Schmitt argues, most of the individuals Russia allegedly deported do qualify as protected persons, especially the thousands of children. Generally, while reports of torture, rape and acts of genocide in Ukraine abound and are

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<sup>56</sup> Administrative Law No.31-FZ, Law No. 62-FZ; and, criminal laws No. 32-FZ, Law No. 63-FZ.

<sup>57</sup> BBC News, 'Kremlin critic Yashin jailed for 8 years for 'fake news' on Russia war', *BBC News*, 9 December 2022. Available at: <https://www.bbc.co.uk/news/world-europe-63915301>

<sup>58</sup> Al Jazeera. Ukrainians allege abuse, beatings at Russian 'filtration' camps. *Al Jazeera*, 05 December 2022. Available at: <https://www.aljazeera.com/news/2022/12/6/ukrainians-allege-abuse-beatings-at-russian-filtration-camps>



evidenced by Ukrainian bodies left behind in the wake of Russian retreats,<sup>59</sup> those who have been deported are a category of 'invisible victims'. Kluth explains:

*'We can unearth the mass graves left in Ukraine by retreating Russian troops. ... But we can't contact the Ukrainian women and children whom the invaders have abducted and taken far into the interior of Russia.'*<sup>60</sup>

Particularly troubling are the opportunities for undocumented violations that this reality has afforded. Given the massive extension of Russia's propaganda and censorship campaign at home, the country's vibrant network of social movements, human rights advocates, independent scholars and journalists, which emerged out of the collapse of the Soviet Union, has now been virtually destroyed. Those who would ordinarily be in positions to probe questions surrounding the transportation of Ukrainian prisoners within Russia have as of 2022 either fled or been silenced.

Another central weapon in the Kremlin's arsenal has been citizenship. While this is presented as a paternalistic face of protection, abductees are encouraged to elect 'voluntary naturalization', which renders Ukrainians into Russians and further conceals them from view.<sup>61</sup> We note that in May 2022, Putin passed an order to fast-track Russian citizenship for residents in Kherson and Zaporizhzhia regions. One additional fear is that as Putin turns to mass naturalization as a means of repopulating a demographically challenged Russian workforce, debates over the status of recently deported Ukrainians may frustrate the possibility of their return.<sup>62</sup>

Yet, the conditions attached to citizenship of Russia, mean that the offer of state protection can also be revoked. Alongside the March 2022 laws described above, in November 2022 the Kremlin introduced a bill to strip their citizenship from 'anti-patriotic' Russians, and those found guilty of discrediting Russia, or sharing 'fake news'. We note the high-profile court rulings which permitted the state to strip prominent climate activist Arshak Makichyan of his Russian citizenship, and also deport a Moldovan TikToker who had parodied a Russian soldier

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<sup>59</sup> Dickinson, P. 'Vladimir Putin's Ukrainian Genocide: Nobody can claim they did not know', *Atlantic Council*, 1 December, 2022. Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/vladimir-putins-ukrainian-genocide-nobody-can-claim-they-did-not-know/>

<sup>60</sup> Kluth, A. 'Russia's mass abductions are genocide'. *The Japan Times*, 20 November 2022. Available at: <https://www.japantimes.co.jp/opinion/2022/11/30/commentary/world-commentary/russia-ukraine-genocide/>

<sup>61</sup> See Birrell, I. 'Hours on trucks, interrogated in camps... Ian Birrell sees the hell of forced deportation faced by brave Ukrainians who sheltered for weeks from Russian shelling in Mariupol', *Daily Mail*. 27 March 2022. Available at: <https://www.dailymail.co.uk/news/article-10657825/IAN-BIRRELL-sees-hell-forced-deportation-faced-brave-Ukrainians.html>

<sup>62</sup> Schmitt, M. N. 'Deportation of Ukrainian Civilians To Russia: The Legal Framework', *Lieber Institute West Point*, Mar 24, 2022. Available at: <https://lieber.westpoint.edu/deportation-ukrainian-civilians-russia-legal-framework/>

filmed disposing of grenades dropped from a Ukrainian drone.<sup>63</sup> Further, as in Soviet times, Russians themselves are encouraged to demonstrate their acquiescence with the system at home by practicing what Putin terms 'self-cleansing' and reporting on their neighbors to eliminate dissent and feed the machine. Thus the Ru.Lag is built into the Russian social fabric.

The process of removal of Ukrainians into Russia begins with abduction by Russian military and paramilitary forces, as described in survivors' accounts.

*'At first, the occupiers went to the houses to check whether anyone lived there. If so, the letter Z was placed on the fence or the building itself. Subsequently, at the beginning of March, residents who [ ]interested [ ]them were called to the village club for a conversation. About 30 people, mostly young men, local businessmen, relatives of Ukrainian military servicemen and police officers, gathered such people. Law enforcement officers of the so-called "DNR" came to the village club for questioning and began asking people about their alleged connection with the armed forces of Ukraine, the SBU, and the police.'*<sup>64</sup>

Those abducted include men of military age, women, children and the elderly.<sup>65</sup> Abduction is then followed by interrogation, which is usually conducted in irregular settings, including in 'filtration camps'.

According to Ukraine's Commissioner for Human Rights, Lyudmyla Denisova, some 84,000 children were among those abducted in the early days of the invasion alone.<sup>66</sup> At least 1,000 of these children were taken directly from schools and orphanages in the Kherson region. In fact, the problem of kidnapping in that region has been so widespread that Kherson hospital staff falsified medical records to pretend that children were too unwell to be moved by Russian soldiers, while members of the community at large hid orphaned children in their homes during the Russian occupation.<sup>67</sup> With children being taken from schools in occupied territories, even

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<sup>63</sup> *Moscow Times*, 'Putin Submits Bill to Denaturalize Anti-War Russians', *Moscow Times*. 14 November 2022. Available at: <https://www.themoscowtimes.com/2022/11/14/putin-submits-bill-to-denaturalize-anti-war-russians-a79363>

<sup>64</sup> Lopatina, I. (2022). 'How people are kidnapped during the occupation and what happens to the prisoners in Donetsk — testimony of a Ukrainian who escaped' 6 May 2022. NV (New Voice of Ukraine). Available at: <https://nv.ua/ukr/ukraine/events/shcho-vidbuvayetsya-z-ukrajincyami-v-sizo-ta-koloniyah-tak-zvanoji-dnr-rozpovid-ochevidcya-50239703.html>

<sup>65</sup> Kluth, A. 'Russia's mass abductions are genocide'.

<sup>66</sup> Sarkar, A. R. "Ukraine: Russia accused of abducting 400,000 civilian 'hostages': Ukraine alleges civilians were taken hostage to force President Volodymyr Zelensky to surrender", *The Independent*, 23 March 2022. Available at: <https://www.independent.co.uk/news/world/europe/ukraine-russia-war-civilians-hostage-b2043797.html>

<sup>67</sup> NPR. 'Ukrainians say they hid orphaned children from Russian deportation', *NPR*. 5 December 2022. Available at: <https://www.npr.org/2022/12/05/1140669751/ukrainians-say-they-hid-orphaned-children-from-russian-deportation>

those living with parents have been taken and labelled as orphans.<sup>68</sup> Many of these children have since been reportedly cycled through fast-track adoption processes in Russia,<sup>69</sup> erasing their Ukrainian and family identities, and making it virtually impossible for their relatives to find them in future because their names have been changed. Though Russia's Children's Rights Commissioner, Maria Lvova-Belova, claims the 'hundreds' of children she has personally helped through the adoption process are given a choice to return to Ukraine and refuse to do so, her words are not verifiable.<sup>70</sup> The British Government is treating these adoptions as abductions and has issued sanctions against her, claiming she has assisted in the removal of 2,000 children from Ukraine.<sup>71</sup> Accounts from teenagers who have successfully returned to Ukraine following deportation indicate that, even in those small cases where their parents are identified and able to officially request their return, children are pressured to remain in Russia in exchange for toys, gadgets or other bribes, to maintain the Government's narrative that their evacuation is a kindness.<sup>72</sup>

Possibilities for abuse also abound during the transportation process, which is concealed in the filtration system. Filtration is used to separate out men, women and children into distinct processing streams. The principal filtration camps are located in the occupied Donbas region. Satellite imagery confirms both the pace and pattern of abductions as Mariupol in particular was the site of mass deportations of Ukrainian civilians who were sent by force to filtration camps in Taganrog, 100km away.<sup>73</sup> The camps are often make-shift constructions or sites where Ukrainians are photographed, interrogated about their history of serving in the Ukrainian army, their fingerprints taken, and their phones are examined to check for numbers and social media accounts. The process also involves strip searching, where bodies are examined for tattoos that

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<sup>68</sup> Bubola, Emma. 'Using Adoptions, Russia Turns Ukrainian Children Into Spoils of War'. *New York Times*, 22 October 2022. Available at: <https://www.nytimes.com/2022/10/22/world/europe/ukraine-children-russia-adoptions.html>

<sup>69</sup> Al Jazeera. "UN says 'credible' reports Ukraine children transferred to Russia". *Al Jazeera*, 8 September 2022. Available at: <https://www.aljazeera.com/news/2022/9/8/un-says-credible-reports-ukraine-children-transferred-to-russia#:~:text=US%20ambassador%20tells%20UN%20Security,to%20Russia%20in%20July%20alone.&text=The%20United%20Nations%20said%20there,forced%20relocation%20and%20deportation%20programme>.

<sup>70</sup> NPR. 'Ukrainians say they hid orphaned children from Russian deportation'.

<sup>71</sup> Associated Press. 'UK Sanctions Russian Orthodox Head; Decries Forced Adoption', *Associated Press*, 16 June 2022. Available at: <https://www.voanews.com/a/uk-sanctions-russian-orthodox-head-decries-forced-adoption-/6620033.html>

<sup>72</sup> Bubola, Emma. 'Using Adoptions, Russia Turns Ukrainian Children Into Spoils of War'.

<sup>73</sup> Kirby, D. (2022), 'Satellite images show Russian tent camp for Ukrainians near Mariupol as claims of forced deportations grow- Investigation: Russia may have constructed 'filtration' camps inside Ukraine as it did in Chechnya', *I news*. 26 March 2022. Available at: <https://inews.co.uk/news/ukraine-russia-war-putin-mariupol-deportations-filtration-camps-1539050-1539050>

might indicate a link to Ukrainian nationalist organizations.<sup>74</sup> Survivors also shared tales of being interrogated under torture before being sent to pre-trial detention centers, and then to correctional ‘colonies’ near Donetsk.<sup>75</sup> From there, deportees may then be sent to multiple locations in occupied Ukraine or Russia, including economically depressed Russian cities, though some continue their journeys voluntarily. While the Gulags were often the end point in a system of incarceration, filtration camps today serve as processing centers to control hostile populations, as seen in the recent conflicts in Chechnya and Georgia.<sup>76</sup> Paladino argues that the filtration camps designed for Ukrainians are also a means of testing one’s loyalty to Russia:

*‘The filtration camps appear to serve purposes similar to Russian and Soviet camps in earlier conflicts, from World War II to the Chechen wars of the 1990s: to identify civilians who they believe can assimilate into Russian culture and Russian rule, and punish or remove those who won’t.’<sup>77</sup>*

Human rights monitors record that, in addition to signing loyalty statements, some of the individuals abducted were pressed to say they had witnessed war crimes committed by Ukrainian forces.<sup>78</sup> Such declarations are then used to further the propaganda effort in Russia, where support for the war is in flux. After interrogation, individuals may be transferred to distant locations, and placed in institutions more reminiscent of the Siberian Gulags.

Yale researchers working out of the Conflict Observatory have identified 21 such filtration sites in Donetsk oblast, which have been used for civilian interrogation, processing, holding, secondary interrogation and detention.<sup>79</sup> The Observatory note that Ukrainians are detained in Russian controlled territories, taken to filtration, interrogated and then either released, held, re-interrogated, sent to a detention center, or sent on to Russia. The filtration sites they have catalogued are surrounded by disturbed earth, evidence commensurate with the digging of mass graves.

The treatment of those crossing the border into Russia has varied widely. The emerging accounts of those abducted sustain the charge of gross abuses of human rights conducted by the occupying Russian forces. Skeletal images of POWs detained suggest a pervasive culture of torture in detention, sparking global outrage when some of these POWs have been released and

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<sup>74</sup> Beard, Nadia. ‘Ukrainians who fled to Georgia reveal details of Russia’s ‘filtration camps’, *The Guardian*, 12 June 2022.

<sup>75</sup> Lopatina, ‘How people are kidnapped during the occupation’.

<sup>76</sup> See Paladino, ‘Russian filtration camps’.

<sup>77</sup> Ibid.

<sup>78</sup> Human Rights Watch. “‘We Had No Choice’: ‘Filtration’ and the Crime of Forcibly Transferring Ukrainian Civilians to Russia”, *Human Rights Watch*, September 1, 2022. Available at: <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

<sup>79</sup> Conflict Observatory. *Mapping the Filtration System in Donetsk Oblast*. Yale University.

pictured in the news. By contrast, those Ukrainian deportees with relatives in Russia have been permitted to travel to stay with them. Some of those who 'willingly' crossed the border have been well treated and have been featured on Channel 1 in Russia,<sup>80</sup> as illustrative examples of the war's 'humanitarian' drive. Russia's narrative of the invasion has steadfastly remained that it is protecting Russian speaking civilians from Ukrainian aggression. Positive stories of well-treated refugees play into that propaganda. In fact, prior to the invasion, Russia had been actively engaging in passportization in contested regions where, as in Georgia and now in the Donbas and Luhansk regions of Ukraine, presidential decrees were used to create Russian citizens as a prelude for military intervention.<sup>81</sup> However, the vast majority of civilians transported to Russia have simply disappeared.

Press reporting, and investigative accounts by human rights authorities have called attention to the forcible transfer of populations to Russia,<sup>82</sup> and the fact of their disappearance. Evidence of inhuman treatment, torture, and mass murder of prisoners of war (where the distinction between civilians and combatants has not been determined) also abounds, as documented by Yale's researchers.<sup>83</sup> These accounts have been contested by the Russian government,<sup>84</sup> which has engaged in an active war of disinformation to create confusion, in addition to the destruction of evidence. In April 2022, Russian forces were accused of using mobile crematoria to prevent future forensic scrutiny of their crimes.<sup>85</sup> Thus, gathering accurate and up to date information on the scale of removals is especially difficult. Nonetheless, investigative journalists and the government of Ukraine have suggested that the number of removals, including the abduction of children, could be considerably higher than reported. The US Secretary of State, Anthony Blinken, announced in July 2022 that:

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<sup>80</sup> Сануева, А. "Беженцы с Украины в России могут начать жизнь, в которой нет места обстрелам и взрывам" ("Refugees from Ukraine in Russia can start a life in which there is no place for shelling and explosions.") *Tv1. Ru*. 7 August 2022. Available at: [https://www.1tv.ru/news/2022-08-07/435191-bezhentsy\\_s\\_ukrainy\\_v\\_rossii\\_mogut\\_nachat\\_zhizn\\_v\\_kotoroy\\_net\\_mesta\\_obstrelam\\_i\\_vzryvam](https://www.1tv.ru/news/2022-08-07/435191-bezhentsy_s_ukrainy_v_rossii_mogut_nachat_zhizn_v_kotoroy_net_mesta_obstrelam_i_vzryvam)

<sup>81</sup> *Presidential Decree of The Russian Federation of April 24, 2019 No. 183, About determination in the humanitarian purposes of categories of persons having the right to file applications for admission in citizenship of the Russian Federation in the simplified procedure (as amended on 11-07-2022)*. Available at: <https://cis-legislation.com/document.fwx?rgn=115237>

<sup>82</sup> Human Rights Watch, "We had no choice"; Paladino, 'Russian filtration camps'.

<sup>83</sup> Humanitarian Research Lab. *Mapping the Filtration System in Donetsk Oblast*. New Haven: Yale University Press.

<sup>84</sup> Russian Broadcast Company (RBC), 'FSB responded to complaints of refugees from Ukraine to filtration points', Подробнее на РБК: Available at: <https://www.rbc.ru/politics/24/06/2022/62b5a4ed9a79479a7db11145>

<sup>85</sup> Lonas, L. 'Donestk official: Russia using mobile crematoriums to dispose of bodies', *The Hill*. 12 April 2022. Available at: <https://thehill.com/policy/international/3264666-donestk-official-russia-using-mobile-crematoriums-to-dispose-of-bodies/>

*'Estimates from a variety of sources, including the Russian government, indicate that Russian authorities have interrogated, detained, and forcibly deported between 900,000 and 1.6 million Ukrainian citizens, including 260,000 children, from their homes to Russia – often to isolated regions in the Far East.'*<sup>86</sup>

Writing in *Grid*, which claims to have reviewed first-hand accounts from local news reports, Ukrainian and Russian government statements, international human rights reports, intelligence reports, and Maxar satellite imagery, and videos posted to social media, Jason Paladino clarified Blinken's assessment.

*'Since Russia's invasion of Ukraine, both sides have inflated statistics and exaggerated claims to suit their narratives. But in terms of the sheer number of Ukrainians who have been "forcibly deported" (according to Ukraine) or "emigrated" (according to Russia), there is some agreement. In May, a Russian official acknowledged that "1,426,979 people, of which 238,329 are children," had been "evacuated from dangerous areas of the republics of Donbas and Ukraine to the territory of the Russian Federation." It's broadly assumed that the Russians delivered most civilian deportees to filtration camps.'*<sup>87</sup>

Human Rights Watch records can also be used to evidence a discrepancy in the total numbers of civilians reported to have been moved into Russia, reporting in June 2022, the claim by Ukraine's Deputy Prime Minister, Iryna Vereshchuk, that 1.2 million Ukrainians had been deported against their will. One month later, the Russian News Agency (TASS) claimed that over 2.8 million Ukrainians had *entered* Russia.<sup>88</sup> The discrepancy comes not only in the number of people who have crossed the border, but in the narratives surrounding their border crossings, with Russia painting all movements as a *voluntary migration* in search of safety, and Ukraine classing most of these movements as abductions. We recognize that there is some truth in both accounts: some civilians have fled to Russia willingly, while thousands of others have been taken against their will.

In addition to the challenges of gathering testimonies during a period of intense conflict, and the reliance on satellite imagery, which may only document events in specific locations, we note that the picture is further complicated by the multi-directional nature of flows into and out of Russia, even if they describe different trends. On the one hand, we record outflows of Ukrainian victims following their abduction and deportation to Russia. On the other we find

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<sup>86</sup> US Department of State (2022), 'Russia's "Filtration" Operations, Forced Disappearances, and Mass Deportations of Ukrainian Citizens', Press Statement, Antony J. Blinken, Secretary of State, July 13, 2022. Available at: <https://www.state.gov/russias-filtration-operations-forced-disappearances-and-mass-deportations-of-ukrainian-citizens/>

<sup>87</sup> Paladino 'Russian filtration camps'.

<sup>88</sup> Human Rights Watch, "We Had No Choice".

mobilized Russians being transported, through a policy of forced conscription and settlement, as part of a dynamic population exchange conduit. We record the following flows:

1. Ukrainians with family members in Russia, who may enter easily.
2. Abducted Ukrainian civilians who are processed through 'filtration camps' in the occupied Donbas region before being forcibly transferred to locations inside Russia.
3. Ukrainian children removed from Ukraine, and fast-tracked for adoption.
4. Prisoners of war detained in Russian controlled territories in Donbas or inside Russia.
5. Refugees who have sought asylum in Russia.
6. Volunteers, mercenaries and conscripts who have been sent from Russia to fight in Ukraine.
7. Prisoners from Russia who have been 'released' to fight in Ukraine.

Some of the flows into filtration camps and counter-flows of Russian conscripts are illustrated in Figure 1 below. They seem to indicate a possible underlying strategy of Putin's regime – to win the war by emptying Ukraine of Ukrainians, while converting as many of them as possible into 'Russians' (starting with the re-education of adopted children), and filling occupied territories with Russian bodies to hold them while the military regroupes for further onslaughts.

Figure 2: Visualizing the Ru.Lag



## Conclusion

Piacenti notes in her review of the Russian penal system, that since the collapse of the Soviet Union Russia has ‘experienced legislative and penal reform, and’ what she generously terms ‘a genuine political and social commitment to “ending the Gulag”’.<sup>89</sup> Yet she concludes that ‘opportunities for modernization and a conceptual and meaningful re-mapping of penal ideology have come to very little, due largely to the often-reported swing toward more centralized political governance’ under Putin.<sup>90</sup> She goes on to give examples of policy makers and prison administrators who began their careers on platforms of reform being quietly dismissed from their posts. With past liberalizing reforms having also been driven largely by Western funding (for instance from the UK’s former Department for International Development, now the Foreign Commonwealth and Development Office<sup>91</sup>) or European and international demands for human rights compliance,<sup>92</sup> the prospects for change have also diminished since the cutting of diplomatic ties following Russia’s (re)invasion of Ukraine in 2022. From 2013 to the present, the Russian prison-industrial complex has only grown, while the repressive arm of the state has permeated every aspect of Russian social life. Historians studying the Soviet Union under Stalin have, as we have shown, had difficulty delineating Gulag and non-Gulag spaces. Similarly, we see a Ru.Lag rapidly expanding the state’s system of control into Russian private life under Putin today.

A historical perspective helps to synthesize across these continuities and make sense of contemporary accounts of abduction, transportation, forced labor, incarceration and abuse. Taking a long view of Russian and Soviet history in particular, we can see how Putin’s actions fit within the historical context. Most significant is the use of forced labor in both military conscription and industrial production, and the attempt to control information and discourse through the introduction of emergency laws and propaganda. Yet, while there are undoubtedly echoes of both Tsarist and Soviet experiments in the use of forced labor, recent reports from Ukraine that this is happening again also signal something disturbingly new.<sup>93</sup> The deportation is now a means of re-stocking the labor force, and enabling the export-orientated regime to survive under crushing sanctions. In this context, Putin’s venture into modern slavery brings Russia

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<sup>89</sup> Piacentini, L. ‘The Russian Penal System’, in Ruggiero, V., Ryan, M. (eds) *Punishment in Europe* (pp. 157-182). Palgrave Macmillan, London, 2013, p.158. [https://doi.org/10.1057/9781137028211\\_8](https://doi.org/10.1057/9781137028211_8)

<sup>90</sup> Ibid.

<sup>91</sup> Kalinin, Y. I. *The Russian penal system: past, present and future*. King’s College, London: International Centre for Prison Studies, 2002.

<sup>92</sup> Piacentini, L.). Human rights in Russia in the shadow of the gulag: penal transitology as bureaucratic drama. *Law & Social Inquiry*. 2022. (in press)

<sup>93</sup> Letter from Ambassador Bathsheba Nell Crocker U.S. Representative to the Office of the United Nations and Other International Organizations in Geneva to High Commissioner Bachelet, 21 February 2022. Available at: [https://www.washingtonpost.com/context/read-u-s-letter-to-the-u-n-alleging-russia-is-planning-human-rights-abuses-in-ukraine/93a8d6a1-5b44-4ae8-89e5-cd5d328dd150/?itid=lk\\_inline\\_manual\\_4](https://www.washingtonpost.com/context/read-u-s-letter-to-the-u-n-alleging-russia-is-planning-human-rights-abuses-in-ukraine/93a8d6a1-5b44-4ae8-89e5-cd5d328dd150/?itid=lk_inline_manual_4)



closer to China, where deported Uighurs have been sent to camps in Xinjiang, to harvest cotton, and produce goods like personal protective equipment (PPE) for export.<sup>94</sup>

The scale of the state apparatus that is currently being marshalled against Ukrainians, is also harder to define, in contrast to previous repressive instruments. While the Gulag system was mapped, we remain at a loss to identify the many filtration camps, and the receiving points inside Russia where displaced Ukrainians may be sent as punishment. We further suggest the Gulag has been replaced in favor of a dispersed system of Kremlin dominance that functions across the economy and is concentrated in the hands of remarkably few individuals, in the government and private sector, as we see in Baykal-Amur and Nizhny Tagil.

This episode does not neatly fall into the literature on modern slavery, which prioritizes economic incentives over political motive, and therefore tends to assume that export-based, state-managed, economies operate like demand-driven market systems. This tendency creates an unhelpful paradigm, which assumes that systems of exploitation are comparable to those that emerged from colonialism and imperialism, including in states which now occupy a central place as centers of global production and extraction. Russia, of course, had its own history of imperialism, and during the period of the Soviet Union, its dominance over the other republics ensured their integration in the vast command economy that employed various forms of forced labor throughout the 70-year experiment. Yet, even within the more specialist body of writing on forced labor, we find that the emphasis on penal economies either focuses on some of the great crimes of the 20<sup>th</sup> century, above all Nazism and Stalinism, or on closed hybrid economies, for example Vietnam. As we suggest, this is only part of the story. Decades after the Gulag, we find in the Ru.Lag, another potent example of an authority-based system where forced labor is central to its political legitimacy, alongside demonstrations of absolute loyalty, under the threat of imprisonment, occupation and deportation, and enslavement. That we should return to these practices today, just as a member of the Russian Duma calls openly for Putin to set aside the title of President to pick up the mantle of Tsar or Emperor, is equally telling.<sup>95</sup>

Featured in both the historic institution of serfdom and the present system of quasi-serfdom are an absolute loss of freedom and self-determination. Then, as now, forced labor has chiefly served a political goal. That Putin's aim to control the presentation of the war in Ukraine, aligns with the wish to restock labor in penal economies, only reaffirms how totalitarian and mercantilist legacies have been repackaged to advance the Kremlin's goal of preserving power within its sphere of influence, both inside the Russian state, and over territories in its sights. As this article records, the long view of Russian history presents a multigenerational relationship

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<sup>94</sup> House of Commons, Business, Energy and Industrial, Strategy Committee (2021), Uyghur forced labour in Xinjiang and UK value chains, Fifth Report of Session 2019–21. Available at: <https://committees.parliament.uk/publications/5095/documents/52855/default/>

<sup>95</sup> *Lenta News*, 'Жириновский предложил переименовать должность Путина' (Zhirinovsky proposed to rename Putin's post - The leader of the Liberal Democratic Party Zhirinovsky proposed to rename the post of President of Russia as Emperor) , *Lenta News.Ru*, 25 January 2022. Available at: <https://lenta.ru/news/2022/01/25/imperator/>

with forced labor, which remains to this day under a political command structure that operates in a contemporary export-based globalized economy.

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