

Deported Man, Secured State

A Long Trajectory of a Deportation

EMINA BUŽINKIĆ

Abstract: This paper represents a documentation of the arrest, detention, and deportation of Abdeljalil Daraibou, a non-EU national whose four years in, and recent removal from, Croatia mirror the workings of the current European migration regime. The banality of violence embedded in current securitization practices has strong implications for the lives of migrants and refugees, as demonstrated in this ethnographic narrative. This text should be regarded as a contribution to better understand the current European migration regime and its constitutive elements, such as deportations and the detriments they left behind. This intervention comes with the hope for an increasing critical interrogation of our crude realities that necessitate a stronger presence of solidarity and direct political action.

Keywords: Deportation, criminalization, police violence

The word banish rhymes with vanish. Through banishment or deportation there is the literal threat of invisibility. Not only when the event is concretized, but in the anguish and uncertainty leading to that.

—Margaret Randall, »Threatened with Deportation« (1987)

In the early summer of 2018, Abdeljalil Daraibou was deported to Morocco by the Croatian authorities. He stepped onto Moroccan soil in his pajamas and in flip-flops. It has been four years since he left on one of those long and perilous journeys across the Mediterranean and the Balkans. With a cramp in his stomach and over-flooding fear, Abdeljalil was put in the police car that took him from the airport to the authorities of the region that he had left. It had been less than a day before he was moved from one prison to another. His deportation was unexpected because the Croatian deportation policies are murky waters. It had not come to public attention that there were accounts of deportations, most notably because the Croatian police were shrinking their deportation budget while expanding their securitization projects in corroboration with the European Union and the Schengen security policies. The deportation of Abdeljalil came as a surprise due to a lack of transparency regarding the circumstances under which such a procedure could be executed; but also not surprising whatsoever regarding the widespread grammar of securitization that intertwines

profiling, policing, surveillance and banishment—all the experiences which Abdeljalil had gone through. This intervention discusses a single case of deportation in its last steps as a sequence of events representing the political technology of deportation, which operates with a legal and regulatory logic of the current securitization regime despite apparent and canny violations of rights. In this paper, I argue that deportation operates as an extended arm of detention and surveillance and, even more so, as a deliberate act of dehumanization.

Writing this narrative has been an integrative part of my fieldwork that took place throughout January and February of 2019 in Morocco—the country where Abdeljalil originates from. The ethnographic research consisted of conversations with Abdeljalil as well as an analysis of the official documentations issued in his case by the Croatian political institutions. The fieldwork has been a continuation of my involvement in previous legal aid and psycho-social support provided in Croatia with the Centre for Peace Studies and the Welcome! Initiative between April 2015 and May 2018, when he was deported. I took part in almost all the instances of support provided to Abdeljalil, who was coping with the complexity and rigidity of the Croatian migration and asylum policies. Documenting this experience represented emotional distress, both for Abdeljalil and myself, as we found ourselves not knowing what exactly we could do for him to receive justice.

THE LONG TRAJECTORY OF DEPORTATION

Last June, I received a tearful phone call from Abdeljalil. He called from the police station in the southern region of his country of origin to tell me that the Croatian authorities had deported him. It was two weeks since we last saw each other in the detention center *Prihvatni centar za strance* in Ježevo, just kilometers away from the Croatian capital Zagreb. After more than three years of fighting the system in Croatia, seeking for justice and for his voice to be heard, his passport was stamped with a denial of entry to Croatia and the European Union for the duration of five years. Weighing twenty kilograms less than when he arrived in Croatia, Abdeljalil was desperate and angry at the Croatian institutions. Until today, his only hope remains with the damage compensation proceeding he and his lawyer started last year at the European Court for Human Rights based on the violation of Article 2 of the European Convention for Human Rights (right to life).

Abdeljalil's trajectory in Croatia started in March 2015, when the police stopped him and three co-travelers while crossing the Serbian-Croatian border. Months of travels across Turkey, Greece, Macedonia, and Serbia engraved in his memory the

accounts of repeated detention, police brutality and sexual violence, crude smuggling across the borders, criminal offenses and imprisonment coupled with grueling cold nights and days out in the open. Unlike the first time, when he and his companions were taken off a train just before the Serbian-Croatian border, they acted more strategically in their decision on when and how to cross it the second time. Crossing the border and hopping on one of the trucks at the large parking lot of the gas station were slightly easier this time. An hour later, the police opened the truck and found the four men because the truck drivers noticed them and informed the police. The long journey with yet another layer of unexpected and unpleasant events was about to start.

The police took Abdeljalil and his three companions into custody at the border police station of the border crossing *Bajakovo*. They sought asylum, but the police officer kept telling them that there was no asylum for them in Croatia for they would be expelled and often added the curse *jebiga* (engl. fuck it). Four desperate men behind the locked doors loudly expressed their will to seek asylum, but their plea fell to deaf ears. As they demanded release, they lit a little fire and threatened to self-immolate, hoping this act would be the key for unlocking the door. The fire spread unexpectedly to the matrices in the room and, all of a sudden, the whole space was on fire critically harming all four men. One of them burned to death in the cell before the police unlocked the door, and two were severely injured and died on the way to the hospital. Abdeljalil was the only survivor as he was able to cover his body with a blanket and break a hole in the ceiling by hitting his head against it, which made it possible for him to escape the worst of the tragedies. With entirely burned hands and lower legs, Abdeljalil passed out and woke up in a hospital where he spent months in recovery. The tragic event that included the death of his three friends and massive injuries to his own person affected his ability to talk, memorize, and socialize. This condition was also enhanced by police presence: the officers did not take their eyes off of him all the while he was in the hospital. Abdeljalil talks about those days without hiding his disappointment of, and surprise by, the police inaction:

»I stayed in a hospital for more than three months. Police was with me all the time. They were telling me that I killed my friends. They didn't give me to talk to my family. Everyone who comes to visit their family looked at me as a criminal being surrounded with the police. Also the TV channels were full of explosions and the terrorist attacks. They were showing me this all the time. They wouldn't give me the remote control, so I was hiding under the blanket.« (Abdeljalil, personal interview, 07.02.2019)

As soon as he showed some signs of recovery, the police wanted to take him to the detention center. However, Abdeljalil begged the police not to return him to the detention center and requested access to a reception center for asylum seekers. He was able to file his application and was transferred to *Prihvatilište za tražitelje azila*, the so-called *Porin* in Zagreb—to a room on the third floor with no electricity and no other asylum seekers present. There was no medical assistance to replace his bandages, and he would rarely eat because he was too weak to walk to the kitchen where they served food. Only sometimes the other asylum seekers would bring him food. His asylum application was rapidly rejected, and, accordingly, he had to leave the country. Abdeljalil remembers that liquid oozed out of his wounds and that he was in severe pain when he decided to get better treatment elsewhere. He lost his patience, and the circumstances brought him to Slovenia, where he spent seven months in the asylum reception center and in hospitals being treated for tuberculosis, respiratory issues, and overall body pain. While being in Slovenia, the Croatian police visited him a few times. »Quite oddly«, Abdeljalil remembers, »they said I needed to come back to Croatia. They also said they would help me. It was a person dressed as a civilian that came with a translator« (ibid.). One day, special Slovenian police officers clothed in uniforms that only revealed their eyes entered his room and returned him to Croatia under the Dublin regulation. Croatian authorities detained Abdeljalil for six months and one day, before the police issued documentation ordering his removal from the European Economic Area (EEA) and giving him 30 days to leave the country. While in detention, his health deteriorated even more, particularly his mental health, as he was under constant surveillance and pressure. He had no access to communication with his family and rarely had an opportunity to communicate with the external world unless visitors would access the detention center, such as the legal aid experts or psychologists engaged in supporting Abdeljalil. While in *Ježevo* detention, he filed another two applications for asylum, none of which brought him to the reception center for asylum seekers *Porin* as it is designated by the Asylum Act (The Law on Temporary and International Protection, 2018, article 53). At the end of 2016, Abdeljalil had his appeal rejected by the Administrative Court, the second instance decision body. Finally, in March 2017, almost two full years after he stepped on Croatian ground, he was released from *Ježevo* with the document stating his scheduled administrative removal from the EEA within 30 days. Abdeljalil allegedly signed the document, claiming that he would voluntarily leave Croatia. However, Abdeljalil convincingly speaks of never signing such a document, hence the Centre for Peace Studies, authorized by Abdeljalil, requested all the allegedly signed documents in April 2017. Up until today, the Centre for Peace Studies has never received any official documentation from the authorities.

After leaving *Ježevo*, the bitter taste of freedom became even more bitter only a few days later when he got beaten by three club security guards in Zagreb, who threw him out of a club for no other apparent reasons than his skin color. The ambulance found him in the street and transferred him to the emergency room where he was diagnosed with a fractured nose, broken spinal bones, and an epileptic seizure. Less than seven hours after the incident, the medical staff officially stated that the patient's overall condition was normal and released him into the company of the police. For no particular reason, he was taken to *Porin* from which he was evicted a few days later. After a few days of sleeping in the streets, the self-organized volunteers of the Welcome Initiative and friends gathered financial means to cover Abdeljalil's future stays in hostels and apartments.

Facilitated by the Centre for Peace Studies, Abdeljalil authorized a lawyer to support his application submission in order to receive a temporary permission of stay based on humanitarian reasons and including a significant time delay due to his inability to register with a local address as legally requested. Some of the apartment owners were unwilling to provide Abdeljalil an address and felt insecure because he had an irregular status. Eventually, there was one person that was wholeheartedly willing to register Abdeljalil with her address.

The request for a humanitarian appeal was however denied in August 2017 on the basis of a previously issued opinion of the intelligence *Sigurnosno-obavještajna agencija (SOA)* that had declared Abdeljalil Daraibou a threat to national security. »I told them during the interview that I was aware that the intelligence said I represented a threat, but I told them that I was no threat whatsoever«, Abdeljalil states. The Ministry of the Interior issued a *Return Document* banishing Abdeljalil from staying in Croatia after 22 November of the same year.

Soon after, the apartment where he was living at the time was sold, and Abdeljalil had to find another solution. He slept everywhere, from street benches to friends' floors, until another apartment owner was willing to let him live in her property. In the months to follow, the police kept their eye on Abdeljalil: they visited Abdeljalil's neighbors and convinced them he was a criminal, which led to neighbors pressuring the owner to expel him from the building. When the designated date of Abdeljalil's departure had passed, the police arrested him and again took him to the detention center *Ježevo* where he was addressed with vulgar language, was pressured in different ways and had to endure physical violence. The Ministry of the Interior rejected the fourth asylum application Abdeljalil submitted while being detained. Moreover, the Ministry of the Interior issued another document declaring a five-year banishment from entering Croatia and the European Union, and the regional state's attorney's office *Općinsko državno odvjetništvo Vukovar* officially filed a criminal charge against

Abdeljalil for a severe crime against the public security (based on the articles 224(4) and 215(1&3) of the Croatian Criminal Act) apparently accusing him for the death of his friends and the fire incident back in September 2015. The trial against Abdeljalil started years later in his absence, soon after his deportation. He is often called to hearings or police interrogations although it is an indisputable fact that he was expelled from the country by the very same authorities.

About a year before he was deported, another lawyer recognized the violation of Article 2 of the European Convention for Human Rights (right to life), which led to Abdeljalil starting a legal proceeding against the Republic of Croatia at the European Court for Human Rights with her support. As the Centre for Peace Studies and the lawyer corroborated in preparing documentation for his application, the police did not release any requested information or documentation on the criminal charges raised against Abdeljalil, claiming the investigation was still open and information was to be kept secret. Moreover, access to camera recordings or visits to the border police station and the cell where the incident happened were denied. Apart from that, the hospital where Abdeljalil was treated after the fire was not willing to release his medical record. While none of the Croatian institutions that could and should be held responsible for Abdeljalil's trajectory were cooperative, his case went through the admission procedure of the European Court for Human Rights and is currently pending before the court.

CRIMINALIZED AND BANISHED

Ever since Abdeljalil irregularly entered Croatia, due to a lack of legal and safe pathways *nota bene*, he was labeled a criminal. The label stuck with him ever since he left his country of origin and was inscribed into him on every step of the way. Particularly the fire incident reified an ›enemizing‹ logic by accusing him of committing the serious criminal offense of killing three travel companions and harming police officers. On multiple occasions, a convergence of criminal and immigration law was displayed in his case, reaching from the presence of police officers in his hospital recovery room aligned with the screening of terrorist violence on television, over the explicit mentioning of his alleged ›terrorist blood‹, up to the physical abuse he was subjected to by the police in the detention. These labels, created under the choreography of ›enemizing‹, were strongly present in all of his asylum-seeking procedures that were mostly rejected in a fast-track manner and completely disregarded international humanitarian law and domestic asylum law regarding individual cases that oppose hasty conclusions based on racial profiling or discriminating people accord-

ing to their country of origin. Furthermore, his request for a temporary stay based on humanitarian reasons was rejected on the grounds of intelligence authorities that represented Abdeljalil a threat to national security, despite him not having performed any action that would display evidence of such intention, let alone action. The state has as well undertaken steps to label Abdeljalil a convicted criminal in his absence, reminding him of his ›unwantedness‹ as a racialized other.

Besides the police violence and the structural barriers imposed by political institutions, Abdeljalil was more than once the target of criminalizing actions; these include the truck drivers informing the police about migrants hiding among the goods that have a higher probability to cross borders than actual people, the medical staff denying to share information on the patient's treatment with Abdeljalil's lawyers, legal experts and psychologists, the neighbors being under police pressure and evicting Abdeljalil from the apartment building, the club security guards who beat him to the point of severe damage of his brain and bones, the medical doctors who released him from the hospital with a diagnosis claiming a regular health condition after the unpleasing incident and the police escort accompanying him out of the hospital. Abdeljalil has been cast out from society, both by state actors and ordinary people, and even by asylum seekers who often neglected his basic human needs and the fact that they could have been likely treated similarly. The recurrent violence and marginalization of Abdeljalil has undoubtedly been the core of the racism he was subjected to ever since he was turned into a deportable subject at the beginning of his journey. The criminalization of Abdeljalil was only interrupted by self-organizing individuals and groups, who provided support to his endeavors and were willing to reach justice, whether through legal and judicial proceedings, through the collection of financial means, by ensuring accommodation, or standing with him in solidarity.

The individual example I decided to focus on is not an isolated case, but rather a representation of a detrimental policy. The relentless practices of deportation can hardly be investigated as a separate phenomenon for they are heavily enmeshed in the overall ideological design of the European securitization regime and its' gradually unfolding, unpredictable ramifications. Deportations should not be reduced to singular events that expel people from territories, but must be considered as complex mechanisms with many chronological steps that each display an exhausting exertion of power onto the lives of migrants over the course of many years, as explicated with the case of Abdeljalil.

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Authors

Patricia Artimova is a PhD student at the University of Ostrava, Czech Republic. In her research she analyzes migration movements and the changing perception of migration in the Balkans, mainly in Serbia. Since 2015, she is an active member of volunteer initiatives operating in Serbia and Bosnia and Herzegovina.

Karolína Augustová is a PhD candidate in Sociology and International Relations at Aston University, researching the displaced people's everyday experiences of border violence along South-Eastern Europe. She is interested in how diverse forms of violence (direct/structural/cultural) affect everyday social processes along borders as well as how the role of intersectionality (masculinity with other locations) plays in violence. In her research, she uses activist ethnography; volunteering in informal refugee camps.

Selma Banich is a Zagreb-based artist, social activist, and community organizer. Her artistic and social practice is based on processual, research, and activist work and is politically inspired by anarchism and feminism.

Barbara Beznec graduated in Political Science of International Relations at the Faculty of Social Sciences, University in Ljubljana, where she later earned her PhD on the subject of European Citizenship. She is a researcher of migration at the Research Center of the Slovenian Academy of Science and Arts.

Emina Bužinkić is a political activist examining the state and police violence against migrants and refugees, particularly concerning issues of border control and violence. Her work extends to understanding the inscriptions of border regimes in the field of schooling by researching the experiences of refugee and migrant students. She is currently obtaining her PhD in critical studies in education and human rights at the University of Minnesota in the United States. She is linked to the Centre for Peace Studies (*Centar za mirovne studije*), the Welcome! Initiative (*Inicijativa Dobrodošli!*), and the Taste of Home (*Okus doma*) in Croatia. Recently she has been

working with the *Transbalkan Solidarity* and *Pirate Care Syllabus Writing Collective*.

Céline Cantat is a postdoctoral fellow at Sciences Po with H2020 project MAGYC-Migration Governance and Asylum Crises. Previously, Céline was a Marie-Curie Fellow at CEU, Budapest, studying migration solidarity groups along the Balkan route. She holds a PhD in Refugee Studies from the University of East London and is co-editor of *Refugee Protection and Civil Society in Europe* (Palgrave, 2018) and *Challenging the Political Across Borders: Migrants' and Solidarity Struggle* (CPS Book Series, 2019).

Andrea Contenta is an independent researcher and a humanitarian worker. After spending some years between Ethiopia, Kenya, and Sudan focusing on violence, conflicts and displacement, he decided to move to Belgrade following the Balkan corridor. Today he lives and works in Athens.

Marijana Hameršak is a senior research associate at the Institute of Ethnology and Folklore Research, Zagreb. Her main areas of research and teaching are migration, children's literature and book history. She is the author of the books *Pričalice* (*Taletellers*, 2011) and *Uvod u dječju književnost* (*Introduction to the Children's Literature*, with Dubravka Zima, 2015), and she has edited several edited collections, with the most recent one, being *Formation and Disintegration of the Balkan Refugee Corridor* (with Emina Bužinkić, 2018).

Sabine Hess is professor at the Institute for Cultural Anthropology/European Ethnology, University of Göttingen, since 2011. Her main areas of research and teaching are migration and border regime studies, anthropology of policy with a focus on EU integration and processes of Europeanisation. She is a founding member of the online journal *movements* and of *kritnet* (Network for Critical Border and Migration Studies).

Azra Hromadžić is Associate Professor and O'Hanley Faculty Scholar in the Department of Anthropology at Syracuse University. She is the author of *Citizens of an Empty Nation: Youth and State-making in Postwar Bosnia and Herzegovina* (translated into Serbian *Samo Bosne nema: mladi i građenje države u posleratnoj Bosni i Hercegovini*). She also co-edited a volume (with Monika Palmberger), titled *Care Across Distance: Ethnographic Explorations of Aging and Migration*. She is currently working on a new book that investigates riverine citizenship in northwestern Bosnia-Herzegovina.

Civil initiative **Info Kolpa** started in the spring of 2018 as a response to illegal actions of Slovene police, which started systematically denying people the right to seek asylum in Slovenia and pushing people back to Croatia. In the autumn of 2018, we established an informal telephone number for assistance to people wishing to seek asylum in Slovenia. The help we provided proved unsuccessful but with operating the number, we gained a lot of information on practice of push-backs on Slovene-Croatian border, which we presented to Slovene and international public.

Teodora Jovanović is as a research assistant at the Institute of Ethnography of SASA and a doctoral student of ethnology and anthropology at University of Belgrade, Faculty of Philosophy. For her doctoral thesis, she conducted an ethnographic fieldwork in reception centers for asylum seekers in Serbia. Previously, she worked in »Miksal-ište« refugee aid center in Belgrade, and she was involved in »Refugees in Towns« project at Tufts University, Boston, as a local case study researcher.

Andrej Kurnik is assistant professor at Faculty of Social Sciences, University of Ljubljana. He is a member of editorial board of *Časopis za kritiko znanosti* (Journal for Critique of Sciences).

Romana Pozniak is a PhD candidate with working experience in the humanitarian sector and an interest in the area of humanitarianism, biopolitics, refugee studies, and anthropology of labor. Her dissertation explores transformations, practices, and narratives of humanitarian work with migrants/refugees/asylum seekers in post-transitional Croatia. She works at the Institute of Ethnology and Folklore Research in Zagreb.

The **Push-Back Map Collective** is a transnational group of people that come from different fields of radical politics like feminism, anti-capitalism, and anti-racist struggles. Its members are active in documenting and counteracting push-backs and violence at the internal and external(ised) borders of the EU. One main goal of the mapping project is to provide a platform for transnational, non-hierarchical, radical grassroots interventions and exchange.

Robert Rydzewski is a PhD candidate at the Department of Anthropology and Ethnology at Adam Mickiewicz University in Poznan, Poland. Formerly, he held a scholarship at the Central European University in Budapest and was a Doctoral Fellow Researcher at the Wirth Institute for Austrian and Central European Studies at University of Alberta in Edmonton in Canada. His scientific interests are migration, civil society, transformations of post-Yugoslav cities. Currently, he is completing his PhD dissertation about the migrant movement in the Serbian part of the Balkan route.

Jack Sapoch is an activist affiliated with the NGO No Name Kitchen, where he coordinates the collection of push-back testimonies. In this capacity, he works in the wider Border Violence Monitoring Network—a joint-project organized by independent NGOs—to draw attention to the issue of border violence in the Western Balkans. He received his undergraduate degree from Bates College (USA) where he researched the institutional influences affecting refugee assistance in the ›barracks‹ of Belgrade in 2017.

Zita Seichter, Miriam Neßler and **Paul Knopf** met each other at Bauhaus-University Weimar in 2017. Today, they are studying Art and Architecture, Urban Studies as well as Human Geography and Regional Development in Weimar, Berlin and Eberswalde. Besides being interested in border regime practices in Belgrade and beyond, they are involved in activist and artistic contexts, researching and teaching on Solidarity Cities, the Right to the City, transformation strategies from a decolonizing perspective as well as art and architecture in the context of the Anthropocene. Related publication: Eckardt, Frank / Neßler, Miriam / Seichter, Zita (Hg.) (2019): *Weit weg und unbeachtet. Stadt und Flüchtende in Belgrad seit Schließung der Balkanroute.*

Marc Speer holds a degree in Sociology and is currently finalizing his PhD thesis on the *Humanitarian Border Regime* at the Institute for Cultural Anthropology/European Ethnology at the University of Göttingen, Germany. In addition he works for the research association *bordermonitoring.eu*, focusing in particular on the European border regime in South-Eastern Europe.

Marta Stojić Mitrović is an ethnologist and anthropologist working at the Institute of Ethnography of the Serbian Academy of Sciences and Arts, Belgrade. In her research, she focuses on discourses and practices related to the topics of migration, citizenship, human rights and discrimination in Serbian, regional, and the EU context.