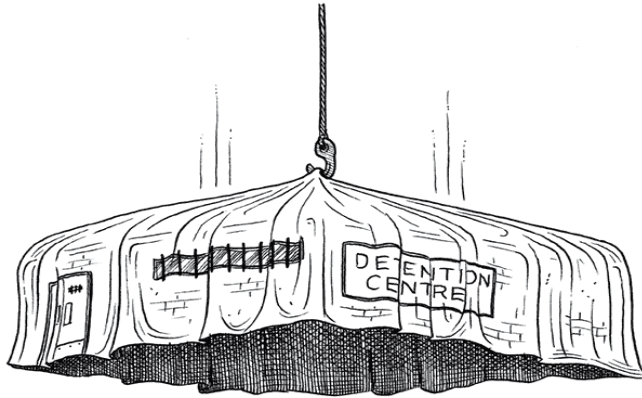
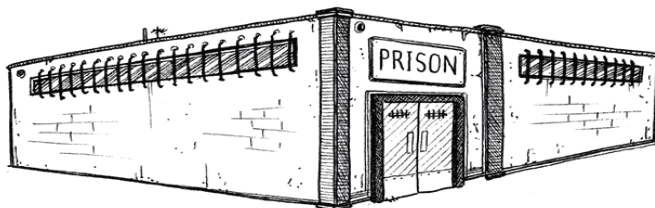


DETENTION IN CROATIA



HIS LAST JOB WAS IN
THE PRISON SYSTEM.



HE TOLD US:

"THE ONLY THING THAT'S
DIFFERENT IS THE CLOTHES
WE LET THEM WEAR."

What is detention and what realities hide behind this term?

In many countries of the EU, the practice of putting migrants into prisons, for the sole reason of not having adequate personal or travel documentation, is called by a variety of euphemistic ways. Often an undecipherable abbreviation is used and in some cases, a "nice" sounding name is chosen -- such as in Turkey, where the detention centers are called "guest houses". In Croatia, the detention center is called "prihvatni centar za strance" (reception center for foreigners). But it is important to be aware that detention centers *are* prisons. Saying someone is "detained" during the process of establishing their identity does not sound so harsh as saying they are "put in prison" just because their identity is not established -- but prison is what detention amounts to.

Throughout Europe, around 600 000 migrants are detained or put in prison every year. They are closed up into rooms and cannot leave the centers, they often have very limited access to the closed outdoor facilities and extremely limited communication with the outside world (no mobile phones, no internet, very limited visits). The maximum length of detention ranges between a few months, up to infinite detention time.

Detention in Croatia -- the legal basis

Detention of migrants is regulated by two laws: Aliens Act (Zakon o strancima -- available in Croatian here: <http://www.zakon.hr/z/142/Zakon-o-strancima>) and Asylum Act (Zakon o azilu: available in Croatian here: <http://www.zakon.hr/z/314/Zakon-o-azilu>). The maximum duration of detention can be 18 months.

According to the article 124 of the Aliens Act, migrants can be detained for 3 months, if their presence is required to ensure their deportation from the territory of Croatia, if he or she presents a danger for national security or if he has been convicted for a criminal offence. Further, the article 125 allows for a further prolongation of this period to 6 months, if further time is needed to organize a deportation. And finally, according to the article 126, a further 12 months prolongation is allowed in cases when the migrant refuses to give his personal data, gives fake personal data or in other way tries to stop or delay his or her deportation, or if it is reasonably expected that the documents necessary to organize the deportation will be obtained.

Besides, migrants can be detained as asylum seekers, according to the article 74 of the Asylum Act, for maximum 6 months. The cases in which they can be detained are: if they have tried to leave Croatia before the end of their asylum procedure, if their detention is needed to protect the life or property of other people, if they are threat to national security, if they sought asylum during the procedure of deportation with the aim to avoid deportation, if it is temporarily impossible to take their fingerprints due to having intentionally damaged them.

The existing detention center: Ježevo – and plans to construct more

Since 1997 when it was built, Jezevo has been the only detention center in Croatia. It is situated about half an hour drive from Zagreb, close to the motorway, "in the middle of nowhere", far away from public view and with only a vague sign indicating that this is where the "foreigners" are "received" (photo of the sign: "Prihvatni centar za strance"). It has the capacity 119 spaces.

However, there are now three more centers being constructed, all with the financial support and political endorsement of the EU. The first is a facility for Unaccompanied minors, who are seen as "illegal". This center is being constructed right next to the existing detention center in Jezevo and while it is supposed to be of an open type (these children will be able to go out and so it is technically not a prison), it is still questionable if putting a center for minors right next to the motorway, at a remote location and far away from any possibilities of social interaction with the local population is much different from detention. Besides, the minors there are seen as "illegal", therefore they are subject to the same repressive and criminalising approaches, as other "illegalised" migrants.

There are also plans to construct two new detention centers in 2015 -- one in Tovarnik (close to the border with Serbia) and in Trilj (close to the border with Bosnia and close to the sea). The construction of these two centers is announced in the Migration policy, and they are announced as "transit centers" for undocumented migrants. It is not clear what a transit center is -- the Law on Foreigners does not specify what is meant by this. It is likely that the new changes in the Law will specify what the transit centers are -- but for now two prison facilities are undergoing construction, without it being transparent and clear how they will be used.

How does detention look like? Ježevo.

Life in Ježevo is life in prison. Migrants are sleeping in collective rooms, and have access to common areas during the day. They have the right to spend a few hours a day in the outdoors courtyard, but they have no right to leave the center. The rules of their stay in the center are detailed here: http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_66_1312.html (available in Croatian only).

Money and personal belongings (such as mobile phones, electronic gadgets, valuable items) are taken away from people for the duration of their imprisonment in Ježevo and returned at the end. However, if you have money upon your arrival, you are only allowed to access 300kn (around 40 euros) per week and with this money you can buy snacks or telephone cards in the small shop inside the detention center. Besides, if you have money upon your arrival, the center charges you 200kn for every day (around 26 euros) of your stay in the detention and the charges of the deportation.

Migrants have an extremely limited contact with the outside world. Upon arrival to the detention center, they have a right to one free call with the embassy or consular representation of his own country. In addition, they have the right to one more free call in the duration of maximum 3 minutes. While their mobile phones are taken away from them, there is the possibility to use the phone booth in the center, at your own expense. The detainees have the right to a visit (maximum one hour, in the specially designated room), if it is announced one day in advance.

Usually migrants stay in Ježevo when they do not seek asylum and are considered as "illegal" migrants. However, even asylum seekers, which seek asylum during their deportation or during their stay in Ježevo, are often detained on the basis of a suspicion that they have sought asylum in order to avoid their own deportation.

Questioning the legitimacy of detention

Among the migrants, as well as in the majority population, the person who has been detained is unfortunately often stigmatized. It is often unconsciously assumed that prisons exist to protect the society from those, who are dangerous, and that if you are put into prison, there surely is a need for this, or you somehow deserve it.

However, all too rarely is the practice of detention – and the question of why it is needed and whether it is legitimate – publicly questioned. Migrants in Croatia can be detained for up to 18 months, without having committed any criminal offense. Their only "offense" is that they have either crossed the border illegally, lived illegally, have been rejected in their asylum procedure or are seen as not cooperating in the asylum procedure, or as a "threat" to security in Croatia. Besides, it needs to be stressed that detention is not a rare exception, but a practice a good deal of all migrants in Croatia has experience at some point of their stay. We can ask ourselves: is putting someone in prison, taking away his freedom and stopping most of his communication with the outside world, a justified measure to take against someone, who does not have the right documents? Are migrants in Croatia really a threat to anyone?

Firstly, we need to point out the people who travel or reside illegally, often do not have any other alternative, but to resort to this sort of "illegal" activity. Anyone who would be able to obtain travel documents to travel legally, would surely take this option – it is much more safe (thousands of migrants die every year trying to cross borders "illegally"), cheap (thousands of euros are spent on the illegalized market of the border-crossing business) and easy (the effects of the illegalized travel and living on the health of migrants are devastating). The people who travel illegally, travel so because *they have no other alternative*.

The European migration policies have very limited options for legal travel: visas are extremely hard to obtain for most citizens of so called "third world countries". The immense post-colonial inequalities that exist in the world today, also apply to the freedom of movement people have: while citizens of the EU can travel almost anywhere in the world without a visa, or obtain visa for a small percentage of their salary, most people in Asia and Africa, for example, cannot obtain a visa, or the costs of the visa represents several times their monthly income.

Besides travelling "legally", the options to live legally are also very limited for most migrants. If they do not qualify for international protection (so called "asylum") – for which the categories are very narrow and limited – they often do have the choice but to work and live illegally. Illegal travel and residence are mostly not a preferred choice, but the only option left to migrants.

Secondly, the "threat" that migrants present to the security in Croatia is very questionable. Most migrants that are arrested for "illegal" entry of stay have little possessions on them, they are often tired from dangerous and long travels. The rare images of the interceptions of "illegal migrants" that we can see in the media barely give any reasons that these exhausted bodies could be a "threat". But the securitarian discourses that stress the "danger" of an "uncontrollable invasion" of these unknown and coloured "illegals" dominate the media. It is these discourses, not at all grounded in reality, that are aimed at justifying the repressive measure against migrants, including detention. If everyone is convinced that "illegal" migrants are also a threat and a danger, than it is also legitimate to put these migrants in prison!

But once we start to deconstruct these discourses and question their basis, we can see that detention of migrants is not justified or legitimate. It is a result of situation, in which migrants are *illegalized* (reduced to travelling and residing illegal, in the lack of any other legal option) and then presented as *dangerous*. Detention is presented as a way to protect us from this danger. But it is important to remember that this danger is not real, but rather constructed.

NO ONE IS ILLEGAL

Counter-discourses and resistance resistance resistance!

While the stigma of detention is often internalized by migrants -- even though most feel like it is not their fault that they have been put into prison, there is still a sense that people that have been in prison are criminals and that this is something to be ashamed of -- there are many brave voices on the outside and the inside of the detention center denouncing and fighting against this unjust practice. It is very important to speak up against detention, see it for what it is (imprisonment!) and point out that even though in Europe it is entirely legal – it is also entirely illegitimate.

Migrants daily use their bodies -- often the only tool of resistance left to them -- to protest against detention. There are hundred of hunger strikes, protests, riots, attempts of escape and other forms of resistance happening every day in the European detention centers -- and about most the voice rarely gets out, due to the attempts to silence any forms of resistance and to deconstruct solidarity between the ones in the inside and the ones on walls, intended to separate us.

The most successful way to fight this reality is to unite, to join in our resistances and fight for human dignity and freedom of movement together!

NO BORDERS – NO NATIONS – NO PRISONS !

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